

4.2.2. Verification of the information made available by the establishment

The operators of SEVESO establishments, depending on their hazardousness levels, must present documents and information (obligatory documentation) to the competent authorities and/or make this data available on site, as detailed in Table 9.

Table 9 - Documents and information to be presented and/or made available by the operator of a SEVESO establishment.

Documents to be produced by the operator of the SEVESO establishment	Duty of the operator to present information and/or make it available on site	SEVESO establishments	
		Low Hazard Level	High Hazard Level
Form for the Evaluation of Location Compatibility and/or supplementary measures (<i>articles 5 and 6</i>).	Present to APA/ECL;	X	X
Notification and its update (<i>articles 7 and 8</i>)	Present to APA/ECL; Make available to IGAOT	X	X
Policy for the Prevention of Major Accidents involving hazardous substances, plus its revision (<i>article 9</i>)	Make available to APA, ECL, IGAOT	X	X
Safety Report and Safety Management System, their revisions and, where applicable, disclosure reports (*) (<i>articles 10 - 15</i>).	Present to APA/ECL; Make available to IGAOT NOTE: APA publishes safety report information (full and partial) on its site (*) including inventory of dangerous substances		X
SMSPMA annual audit report by APS qualified inspector (<i>article 16</i>)	Present to APA/ECL; Make available to IGAOT		X
Internal Emergency Plan, its updates/revisions and drill records (<i>article 17 and 18</i>)	Present to APA, ANPC, ECL; Consultation and circulation to workers and long-term subcontractors working in the establishment; Make available to IGAOT.		X
Necessary information for the preparation of the External Emergency Plan and its updates (<i>articles 17 and 19</i>)	Present to the MC; Make available to IGAOT		X
Collaboration in the preparation and publication of information on self-protection measures (<i>article 20</i>)	Collaborate with the MC in the preparation and publication of self-protection measures		X
Necessary information, updates and proof of delivery to other operators in "domino effect" situations (<i>article 21</i>)	Exchange of information between establishments notified by the APA as covered by the "domino effect"; Present evidence to APA; Disclosure to the public; Make available to IGAOT	X (establishments notified by the APA as covered by the "domino effect")	X (establishments notified by the APA as covered by the "domino effect")
Documentation associated with the occurrence of a major accident (<i>article 22 and 23</i>)	Communicate to the MC; Present to APA, ECL; Make available to IGAOT	X	X

Key: MC – Municipal Council (Municipal Civil Protection Service); (*) The operator may request that APA does not publish some parts of the Safety Report and of the inventory for reasons of industrial or commercial secrecy or privacy, public security or national defence. By agreement with APA, the operator will supply a disclosure report to that organisation that does not contain the matters considered to be under access restriction (paragraph 2 of Article 15 of Decree-Law 254/2007).

According to the European Commission Report on the application of Directive 96/82/EC in the period 2003-2005, Portugal still shows significant shortcomings in terms of the implementation of the SEVESO II Directive, as can be seen in Table 10.

Table 10 - Implementation of the Seveso II Directive in Portugal and in the European Union in 2005.

	Portugal		EU-25	
	No.	%	No.	%
Number of LHL establishments;	74	-	-	-
Number of HHL establishments	57	-	3949	-
Establishments included in “domino effect” groups	8	14	456	12
HHL establishments that have still not presented SRs	3	5	250	6
HHL establishments that have still not presented IEPs	3	5	221	6
HHL establishments with EEPs in 2005	21	37	2829	72
EEPs with drills in the period 2003-2005	4	7	1151	29
Public information in the 2003-2005 period	4	7	2837	72
Inspections in 2005	17	30	2741	69
Establishments not inspected in the 2003-2005 period	0	0	427	11

Source: European Commission report on the application of Directive 96/82/EC in Member-States during the 2003-2005 period.

The checking of the conformity of the information reported and/or made available by the operator in each of the documents referred to above should focus on the most significant aspects. The main aspects to be checked as well as the information verification methodology contained in the documents referred to above is summarised in the following sections.

A. EVALUATION OF LOCATION COMPATIBILITY (articles 5 and 6)

Objective: *To maintain appropriate distances between establishments covered by Decree-Law 254/200, of 12th July and vulnerable elements.*

Municipal structure plans should fix, in accordance with the reference criteria to be defined in a Government Order, the appropriate distances between establishments covered by Decree-Law 254/2007 and vulnerable elements (residential zones, communication routes, areas frequented by the public and environmentally sensitive zones).

Under the terms of article 5, the licensing or authorisation procedure for the installation, alteration, modification or enlargement of establishments covered by Decree-Law 254/2007, which are not subject to Environmental Impact Assessment (EIA) under current legislation, may only be initiated following the issue of an APA opinion that attests to the location’s compatibility.

Therefore, the operator should submit the request to APA, using for the purpose the Location Compatibility Evaluation Form available on the APA's website. The APA will issue its opinion within 30 days, either including or not including public consultation.

