

# The Italian approach to the identification of hazardous activities under the Convention

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**Giorgio Mattiello**

**Italian Ministry for the Environment, Land and Sea  
Expert**



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# Relevant national legislation adopted (I)

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	Official title	Brief description	Entry into force
1.	Law n. 30 February 20, 2002 (O.J. n. 62; March 14, 2002)	Ratification and execution of the Convention on the Transboundary Effects of Industrial Accidents, Helsinki on 17th March 1992.	March 15, 2002
2.	Legislative Decree n. 334 August 17, 1999 (O.J. n. 228; September 28, 1999)	Implementation of the EC Directive 96/82 concerning the control of the risk of the major accidents hazards connected with certain dangerous substances.	October 13, 1999
3.	Inter-Ministerial Decree August 9, 2000 (O.J. n. 195; August 22, 2000)	Guide-lines to implement safety management systems.	August 23, 2000

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# Relevant national legislation adopted (II)

	Official title	Brief description	Entry into force
4.	Inter-Ministerial Decree August 9, 2000 (O.J. n. 196; August 23, 2000)	Identification of the modifications of plants, storages, processes, nature quantities of dangerous substances which may increase the pre-existing risk level.	August 24, 2000
5.	Inter-Ministerial Decree May 9, 2001 (O.J. n. 138; June 16, 2001)	Minimum safety criteria concerning the land-use planning for areas in vicinity of major-hazard establishments.	June 11, 2001
6.	Decree n. 40 Ministers' Council President February 25, 2005 (O.J. n. 62; March 16, 2005)	Guidelines for plotting the external emergency plan.	March 31, 2005
7.	Legislative Decree n. 238, September 21, 2005 (O.J. n. 271; November 21, 2005)	Implementation of the EC Directive 2003/105 amending the Council Directive 96/82/EC concerning the control of the risk of the major accidents hazards connected with certain dangerous substances.	December 6, 2005

# **Plants at risk of a major accident in Italy**

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**Under the current Italian legislative structure the managers of plants at risk of a major accident should take all necessary measures to prevent harmful events and to limit their consequences for people and the environment: all through a clear security policy that goes from editing of appropriated safety management systems, the preparation of the most appropriate measures to ensure safety in plant operation, to the behavior to adopt in case the incident occurs.**

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# Plants at risk of a major accident in Italy

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The identification of the scope of Legislative Decree no. 334/1999 **is not based on the type of the considered activity** (as occurred in Seveso I Directive), but **the presence of dangerous substances and preparations**, whether at any plant used in the quantities equal to or exceeding those set out in Annex I and for the various classifications of risk (Art. 2, para. 1, of Legislative Decree no. 334/1999).

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# Plants at risk of a major accident in Italy

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To be or not subject to the obligations set out in Legislative Decree No. 334/1999 is therefore **not a static situation** (as happened in the previous legislation), but "**represents a dynamic situation**, in connection with any change to the classification of dangerous substances and preparations, and their quantities present in the plant that is considered “.

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# Operators obligations

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## The notification requirement (Article 6). 1

The manager of an establishment where dangerous substances are present in quantities equal to or exceeding those set out in Annex I (i.e. the establishments falling within the scope of Legislative Decree no. 334/1999) **must send a notification to the competent Authorities** (Ministry of Environment, Region, Province, Municipality, Prefect, Fire Department Provincial Command and National Corps of Firefighters Inter-regional or Regional Technical Committee (RTC)).

Such notification, in the forms of signed self-certification, must be submitted within 180 days before construction of the plant, and contain, besides the data needed to identify the plant and its manager, all the information sufficient to identify:

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# Operators obligations

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## The notification requirement (Article 6). 2

- hazardous substances and the quantity used in the plant itself;
- the installation or storage activities;
- the characteristics of the environment surrounding the establishment, as well as elements that could cause a major accident or to aggravate the consequences.

Together with the notification, the operator must send to the competent Authorities the **information sheet** referred to in Annex V on the major hazards for citizens and workers.

Article 6 also regulates additional reporting requirements in relation to changes in regulations or in the characteristics of the substance treated (paragraphs 3, 4 and 6).

