



MINISTÈRE DE LA TRANSITION ÉCOLOGIQUE

Liberté
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Implementation of the Convention Example of France

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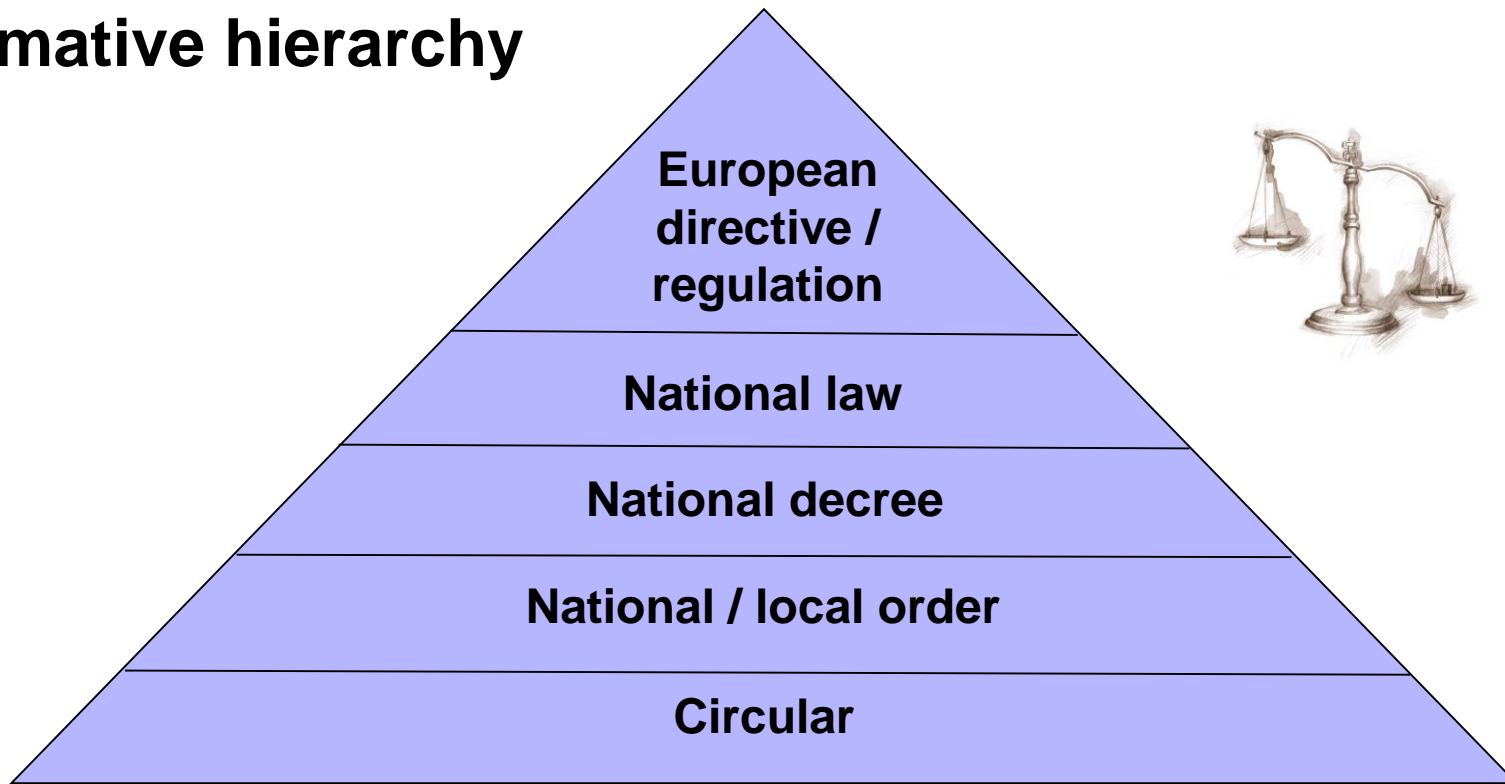
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Direction générale de la prévention des risques

1. Legal framework

Implementation of Article 3, 4, 5, 6 and 11 of the Convention

Normative hierarchy



Installations classified for the protection of the environment (ICPE) (1/5)

- Industrial activities, or activities using specific substances or mixtures, are **categorised** according to their **hazardousness** to the environment and human beings.
- Such activities need an **environmental permit** to be conducted.
- The environmental permit sets **legal, technical, operational, organisational** and **financial** requirements depending on the hazardousness of the substances/activities (specific criteria/thresholds defined by the law) for the **safe performance of hazardous activities** and the **prevention of industrial accidents**.