For those establishments subject to Environmental Impact Assessment (EIA) under current legislation, appraisal is carried out in that context, with the result that the respective Risk Study should take into account the fact of the establishment being covered by this regime and include the indicated information on the form.

In accordance with article 6 of Decree-Law 254/2007, where it is not possible to guarantee the existence of appropriate safety distances between existing establishments and vulnerable elements, the operator must adopt the supplementary technical measures defined by Government Order.

The obligations of the operator in terms of location compatibility evaluation should be verified and the following aspects should be taken into account:

- Do municipal structure plans for the place where the establishment is located show the appropriate distances between establishments covered under Decree-Law 254/2007 and vulnerable elements?
- Have the defined distances been respected? If not, has the operator adopted the necessary supplementary technical measures?
- Does a licensing or authorisation procedure exist for the installation, alteration, modification or the extension of an establishment, following the entry into force of Decree-Law 254/2007?
- Is it/was it subject to Environmental Impact Assessment under current legislation?
- If so, was an analysis of the risk of a major accident involving dangerous substances carried out within this ambit, including the elements indicated on the form?
- If not, did the operator present the form for evaluation of the location's compatibility published on the APA's website,?
- Does the information contained on the form include the elements for information for evaluation of the location's compatibility presented in the form's annex? Does the information reflect the true situation of the establishment?
- Has the APA issue an opinion? Was the opinion favourable?

B. NOTIFICATION (articles 7 and 8)

Objective: *Communication of the establishment's characterisation data to the competent authorities, including their updating.*

This Notification must be presented to the APA by all operators covered by Decree-Law 254/2007, via the ECL licensing authority, in the following situations (article 7):

- a) Prior to the construction of a new establishment;
- b) Prior to the entry into service of a new establishment, in an already built area, but previously used for other purposes;
- c) Prior to the introduction of any alteration, modification or enlargement of the establishment which results in the establishment falling under the scope of Decree-Law 254/2007;

- d) Within a period of three months, starting from the date on which the establishment begins to be covered by Decree-Law 254/2007, where this does not a result from the application of the previous sub-paragraphs but from an alteration to the hazard level classification of the substances, under terms of the applicable legislation.

The notified information must be updated in the following situations:

- a) Prior to the introduction of any substantial alteration;
- b) Without prejudice to the terms of the previous sub-paragraph, whenever a change is made to any of the presented information, within a period of 10 days starting from the date on which the operator first becomes aware of such alteration.

The definitive closure of the installation is notified in advance by the operator to the APA and, in the case of a High Hazard Level establishment, to the ANPC also.

Within a period of 15 days starting from the date of receipt of the notification, the APA will inform the operator, via the ECL, whether the notification includes the elements required under the terms of paragraph 1 of Article 7. The APA may, once only, directly request the operator to present additional information, suspending the period referred to previously until these documents are presented, and informing the ECL to that effect.

The information is requested in conformity with the form published on APA's web portal ("Notification Form" defined by APA and made available on its website), which includes the information defined in annex II of Decree-Law 254/2007, and obligatorily includes the following elements:

- Name or company name of the operator and the full address of the establishment in question;
- The operator's company headquarters and address;
- Name and position of the establishment's responsible party, where this is not the person referred to in sub-paragraph a);
- Business carried out or anticipated at the establishment;
- Description of the establishment's surrounding area, specifically identifying the elements likely to cause a major accident involving dangerous substances or that may aggravate the consequences of any such event;
- Information identifying the dangerous substances and their respective categories, namely via the use of safety data records;
- The maximum quantities of the dangerous substances concerned which are likely to be present at the establishment, expressed in mass, and their physical form.

The obligations of the operator in terms of notification should be verified, taking into account the following aspects:

- Has the operator prepared the notification in accordance with the notification form published by APA (including, at least, the elements identified in annex II of Decree-Law 254/2007)?
- Did the operator present the notification to the APA with the defined time periods?
- Did the APA accept the notification?

- Does the inventory (quantities and nature) of the dangerous substances present or which may be present in the establishment at any given moment correspond to that included in the notification sent to the APA?

Note: The inspector should include raw materials, products, by-products, waste or intermediate products, as well as substances that could be generated as a consequence of loss of control of the process.

- Does the description of activities, installations and technological processes included in the notification presented to the APA represent the establishment's true situation?

Note: This aspect should be verified in notification terms in the case of Low Hazard Level establishments. The inspector should select some aspects of the description included in the notification and carry out his/her own visual checks on site.

- Was the notification updated prior to the introduction of a substantial alteration? Has there been any alteration to the information presented?
- Is the definitive closure of the installation expected? Was the definitive closure of the installation notified in advance by the operator to the APA and, in the case of High Hazard Level establishments, also to the ANPC?

