



# Implementation of Article 12 of the SEVESO II Directive (96/82/EC) in Selected EU Member States

## Publication

[Report](#)

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The aim of this study is to examine the transposition and implementation of Article 12 of the Seveso II Directive, also known as COMAH (96/82/EC), in six EU Member States. Article 12 addresses the land-use planning issues associated with controlling major accident hazards involving dangerous substances. As the Directive should have been transposed by February 1999, the appropriate legislation should have been in place in order to enable this study to be undertaken. However, this proved not to be the case for every country. Experience in relation to both the transposition and implementation of Article 12 of the Seveso II Directive in the six case study countries has been variable. In three countries – Spain, Italy and England – Article 12 has been transposed virtually word for word into national legislation. In the other three countries, transposition has been undertaken differently: only a relatively minor amendment was made to existing German legislation, whereas in Denmark only the first paragraph of Article 12 has been transposed. Meanwhile, in the Netherlands the Article has not yet been transposed.

Even if transposition of Article 12 had occurred by February 1999, as should have been the case, it would have taken some time for it to have filtered into national land use planning practices. However, with the current state of play regarding the transposition of Article 12, it is even more difficult to identify any practical effects. Our case studies suggest that in both Denmark and Germany, Article 12 has had only limited impact on the respective planning systems. In Italy and Spain, practical effects have been delayed, in spite of the prompt national transposition, as a result of the relatively recent production of guidance on the implementation of Article 12 in the former and the need for regional transposition in the latter. Having said that in Spain, there are examples of municipalities that have incorporated the principles of Article 12 into their urban plans.

Generally, the transposition of Article 12 is felt most readily in the regulations governing the siting of COMAH establishments, or substantial changes, e.g. in defining safety zones. The countries in the case studies have introduced the principles of Article 12 into national law in a variety of different ways – often keeping in line with national legislative preferences, e.g. EIA in Denmark. While this evidently can address those aspects relating to existing establishments, it is not always clear how development near COMAH establishments is addressed. This is an important message for governments and local authorities to convey.

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