

All industrial activities are associated with the risk of accidents which can occur as a result of unanticipated explosions, fires and other releases, and which may cause harm to human health and the environment. The principal legislation in Europe relating to the prevention and control of chemical accidents is the “Seveso II Directive”- Directive 96/82/EC on the control of major-accident hazards involving dangerous substances which is aimed at preventing major accidents involving large quantities of dangerous substances (or mixtures thereof) and to limit the consequences of such accidents for man and the environment. There is a tiered approach to the level of controls, with the larger the quantities of substances, the stricter the rules. The scope of Directive 96/82/EC was amended in 2003 by Directive 2003/105/EC. These two directives were transposed into Maltese legislation by the Control of Major Accident Hazards (COMAH) Regulations L.N. 37/2003 and L.N. 6/2005 respectively. The legislation applies to establishments where various dangerous substances are present in quantities equal to, or above, a given threshold.

The main reason for the revision of the Seveso II Directive is to align its Annex I to Regulation (EC) No. 1272/2008 on classification, labelling and packaging of dangerous substances and mixtures which amends and repeals Directives 67/548/EEC and 1999/45/EC to which the Seveso II Directive currently refers.

As there was no agreement on a harmonised approach to the classification of Heavy Fuel Oil (HFO) under SEVESO II, this led to a different interpretation on the level of control by operators in different Member States. With the recent amendments to the Classification, Labelling and Packaging (CLP) Directive, HFO would be included in the category of substances “dangerous for the environment” under SEVESO II, with a threshold of 200 tonnes, meaning that operators with a storage of 200 tonnes or more of HFO would have to comply with the provisions of SEVESO II.

As a countermeasure, and due to the wide use of HFO in industry, it was decided at EU level to include HFO in the list of substances which fall within the scope of the SEVESO II Directive with a threshold of 2500 tons. As a result, the Control of Major Accident Hazards (COMAH) Regulations L. N. 37/2003 (S.L. 424.19) has been amended accordingly by L.N. 4 of 2014.