Installations classified for the protection of the environment (ICPE) (2/5)

- **Different regimes depending on the hazardousness of the activities/substances**
 1. **NC** (No classification): not considered a major source of hazard or nuisance.
 - No permit required. Falls under the **general authority of the mayor** (if needed)
 2. **D or DC** (declaration without or with periodic controls): for minor sources of hazard or nuisance.
 - The operator provides a **declaration** to the competent authority (Prefect)
 - **Receipt** from the competent authority = **operating permit**
 - The **operator** may have to comply with **generic** (and possibly **specific**) **requirements**, usually adopted via a **national (or local) order**

Installations classified for the protection of the environment (ICPE) (3/5)

3. **E** (simplified authorisation): for hazardous substances/activities where **standard measures** are applicable **for risk mitigation**.
 - The operator complies with **generic** (and possibly **specific**) **requirements**, usually adopted via a **national** (or **local**) **order**
 - **Compliance with land-use planning** requirements is assessed
 - Simplified **public consultation** (via internet and local authorities)
 - The operating permit is delivered by the local authority (Prefect)

4. **A** (authorisation): for hazardous substances/activities that might have **serious consequences on the environment**, public health and safety in case of an accident.

Installations classified for the protection of the environment (ICPE) (4/5)

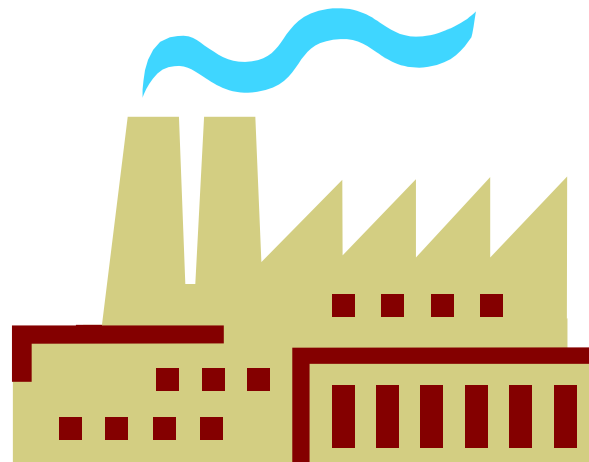
- **The “A” procedure: a tailored approach.**
 - **Safety report** to be provided by the operator to the local competent authority
 - **Public participation in decision making: public consultation, public enquiry** and third-party evaluation if necessary
 - **Tailored operating permit** delivered by the local competent authority (Prefect)
 - Additional requirements for **Seveso establishments**, in particular: **internal and external emergency plans, land-use planning constraints, siting**
 - In case of **transboundary effects**: international cooperation according to the Convention

Installations classified for the protection of the environment (ICPE) (5/5)

1. Use or storage of hazardous substances	2. Activities	3. Activities in the scope of the industrial emissions directive (IED)	4. Substances and mixtures in the scope of the Seveso directive and CLP regulation
Toxic, explosive, flammable, corrosive, radioactive	Agriculture, food, drink, mining and extractive industries, waste transfer and transport	Refineries, production of non ferrous metals, pulp and paper, surface treatment, production of chemicals, slaughterhouses, intensive rearing, waste treatment/incineration	Toxic, explosives, flammable, corrosive, hazardous to the environment, water-reactive

Statistics in France

- 500 000 ICPE:
 - D category: 450 000 installations
 - E category: 16 000 installations
 - A category: 25 000 installations
 - 1 300 Seveso
 - ~ 700 upper tier
 - ~ 600 lower tier



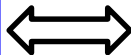
2. Decision-making, implementation and controls