C. POLICY FOR THE PREVENTION OF MAJOR ACCIDENTS INVOLVING DANGEROUS SUBSTANCES (article 9)

Objective: *To define action principles and guidelines that, through appropriate resources, structures and management systems, ensure a high level of protection for humans and the environment.*

Any establishment covered by Decree-Law 254/2007 must define a Policy for the Prevention of Major Accidents involving dangerous substances (MAPP), taking into consideration the principles contained in Annex III of that law.

The establishment's MAPP must set out in writing and ensure a high level of protection for humans and the environment through appropriate resources, structures and management systems. The MAPP and SMSPMA requirements in respect of Low Hazard Level establishments are similar to those of High Hazard Level establishments, although proportional to the risks of major accidents.

The establishment's MAPP must be prepared within the period stipulated for the presentation of the notification, in accordance with the guidelines contained in annex III of Decree-Law 254/2007, and with the guidance documents published on the APA website. The establishments MAPP must be made available to APA, IGAOT and the ECL, whenever these entities so request.

The establishment's MAPP should be re-examined and, if necessary, reviewed whenever:

- a) A substantial change is introduced in the establishment;
- b) The information made available by a "domino effect" group of establishments demands it.

The objectives and general action principles established by the operator in the MAPP document provided for in article 9 must be proportional to the risk of a major accident involving dangerous substances that the establishment represents.

The MAPP was discussed in the previous chapter. The SEVESO inspector can consult the support document "Guidelines for the development of a Major Accident Prevention Policy and a Safety Management System for the Prevention of Major Accidents", on the APA website (APA-GERA, July 2007).

D. SAFETY REPORT (articles 10 to 15)

Objective: *To demonstrate that a MAPP and an SMS/PSMA system have been put into practice and that hazards have been identified, and that the necessary measures have been taken to avoid and limit their consequences for humans and the environment.*

The Safety Report (SR) is requested for operators of High Hazard Level establishments and must be presented, with the necessary advance notice, to APA for analysis and acceptance before:

- a) the construction of a new establishment;
- b) the entry into service of a new establishment - within an already built area, but previously used for other purposes;
- c) the introduction of any change, modification or extension to the establishment which may result in it changing to High Hazard Level.

The operator must present the SR within a period of three months from the date on which the establishment changes to High Hazard Level, where this does not result from the application of the previous sub-paragraphs but from a change in the classification of the hazardousness levels of the substances, under the terms of the applicable legislation. The SR is presented by the operator to APA via the ECL, and the APA will issue its decision within 90 days, passing this information to ANPC, IGAOT and the ECL.

Prior to the introduction of a substantial change in the establishment, the operator must re-examine and, if necessary, change the SR and the SMS/PSMA (article 13). In the event of changes to the SR, the operator must present to APA, via the ECL, all information on such changes, following the previously described procedure with the necessary adaptations.

The SR should be reviewed and, where necessary, updated every 5 (five) years, starting from the date of the issue of the favourable APA opinion (article 14). Revision of the SR may still be necessary:

- a) At any time, on the initiative of the operator or at the request of the APA, wherever new facts justify it, or alternatively, in order to take into consideration new technical advances in terms of safety, in particular as a consequence of the analysis of accidents or, as far as possible, from "near accidents" and also due to the advancement of knowledge in the domain of risk assessment;
- b) Whenever information made available by a "domino effect" group of establishments demands it.

The SR must demonstrate/ensure that:

- a) a MAPP for the establishment and an SMS/PSMA to implement it are put into practice, in accordance with the elements referred to in annex III of Decree-Law 254/2007;
- b) the risks of major accidents involving dangerous substances have been identified and the necessary measures taken to avoid and limit any consequences of such accidents for humans and the environment; the design, construction,

development and maintenance of any installation, storage area, equipment and infrastructure linked to its operation which may be related to the risks of major accidents involving dangerous substances at the establishment are sufficiently safe and reliable;

- c) IEPs have been prepared;
- d) the information necessary for the preparation of the EEP have been presented to the relevant municipal council;
- e) information has been sent to the authorities responsible for licensing or authorising the activity and to the municipal councils that enables them to make decisions regarding the implementation of new activities or adaptations around existing establishments.

The SR may be combined with other safety reviews, reports or parts of reports prepared within the scope of other legislation applicable to the establishment, as long as all requirements stipulated in Decree-Law 254/2007 are respected. As such, the SR must contain at least:

- a) The establishment's MAPP;
- b) Identification of the relevant organisations involved in its preparation;
- c) The elements referred to in Annex IV of Decree-Law 254/2007, as well as other information thought important by the operator. Annex IV mentions the following elements:
 - Information regarding the SMS/PSMA and the organisation of the establishment designed to prevent major accidents involving dangerous substances (elements included in Annex III of Decree-Law 254/2007).
 - Description of the establishment's surrounding area:
 - a) Description of the site and the surrounding area, including its geographical location, and meteorological, geological, hydrographical data and, if applicable, its history;
 - b) Indication of the installations and other activities of the establishment that may present a risk of a major accident involving dangerous substances;
 - c) Description of areas susceptible to being affected by a major accident involving dangerous substances.
 - Description of the installation:
 - a) Description of the main activities and products of the various sections of the establishment that are important from the safety point of view, of sources of risks of major accidents involving dangerous substances and of the conditions in which such accidents could occur, accompanied by a description of the planned preventive measures;
 - b) Description of the processes, namely the mode of operation;
 - c) Description of the dangerous substances:
 - 1) Inventory of dangerous substances, including:
 - The identification of the dangerous substances: chemical name, the name according to IUPAC (International Union of Pure and Applied Chemistry) nomenclature, CAS (chemical abstracts service) or EC (Enzyme Commission) number;
 - maximum bulk quantities of substance which are present or are likely to be present;

- 2) Physical, chemical and toxicological characteristics, indicating both the immediate and deferred risks to humans and the environment;
 - 3) Physical or chemical behaviour under normal usage conditions or during foreseeable accidents.
- Identification and analysis of accident risks and means of prevention:
 - a) Detailed description of possible scenarios concerning major accidents involving dangerous substances, their probability and conditions of occurrence, including a summary of the events that could contribute to triggering each of these scenarios, the causes of which have their origin internally or externally to the establishment;
 - b) Evaluation of the extent and consequences of identified major accidents involving dangerous substances, including maps, photographs or, where appropriate, equivalent descriptions showing the areas likely to be affected by such accidents originating in the establishment;
 - c) Description of the technical parameters and equipment installed for the safety of the installations.
 - Protection and intervention measures used for limiting the consequences of an accident:
 - a) Description of the equipment installed in the installation for the purposes of limiting the consequences of major accidents involving dangerous substances;
 - b) Organisation of the warning and intervention system;
 - c) Description of the internal or external resources that can be mobilised;
 - d) Summary of the elements referred to in sub-paragraphs a), b) and c) above; necessary for the preparation of the Internal Emergency Plan provided for in articles 17 and 18 of Decree-Law 254/2007.

The formulation and implementation of the SMAPMA prepared by the operator should take into account the elements set out in the previous chapter.

Support documents are available on the APA website (for example; the “Safety Report Preparation Guide” (in English) and the "Safety Report - Checklist") which may be of help to the SEVESO inspector, even though the SR is validated and approved by the APA.

The operator’s obligations in terms of the SR must be verified by means of interviews, analysis of documents and visual observations, taking into consideration the following aspects:

- Has the operator prepared the SR as requested? Ask to see the SR and any updates made.
- Was the SR presented to the APA within the defined time periods? Did the APA issue its approval of the presented SR? Ask to see the record of delivery of the SR to the APA and its approval.
- Does the description of the installations contained in the SR reflect the establishment’s current situation? Select specific aspects of the description of the installations outlined in the SR and carry out a visual inspection of them. The following may be included:
 - operations that comprise each process and its characteristics;
 - the dangerous substances involved in each process and in storage, including products and intermediate products;

- storage tanks for dangerous substances (volume, pressure, temperature, safety valves, etc.);
 - vats (type, capacity, discharge pipes, etc.);
 - tubing and piping for fluids (nature of the fluid, pressure, temperature, insulation, etc.);
 - external services and backup systems (electricity, water, internal power production, compressed air for instrumentation, etc.).
- Do the control measures planned for reducing the risk of major industrial accidents and minimising their consequences correspond to those described in the SR? Select specific aspects of the description of the measures described in the SR and carrying out a visual inspection of them.
 - Is the analysis of the effects and consequences included in the SR representative of the establishment's risks? Select a number of accident scenarios identified in the SR and verify the accuracy of the data utilised in calculating their effects and consequences (e.g. temperature, pressure, flow, process flow composition, etc.), via the consultation of process control parameters. Additionally, it is necessary to verify whether major accident risks exist at the establishment being inspected which may not have been identified in the SR.
 - Has the obligation to revise and, where applicable, update the SR been established?

E. AUDIT BY QUALIFIED INSPECTOR (article 16)

Objective: *To demonstrate that the MAPP and SMSPMA have been implemented, by means of independent, qualified verification.*

Operators of HHL establishments must present an audit report on the establishment's SMSPMA to the APA by 31st March of each year.

The audit must be carried out by an HHL establishments SMSPMA inspector (abbreviated simply as SMSPMA inspector) qualified by the APA in accordance with the terms and conditions established by Government Order 699/2007 of 22nd August. The APA publishes a list of SMSPMA inspectors on its website.