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# New plants

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For new plants, Art. 9 of Legislative Decree no. 334/1999 provides that, before beginning the construction of the plant, the operator sends a preliminary report to the RTC in order to obtain security clearance feasibility (SCF), **without which - to pursuant to paragraph 1 - can not be issued a building permit.**

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# Substantial changes

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**The same procedure must be followed in the event of substantial changes, in fact equivalent to the case of a new plant.**

**Following the art. 10 of Legislative Decree no. 334/1999, the Ministerial Decree August 9, 2000 (published in O.J. August 23, 2000) has provided the identification (in an Annex) of the modifications of plants and warehouses, industrial processes, nature or quantity of dangerous substances that may be burdening the existing level of risk (so-called substantial changes).**

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# Areas with high concentration of establishments

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Paragraph 2 of art. 13 transfers to the subsequent Ministerial Decrees (made jointly by the Environment, Interior, Health and Industry Ministers, after consultation with the State-Regions Conference) definition of criteria for the identification and delimitation of areas with high concentration of establishments, procedures for the **exchange of information between managers and for the preparation and evaluation of the safety study of integrated procedures** for the dissemination of information to the public, as well as guidelines for the preparation of the aforementioned intervention plans.

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# Inspections

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Paragraph 4 of Art. 25 regulates the frequency of inspections by providing that **all plants are subjected to a control program** with a periodicity determined on the basis of a systematic appraisal of major accident hazards of the particular establishment and at least annually for establishments subject to the presentation of the safety report.

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# Division of competences

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**Article. 18 of Legislative Decree no. 334/1999 provides that the Region regulates the exercise of administrative competences in the field of major accidents, by providing for this purpose, in particular, to identify the competent Authorities holding the administrative duties and the measures individuated with the technical appraisal, to simplify the procedures and connecting them with EIA procedure, as well as setting out the arrangements for the coordination of those involved in the preliminary investigation and, in compliance with the provisions of art. 25, for the inspections duties.**

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# Ministry of Environment responsibilities

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Articles 15 and 16 of Legislative Decree no. 334/1999 entrust to the Ministry of the Environment role of direction and coordination (through the enactment of specific acts, i.e. acts aimed at identifying domino effect or areas with high concentration of plants at risk), promulgation of technical standards and implementation of Legislative Decree no. 334/1999, as well as communication with the European Commission.

Paragraph 4 of Art. 15 entrusts, in addition, to the same Ministry responsibility for ensuring the **preparation and updating of the inventory of plants likely to cause major accidents** and the database on the outcome of the evaluation of safety reports and safety management systems (SMS).

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# **Ministry of Environment responsibilities**

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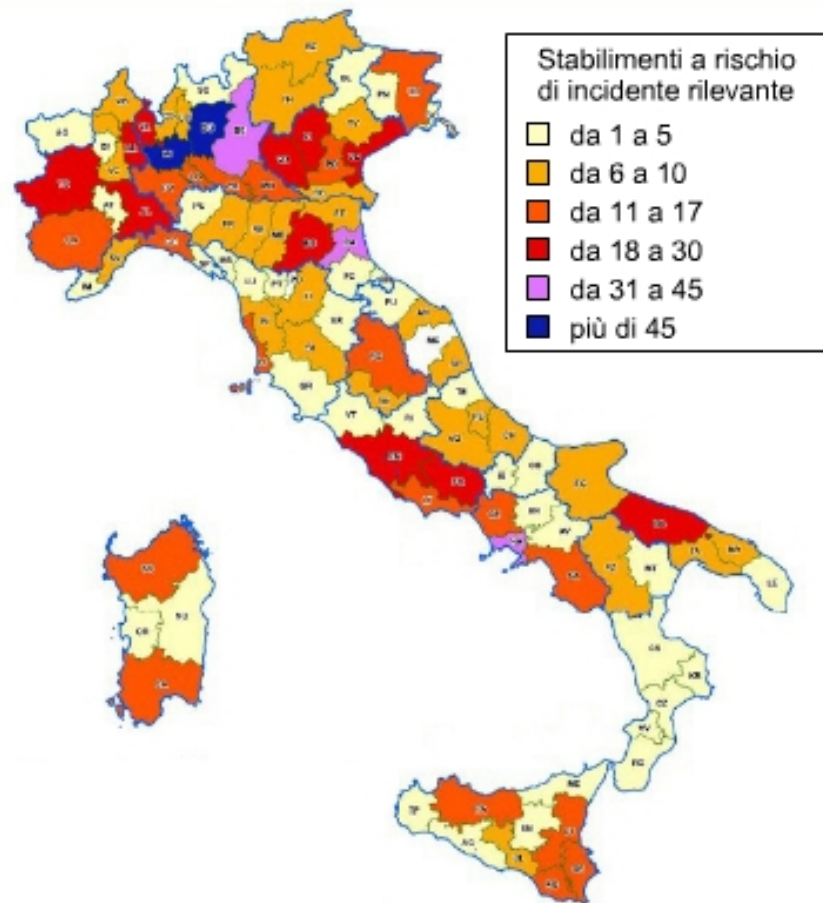
**The national inventory is updated every six months.**

