

## Transposition Note

**Directive 2003/105/EC of the European Parliament and of the Council (OJ No L345, 31.12.03, p.97) amending Council Directive 96/82/EC (OJ No L10, 14.1.97, p13) on the control of major-accident hazards involving dangerous substances (“the principal Directive”)**

Article	Objectives	Implementation	Responsibility
1	Amends the principal Directive, which is aimed at the prevention of major accidents which involve dangerous substances, and the limitation of their consequences to people and to the environment. Reference in this column to an Article or Annex is to an Article or Annex to the principal Directive	Save where indicated below, by the Control of Major Accident Hazards (Amendment) Regulations 2005. They amend the Control of Major Accident Hazards Regulations 1999/743 (“the principal Regulations”), which gave effect to provisions of the principal Directive.	The Secretary of State, by the amending Regulations, save where stated below
1.1	Modifies the list of exclusions in Article 4	Regulation 4 modifies the exclusions in regulation 3(3) of the principal Regulations, save in relation to (Article 1.1(f)) the offshore exploration etc. of minerals: no modification is necessary because the principal Regulations do not apply offshore	
1.2  (a)  (b)	Introduces into Article 6 a time limit for notification where an establishment comes within scope; and a notification requirement where an establishment or installation is modified	Regulation 6(1) and (3) amends regulation 6 of the principal Regulations	
1.3	Introduces a time limit for drawing up	Regulation 5 amends regulation 5(1) of the principal Regulations	

Article	Objectives	Implementation	Responsibility
	the major accident prevention policy, where an establishment comes within scope		
1.4	Makes a drafting change to Article 8.2	Already catered for by regulation 16 of the principal Regulations	
1.5  (a)   (b),(c)   (d)	Amends Article 9 (safety report) by requiring the safety report to name organisations drawing it up; modifying the time limit for an establishment which comes within scope, and a consequential drafting change; inviting the European Commission to review certain guidance	Regulation 17(3) amends Part 2 of Schedule 4 to the principal Regulations  Regulation 7 amends regulation 7 of the principal Regulations  No action required	
1.6  (a)   (b)   (c)	Amends Article 11 (emergency plans) by introducing a time limit for drawing up an emergency plan, and for supplying information to the competent authorities, where an establishment comes within scope; by modifying the requirement for consultation over the internal and external emergency plan; and by adding a requirement relating to enhanced co-operation	Regulation 9 amends regulation 9(2), which is applied by regulation 10(4), of the principal Regulations  Regulation 10 amends regulation 9(3)(a), and regulation 12 amends regulation 11(1), of the principal Regulations  Given effect by procedures under regulation 10 of the principal Regulations	

<b>Article</b>	<b>Objectives</b>	<b>Implementation</b>	<b>Responsibility</b>
1.7. (a)  (b)	Modifies the requirement in Article 12.1 relating to land use and/or other relevant policies; inserts Article 12.1a, inviting the European Commission to draw up guidelines	To be given effect in planning law  No action required	The Secretary of State, the Scottish Executive and the National Assembly for Wales
1.8 (a)  (b)	Amends Article 13, by modifying the requirements for the supply of safety information; and by qualifying the duty to make available the inventory of dangerous substances	Regulation 13 substitutes a new regulation 14(1) of the principal Regulations  Already given effect by paragraphs 6 to 18 of Schedule 8 to the principal Regulations	
1.9	Amends Article 19 by requiring Member States to supply information to the European Commission; and the Commission to keep a database	No legislation required  No action required	The Health and Safety Executive on behalf of the Competent Authority
1.10	Amends Annex 1 (dangerous substances to which the Directive applies) by adding or revising controls on a range of dangerous substances or generic categories of substances	Regulation 14 and the Schedule substitutes a new Schedule 1 to the principal Regulations  A corresponding change will be made to planning law	The Secretary of State, the Scottish Executive and the National Assembly for Wales
1.11	Amends Annex II (minimum information to be included in a safety report)	Regulation 17 amends Part 2 of Schedule 4 to the principal Regulations	

Article	Objectives	Implementation	Responsibility
1.12	Amends Annex III (principles to be taken into account when preparing major accident prevention policy)	Regulation 15 amends Schedule 2 to the principal Regulations	
2.1	<p>Member States to bring into force the laws, regulations and administrative provisions necessary to comply with the amending Directive before 1 July 2005</p> <p>Member States to inform the European Commission thereof</p> <p>Measures to contain or be accompanied by a reference to the amending Directive</p>	<p>As above, by regulation 1</p> <p>In the Explanatory Note to the Regulations and in this Table</p>	The Health and Safety Executive via UKREP
2.2	Member States to communicate to the European Commission the text of the main provisions of national law which they adopt		As above
3	Date of entry into force of the amending Directive	No action required	
4	The amending Directive is addressed to Member States	Action required as specified in this Table	