The inspector should ask to see the audit report and evidence that it has been sent to the APA. The following aspects should be checked:

- Is the inspector who signed the report qualified by the APA?
- Do the report and the auditing procedure follow the guidelines published/issued by the APA?
- The SMSPMA audit report encompasses the following aspects:
 - Identification of the operator and the establishment;
 - Identification of the representative and his/her position;
 - Audited locations (relevant when, for example, the scope of the inspection encompasses more than one establishment);
 - Date, type and duration of the audit;
 - Identification of the audit team;
 - Indication of the objective and scope of the audit;
 - Description of the SMSPMA base architecture;

- Indication, per requirement, of the audit findings, any non-conformities detected and any observations or recommendations made;
 - Date of the report;
 - Indication of proposals for corrective actions;
 - Conclusions on the current status of implementation of the system;
 - Developments and trends compared with the previous year.
 - Annexes to the report: identification of contacts, list of evidence gathered (Ref./date/title).
- Does the result of the audit report correspond to the real situation verified by the inspector on site?
 - How was follow-up of the audit's findings and the corresponding plan of action carried out?
 - Was an SMSPMA compliance declaration issued in accordance with the terms of Decree-Law 254/2007 and the established reference documentation?

Note – Conditions for the non-issuance of the compliance declaration include the failure of the SMSPMA in its entirety or a failure to implement one or more requirements of this system. Accordingly, the inspector must verify the following conditions for the issue of the compliance declaration, namely:

- SMSPMA defined and implemented;
- Scope adequately defined;
- That the SMSPMA is supported by established and implemented procedures which meet the requirements of Annex III of Decree-Law 254/2007;
- The possibility of small deviations that merely pose a threat to the fulfilment of a procedure, process or requirement of the system.

F. INTERNAL EMERGENCY PLANS (articles 17 and 18)

Objective: *To demonstrate that material, human and management resources exist for limiting and controlling incidents in such a way as to minimise their effects and limit damage to humans, the environment and possessions.*

All operators of HHL SEVESO establishments must submit their Internal Emergency Plan(s) (IEPs) to APA and ANPC, via the ECL. These documents must be presented in the following situations:

- a) Prior to the entry into service of a new establishment;
- b) Prior to the introduction of any change, modification or extension to the establishment which could result in the establishment changing to High Hazard Level;
- c) Within three months from the date on which the establishment changes to High Hazard Level, where this is does not result from the application of the previous sub-paragraphs but from a change to the hazardousness classification of the substances, under the terms of the applicable legislation.

The IEP preparation and updating process must include a worker consultation phase including consultation of long-term contracted staff who work in the establishment. The APA and the ANPC may formulate recommendations about the IEP.

The operator should carry out IEP drills at least annually, which must be notified to the APA and the fire department covering the establishment's area, giving at least 10 days' notice.

The IEP must be updated prior to the introduction of a substantial alteration, and the operator should send the relevant information to APA and ANPC via the ECL.

The emergency plans must be revised and, where necessary, updated, at least every three years, taking into account:

- a) Changes which have taken place within establishments or in the relevant emergency services, including establishments within a “domino effect” group;
- b) New technical advances;
- c) New knowledge in terms of the necessary measures to be taken in the event of major accidents involving dangerous substances.

The operator must send the result of the IEP revision to APA and ANPC, via the ECL, within 30 days from the date on which the operator is obliged to undertake the revision.

The IEP must be prepared by the operator in accordance with the guidelines supplied by the APA on its website, and include the following information (Annex V - Part 1):

- Name(s) or position(s) of the person(s) authorised to initiate emergency procedures and of the person responsible for the application of mitigation measures at the site, and their coordination.
- Name or position of the person entrusted with contacting the civil protection service responsible for the EEP.
- In relation to situations or occurrences which it is possible to foresee and which are capable of playing a significant role in the triggering of a major accident involving dangerous substances, a description of the measures to be taken to control the situations or occurrences in question and limit their consequences, including a description of the safety equipment and available resources.
- Measures designed to limit the risks to persons present at the establishment, including information about the alarm system and the behaviour to adopt in the event of an alarm.
- Measures to ensure that the civil protection service responsible for the activation of the external emergency plan is immediately informed in the event of major accidents involving dangerous substances or uncontrolled incidents which are likely to lead to a major accident involving dangerous substances; types of information to be provided immediately and measures for communicating more detailed information as it becomes available.
- Measures on the training of personnel, in terms of the tasks to be performed and, where necessary, the coordination of this activity with that of the external emergency services.
- Measures designed to support the mitigating measures that are to be taken outside the establishment.

The IEP was discussed in the previous chapter. However, it is thought important to check the following aspects:

- Has the operator prepared and presented the IEP to the APA as requested?
- Is the IEP appropriately matched to the establishment’s characteristics, processes and products and the substances present? Check:
 - Does the description of the installation reflect the current condition of the establishment? Check aspects relating to storage, access and evacuation

routes, the location of external features and the areas where dangerous substances may be present.

