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From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 9 March 2017

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

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Subject: REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT
AND THE COUNCIL on the exercise of the power to adopt delegated acts
conferred on the Commission pursuant to Directive 2012/18/EU on the
control of major-accident hazards involving dangerous substances,
amending and subsequently repealing Council Directive 96/82/EC

Delegations will find attached document COM(2017) 122 final.

Encl.: COM(2017) 122 final



Brussels, 9.3.2017
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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**on the exercise of the power to adopt delegated acts conferred on the Commission
pursuant to Directive 2012/18/EU on the control of major-accident hazards involving
dangerous substances, amending and subsequently repealing Council Directive
96/82/EC**

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL on the exercise of the power to adopt delegated acts conferred on the
Commission pursuant to Directive 2012/18/EU on the control of major-accident hazards
involving dangerous substances, amending and subsequently repealing Council
Directive 96/82/EC**

1. INTRODUCTION

Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (Seveso III Directive)¹ seeks to reduce the likelihood and consequences of industrial accidents in view of an increased protection of citizens, communities and the environment.

Art. 25 of the directive empowers the Commission to adopt delegated acts in view of adapting Annexes II to VI to technical progress. These annexes list information to be considered in the safety report, major-accident prevention policy and emergency plans of Seveso establishments, the information to be made publicly available as well as the criteria triggering the obligation of Member States to notify the Commission of a major accident.

2. LEGAL BASIS

This report is required under Article 26(2) of Directive 2012/18/EU. Pursuant to this provision, the power to adopt delegated acts is conferred on the Commission for a period of five years from 13 August 2012 and the Commission is required to prepare a report in respect of the delegation of power, at the latest 9 months before the end of the five-year period. The delegation of power shall be automatically extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension in accordance with the rules set out Article 26.

3. EXERCISE OF THE DELEGATION

The exercise of the empowerment was deemed necessary for adapting several provisions foreseen by the Directive to technical progress.

To date, taking into account the fact that the Seveso III Directive only became fully applicable as from June 2015 (Art. 31 para 1), the Commission has not considered it necessary or appropriate to adapt its Annexes II to VI to technical progress.

4. CONCLUSION

The Commission has, over the past five years, not exercised the delegated powers conferred to it under Directive 2012/18/EU. It invites the European Parliament and the Council to take note of this report.

¹ OJ L 197, 24.7.2012, p. 1