**It is prepared by the Directorate-General for Environmental Protection, Division VI (RIS) - Industrial Risk - Pollution Integrated Prevention, in collaboration with the Industrial Risk Service of ISPRA (Environmental Protection and Research Institute)**

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## Italian plants at risk of a major accident (by Province density)





# **Bilateral cooperation**

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**Bilateral cooperation with France  
Local Level (Monginevro Area)**

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# **Scientific and Technological Cooperation - REHRA**

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**REHRA methodology has been applied in Tajikistan and Kyrgyzstan (2004-2006) to evaluate the risks associated with selected industrial sites in the Fergana Valley, under the framework of the “Environment and Security Initiative”. Also Uzbekistan participated initially to this exercise but the Country participation to the project was definitely held in April 2006.**

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# Scientific and Technological Cooperation - **REHRA**

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The three selected references sites were:

- ❑ **Kadamjai** (Kyrgyzstan): tailing ponds, collecting wastes from an antimony factory;
  - ❑ **Khaidarken** (Kyrgyzstan): pond collecting wastes from an industrial complex including antimony ores processing and enrichment factory and a mercury production factory;
  - ❑ **Kanibadam** (Tajikistan): pesticides dump;
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# Scientific and Technological Cooperation - **TEIAMM**

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Italy has promoted and funded in 2003-2004 the project “Transboundary Effects of Industrial Accidents Management Model (TEIAMM project) in the mean and lower basin of the Danube”.

The TEIAMM pilot project has been adopted and recognized by the Third Conference of the Parties of the Convention.

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# Scientific and Technological Cooperation - **TEIAMM**

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The project's methodology was an improved geographic information system (GIS) supported version of the Rapid Environment and Health Risk Assessment (REHRA), already funded by Italy, developed for the Danube river basin, which had been successfully used in Hungary, Bulgaria and Romania (2001-2002) and Serbia and Montenegro (2003-2004).

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# Scientific and Technological Cooperation - **TEIAMM**

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The project was carried out to strengthen industrial risk management capacities in Romania and to assist its Authorities in implementing the Industrial Accidents Convention. The project had identified hazardous activities, assessed their risks and the consequences of possible accidents, and ranked the risks. In addition, guidelines had been drawn up for the development of off-site contingency plans for the identified activities.

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# Scientific and Technological Cooperation - **TEIAMM**

## Participants



- ❖ Italian part:
  - Ministry of Environment and Territory;
  - FORMEZ;
  - ARPAV VENETO;
  - ICARO;
  - IBM Italia.



- ❖ Romanian part:
  - Ministry of Environment and Waters Management;
  - Civil Protection Command;
  - National Administration “APELE ROMÂNE”;
  - National Institute for Environmental Protection ICIM București.

# Scientific and Technological Cooperation - **TEIAMM**

## Field implementation

TEIAMM methodology has been applied along the rivers belonging to Danube basin, that includes two of the most important Romanian rivers: Olt e Jiu. A reference site was selected for each river, using a rapid scoring criteria named MSSC.

The two reference sites selected was:

**S.C. OLTCHIM S.A.  
RAMNICU VALCEA**

**Production of basic chemical products,  
such Chlorine, PVC, Polyoly,  
Oxoalcohols and so on**

**S.N.P. PETROM S.A.  
AGGREGATE WORKS  
DOLJCHIM  
CRAIOVA**

**Production of chemical  
fertilizers and methanol**