- Is the risk assessment contained in the IEP representative of the establishment's risks (are the accidents identified for activation of the IEP representative of the establishment's risks)? In the case of high hazard level establishments, is the risk analysis included in the IEP consistent with the risk analysis included in the SR?
- Is the organisational structure for detection, communication and intervention in emergency situations matched to the establishment's structure and its personnel? Consult previous drill reports and other aspects related to the implementation and maintenance of the operability of the IEP.
- Do systems exist for permanently locating the responsible parties to be involved in acting in an emergency? Check the presence of the parties responsible for acting in an emergency at any time / shift period.
- Do the prevention, detection, minimisation, warning and personal protection resources available at the establishment correspond to the inventory included in the IEP?
- Are the resources for use in an emergency in good condition and are they available for use and protected from the consequences of a possible accident? Check the maintenance or inspection intervals for each piece of equipment against the applicable legal requirements, manufacturer's recommendations, results of previous inspections, engineering practices or operational experience obtained within the establishment or within other installations.
- Does the location of the resources allow for fast access to them in emergency situations? Check the location, access and signage of the equipment.
- Is the equipment sufficient and appropriate for the type of foreseeable risk? Check the control mechanisms (e.g. ventilation, cut-off valves), detection and alarm devices (e.g. fire and toxic escape detectors, alarm and emergency stop buttons, portable instruments for measuring the concentrations of dangerous substances), internal communication channels (e.g. audible and/or visual alarms, sound systems) and external channels (e.g. telephone, fax), measures for minimising, containing and controlling the effects of accidents (e.g. substance absorption or neutralisation systems, drainage systems, physical barriers), fighting fires mechanisms (e.g. fixed fire extinction systems, portable extinguishers, water curtains), personal protection equipment, evacuation signs, intervention and first-aid teams, alternative sources in case of emergency (e.g. electricity, water) which ensure control of the installation and operability of emergency mechanisms, auxiliary equipment required for putting an IEP into action (e.g. vehicles to transport the emergency team, emergency lighting, special tools), environmental restoration and cleaning mechanisms in the event of major accidents.
- Are the condition and locations of the control/emergency coordination centre, first-aid centres, refuges and assembly points for use in the event emergency adequate to ensure their operability in emergency situations? Check that the control/emergency coordination centre possesses the resources stated in the IEP, such as: a copy of the IEP, functional internal and external communication equipment, process flow diagrams, plans of the

establishment's layout, internal and external emergency services telephone numbers.

- Are the locations of the emergency services access routes, evacuation routes and any other restricted area appropriate?
- Is there a means of monitoring the personnel who may be present in the establishment at any given time, distinguishing between internal and external personnel?

G. INFORMATION NECESSARY FOR THE EXTERNAL EMERGENCY PLAN (articles 17 and 19)

Objective: *To supply the information necessary for the preparation of a plan that defines the material, human and management resources for limiting and controlling incidents in such a way as to minimise their effects and limit damage to humans, the environment and possessions, outside the establishment.*

The operators of HHL SEVESO establishments must supply the Municipal Council with a document, prepared in accordance with the guidelines approved and published by ANPC, which contains necessary information for the preparation of the External Emergency Plan (PEE), in the following situations:

- a) Prior to the entry into service of a new establishment;
- b) Prior to the introduction of any change, modification or extension to the establishment which could result in the establishment changing to High Hazard Level;
- c) Within three months from the date on which the establishment changes to High Hazard Level, where this does not a result from the application of the previous sub-paragraphs but from a change to the hazardousness classification of the substances, under the terms of the applicable legislation.

The Municipal Council analyses the information provided, and may request supplementary information from the operator within 45 days. The EEP is prepared by the municipal civil protection service within 120 days from the date on which the information is sent to the municipal council. At the proposal of the municipal council, the ANPC can decide, having first consulted the APA, that it is not necessary to prepare an EEP, taking into account the information included in the safety report.

The municipal civil protection service carries out EEP simulation exercises at least every three years, which must to be notified to APA and ANPC with at least 10 days' notice.

The municipal civil protection service, as a result of the activation of the IEP, activates the EEP when necessary, informing APA, ANPC and IGAOT of the activation.

Prior to the introduction of a substantial alteration, or as a result of the information provided by "domino effect" establishments, the operator of an HHL establishment must update with the municipal council the information provided for the preparation of the EEP, which is correspondingly updated by the civil protection service.

The information to be supplied for the preparation of the EEP must include the following elements (Annex V – Part 2):

- Name or position of the persons qualified to initiate emergency procedures, and of persons authorised to manage and coordinate activities external to the establishment;
- Measures for receiving immediate warnings of potential major accidents involving dangerous substances, or uncontrolled incidents which could lead to a major accident involving dangerous substances, and procedures for alerting and mobilising resources;
- Measures for coordinating the resources necessary for the execution of the external emergency plan;
- Measures designed to support mitigation measures to be taken inside the establishment;
- Measures designed to support mitigation measures to be taken outside the establishment;
- Measures designed to provide the public with information specifically connected with the incident and behaviour in addition to conduct, including self-protection measures, that should be adopted in the such circumstances;
- Measures designed to ensure the provision of information to the emergency services of other Member States in the event of major accidents involving dangerous substances with potential cross-border consequences.

The information to be presented by the operator for the preparation of the EEP was discussed in the previous chapter.