Implementation of Article 7, 9 and 10 of the Convention

Stakeholders: at national and local levels

National Level

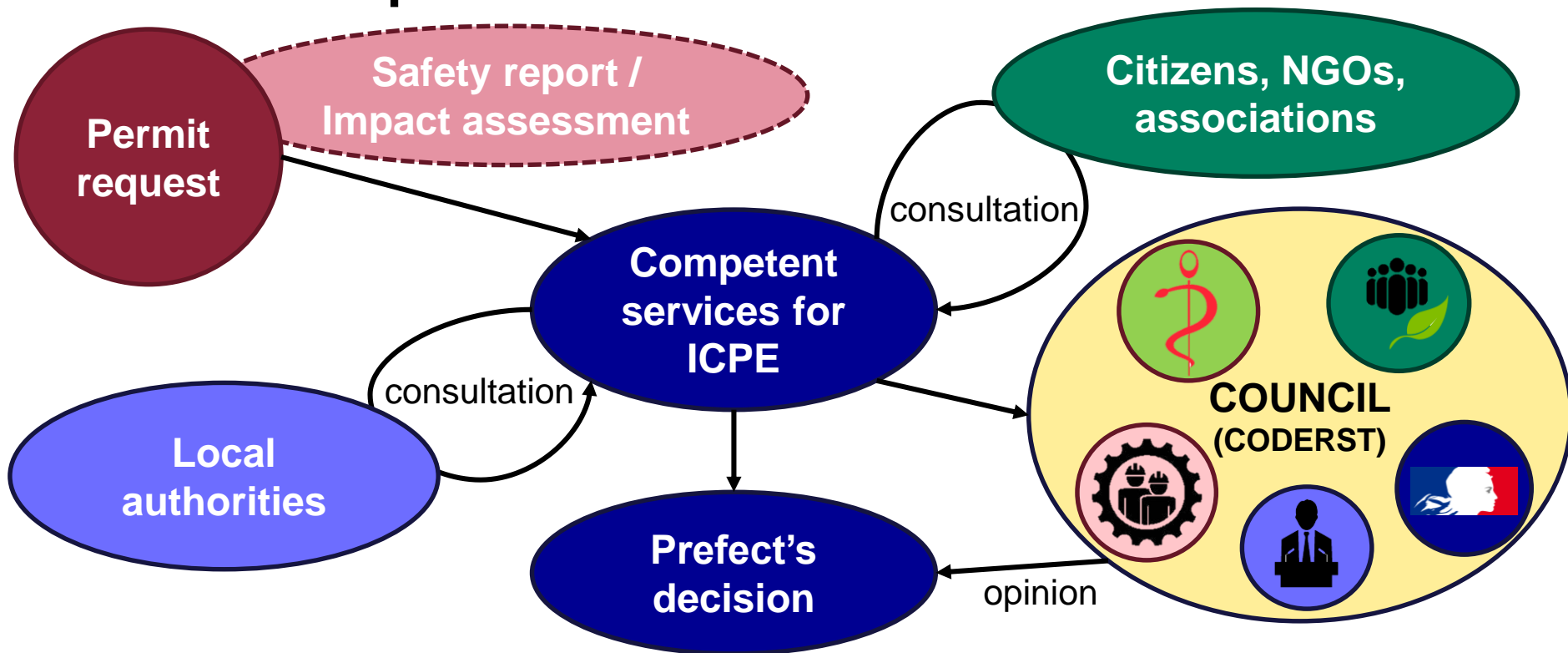
- **Ministry** for environment
- **Council** for Technological Risk Prevention (CSPRT)
- **INERIS**
- National **trade associations and unions**
- Environmental **NGOs**
- Other organisations



Local Level

- **Prefect** and local authorities
- Local **Council** for environment, health and technological risks (CODERST)
- **Inspection services** – environmental police
- Local **trade associations and unions**
- Environmental **NGOs**
- **Associations / Interest groups / Citizens**

Authorisation procedure



Inspection services (1/3)

- Any ICPE may be **inspected** to check if the plant is operated according to its permit.
- A dedicated body of **specialised inspectors** to carry out these inspections.
- Central role in the authorisation procedure: to **analyse** and **examine** the operator's dossier, and to **draft the environmental permit**.
- They **periodically control** the good **implementation** of, and **compliance** with, the environmental permit.

Inspection services (2/3)

Exhaustive training:

- During the first 6 to 10 months: **general training** about relevant pieces of **legislation** and inspector's missions (e.g. industrial risks, emissions to air and water, waste generation, noise, nuisances, soil contamination).
- During the first 3 years: **targeted courses** to refine the general training.
- For Seveso inspectors: **specialised trainings** about e.g. safety report, safety management system, land-use planning.

Inspection services (3/3)

- **50 % increase** in the number of inspectors between 1995 and 2010.
- In 2020 :
 - around **1 400 inspectors**
 - **19 200 inspections** conducted

3. Information sharing and cooperation

Implementation of Article 7, 8, 9, 10 and 12 to 17 of the Convention

BARPI and ARIA data base



BARPI: specialised Bureau for the **analysis** of industrial risks and pollutions:

- To **compile, analyse, accumulate** and **share** knowledge on industrial and technological accidents.
- ARIA: data base of ~ **50 000 accidents** and **near misses**.
- Accident's **severity** assessed via the **European scale of industrial accidents** (18 technical parameters to characterise the effects or consequences of an accident).
- Operators and inspection services:
 - **provide feedback** on industrial or technological accidents (dedicated template)
 - **Make use** of BARPI's experience feedback, e.g. in **safety** reports

Information to the public



- Géorisques (<https://www.georisques.gouv.fr>):
 - **Centralised platform** for public **information** (regrouping all sorts of risks e.g. all natural risks, industrial risks, technological risks)
 - Detailed **information** on **individual installations** (e.g. administrative situation, operating permit, conformity checks, letters of formal notice from the competent authority)
- European data bases: eMars, eSpirs.

Bilateral conventions and agreements

- **Mutual assistance** with neighbouring countries:
 - Andorra (2014), Belgium (1981), Germany (1977), Italy (1992), Luxembourg (1962), Monaco (1970), Spain (2001), Switzerland (1987)
- But also **other countries** than neighbouring countries: e.g. Croatia (2007), Morocco (1998), the Russian Federation (1999).

National and international exchange of information

- France is committed to continuously developing the collective expertise:
 - **National level:** regular national working groups and workshops gathering policy makers, competent authorities, inspection services, trade associations, environmental NGOs
 - **EU level:** Seveso expert group, technical working group on Seveso inspections, Network for the Implementation and Enforcement of Environmental Law (IMPEL)
 - **International level:** OECD Working Group on Chemical Accidents, Workshops and Conferences of the Parties of the UNECE Convention

Thank you for your attention

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