H. INFORMATION ABOUT SELF-PROTECTION MEASURES (article 20)

Objective: *To supply the necessary self-protection information to populations likely to be affected by a major accident involving dangerous substances originating in HHL establishments.*

The municipal civil protection service is responsible for the preparation and publication of information regarding the self-protection measures and behaviour to adopt in the event of an accident to the population likely to be affected by a major accident involving dangerous substances originating in an HHL establishment.

The information to be published is prepared by the municipal civil protection services with the cooperation of the operator, including at least the elements contained in annex VI:

- Identification of the operator and the establishment's address.
- Identification, by means of the position held, of the person providing the information.
- Confirmation that the establishment is subject to the provisions of Decree-Law 254/2007 and that the notification referred to in article 7, or the safety report referred to in article 10 of the same law, has been presented to the APA.
- Description, in simple language, of the activity/activities carried out within the establishment.
- The common name or, in the case of dangerous substances included in part 2 of annex I, the generic name or general hazardousness category of the substances and preparations present in the establishment and capable of being the cause of a

major accident involving dangerous substances, accompanied by an indication of their main hazard characteristics.

- General information about the nature of the risks of major accidents involving dangerous substances, including their potential effects on the population and the environment.
- Appropriate information as to the manner in which the affected population will be warned and informed in the event of a major accident involving dangerous substances.
- Appropriate information on the measures that the affected population should take and on the behaviour they should adopt in the event of a major accident involving dangerous substances. Confirmation that the operator is required to take appropriate measures in the establishment, principally in terms of communication with the emergency services, to respond to major accidents involving dangerous substances and minimise their effects.
- Reference to the External Emergency Plan prepared to combat any effects outside the establishment resulting from an accident. This reference must include an appeal for cooperation with the instructions or requests issued by the emergency services in the event of an accident.
- Specific information as regards the method of obtaining any type of relevant information, without prejudice to the provisions of national legislation on confidentiality.

The published information must be re-evaluated every three years and, if necessary, repeated and updated, at least in the event of substantial change to the establishment. The provision of information to the public must be repeated at maximum intervals of five years. The municipal civil protection service sends a report to APA and ANPC by 31st June of each year on the information on self-protection measures and forms of publication adopted.

I. NECESSARY INFORMATION IN “DOMINO EFFECT” SITUATIONS (article 21)

Objective: *To implement procedures for mutual cooperation and the exchange of information within ‘domino effect’ groups of establishments so that these enterprises may take account of the nature and scale of the overall risk of major accidents in their major accident prevention plans.*

The APA identifies, in accordance with the criteria published on its website and the information supplied by the operator in the notification and the SR, those establishments or groups of establishments which are in a “domino effect” situation, that is, a situation in which the probability and possibility or the consequences of a major accident involving dangerous substances are greater due to the location and the proximity of these establishments and including their stocks of dangerous substances.

The APA notifies the operators of establishments in a “domino effect” situation of the need to comply with the duty of cooperation and information exchange so as to take account of the nature and scale of the overall risk of major accidents involving dangerous substances in their MAPPs, SMSPMAs, SRs and IEPs, informing ANPC of

the establishments notified. The list of establishments in “domino effect” situations is published on the APA’s website.

Within 30 days following the notification mentioned in the previous paragraph, the operator must send information, containing the following minimum content, to the other establishments included in its "domino effect" group:

- a) Description of the activities implemented;
- b) Inventory of dangerous substances and information regarding their hazardousness, namely the safety data sheets;
- c) Representation in map form of the accident scenarios whose extent would affect the establishments included in the «domino effect» group, being optional for those establishments which are not classified as High Hazard Level.

Within the same period, the operator must send proof of delivery of the above information to the APA, including a list of the submitted elements.

The operator sends to the other establishments included in the “domino effect” group the significant changes resulting from the revision of the MAPP, the SR and the IEP, together with the elements required for the EEP, as well as the information to be published to the general population.

The municipal civil protection service takes into account, during the preparation of the EEPs, the scale of the overall risk of major accidents involving dangerous substances at the identified establishments. APA, ANPC, the municipal civil protection service and the operators publish the relevant information about the establishments included.

Simulation exercises of the application of the IEPs of HHL establishments included in a given "domino effect" group are carried out jointly at minimum intervals of three years, preceded by notification to APA, ANPC, IGAOT and the fire departments with a minimum of 10 days’ notice.

In this respect, the inspector should ascertain the following:

- Has the establishment has been notified by APA as being affected by a “domino effect” situation? Consult the list published on the APA website.
- What are the planned mechanisms for the exchange of information between establishments included in the “domino” effect? Have the significant changes arising from the revision of the MAPP, the SR, the IEP and other elements been communicated?
- Has proof of the exchange of information been sent to the APA?
- What information has been communicated and made available?
- Does this information match the nature and scale of the overall risk of a major accident?
- Are simulation exercises of the application of the IEPs of HHL establishments included in a given "domino effect" group carried out jointly at least every three years? Are they preceded by notification to APA, ANPC, IGAOT and the fire brigades with a minimum defined notice period?

J. DOCUMENTATION ASSOCIATED WITH THE OCCURRENCE OF MAJOR ACCIDENTS (article 22)

Objective: To implement procedures for the notification and recording of major accidents, and of the actions resulting from such occurrences. Technical developments in the prevention of major accidents are also based on “lessons” learned from such occurrences.

When a major accident occurs, the operator must implement the actions and/or notifications stipulated in article 22 of Decree-Law 254/2007 (see Table 11).

Table 11 – Obligations on the part of the operator in the event of an uncontrolled incident or accident.

Action	Entities	Notification periods	Documentation
Activate the emergency mechanisms, namely the IEP ⁽¹⁾	--	immediately	Records of occurrence
Communicate the occurrence to the emergency telephone numbers ⁽¹⁾	Forces and services required for immediate intervention and to the municipal civil protection service	immediately	Notification records, where they exist
Communicate: a) The circumstances of the accident; b) The dangerous substances involved; c) The consequences of the accident.	APA ECL	Within a maximum of 24 hours after the occurrence of the accident	Notification records
Forwarding of the summarised report prepared in accordance with the form published on the APA website ⁽¹⁾	APA (which subsequently sends it to the ECL and IGAOT)	Within a maximum of five days from the date of the occurrence	Completion and subsequent forwarding of the Summarised Report to APA (form published on the APA website)
Forwarding of the detailed accident report, prepared in accordance with the form supplied on the APA website	APA (which subsequently sends it to the ECL and IGAOT)	Within a maximum of 10 days from the date of the occurrence	Completion and subsequent forwarding of the Detailed Report to APA (form published on the APA website)
Update and send the supplied information, in the event of an in-depth inquiry taking place which results in new information	APA	When available	Results of the in-depth inquiry and records of communication with the APA

⁽¹⁾ The operator also carries out the above-mentioned procedures in the event of an uncontrolled incident which, because of its nature, it is reasonable to assume could lead to a major accident involving dangerous substances.

In the event of an accident involving dangerous substances, the competent authorities, within the limits of their powers, namely the APA, the ANPC and the municipal civil protection services, must:

- a) Certify that the necessary emergency and medium and long-term mitigation measures are taken;

- b) Assemble, by means of an inspection, inquiry or any other appropriate means, the necessary information for the complete analysis of the accident in technical, organizational and management terms, with the cooperation of IGAOT where necessary;
- c) Notify the operator to adopt measures that appear necessary in the medium and long-term;
- d) Formulate recommendations on future prevention measures.

Where there is evidence of the occurrence of a major accident, the inspector must check the following points:

- Has the operator fulfilled the obligations listed in Table 7? Has the operator complied with the defined deadlines?
- Do the summary and detailed reports conform to the models defined by the APA? Does the reported information correspond to the establishment's situation?
- Have the measures proposed and reported in the detailed report been implemented? Has the information supplied to the APA been updated, where applicable?
- Have the measures that appear necessary in the medium and long-term and recommendations for future prevention measures notified by the competent authorities been incorporated by the operator?

4.2. On-the-spot SEVESO inspection

In addition to scheduled inspections, there may also be a need to carry out on-the-spot inspections. These inspections may follow a major accident or incidents that are of specific technical interest to the prevention of major accidents and the limitation of their consequences. An example of this was the procedure followed after the accident which occurred in Matosinhos in 2005.

In compliance with Article 22 of Decree-Law 254/2007, the occurrence of a major accident or an uncontrolled incident creates a duty on the part of the operator to complete and send summary and detailed reports to APA, which must be subsequently forwarded by APA to the ECL and to IGAOT.

Cooperation between the authorities involved in the event of a major accident is, once again, fundamental in minimising the effects of a major accident and to the post-accident follow-up. IGAOT must be involved from the initial phase of investigation of the circumstances and causes of the accident, through to the post-accident follow-up and assembling of "lessons learned" phase.

In the course of an inspection following a major accident, the inspector and/or inspection team should evaluate compliance on the part of the operator with the legal obligations defined in Article 22 of Decree-Law 254/2007 (summarised in Table 12) and evaluate the content of the accident reports and revision of the other SMS/PSMA documentation, namely the notification, the MAPP, the SR and update, the IEP and the information made available for the preparation of the EEP and its disclosure to the public.

The organisation of safety, the response to emergencies and the resources involved should be re-evaluated after the occurrence of a major accident or simply an

incident. The most important elements to evaluate following a major accident or incident are the "lessons learned". The operator should identify and implement measures to prevent a repetition of the accident, and measures to mitigate the consequences of the accident, and gather useful references (computer programs, reports, technical publications, models, etc).

Accordingly, a SEVESO inspection following the occurrence of a major accident or incident must assess what effects this occurrence has had on the organisation's safety management.

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