



COPEX 2010

Relevant developments in EU Legislation

Klaas den Haan, CONCAWE

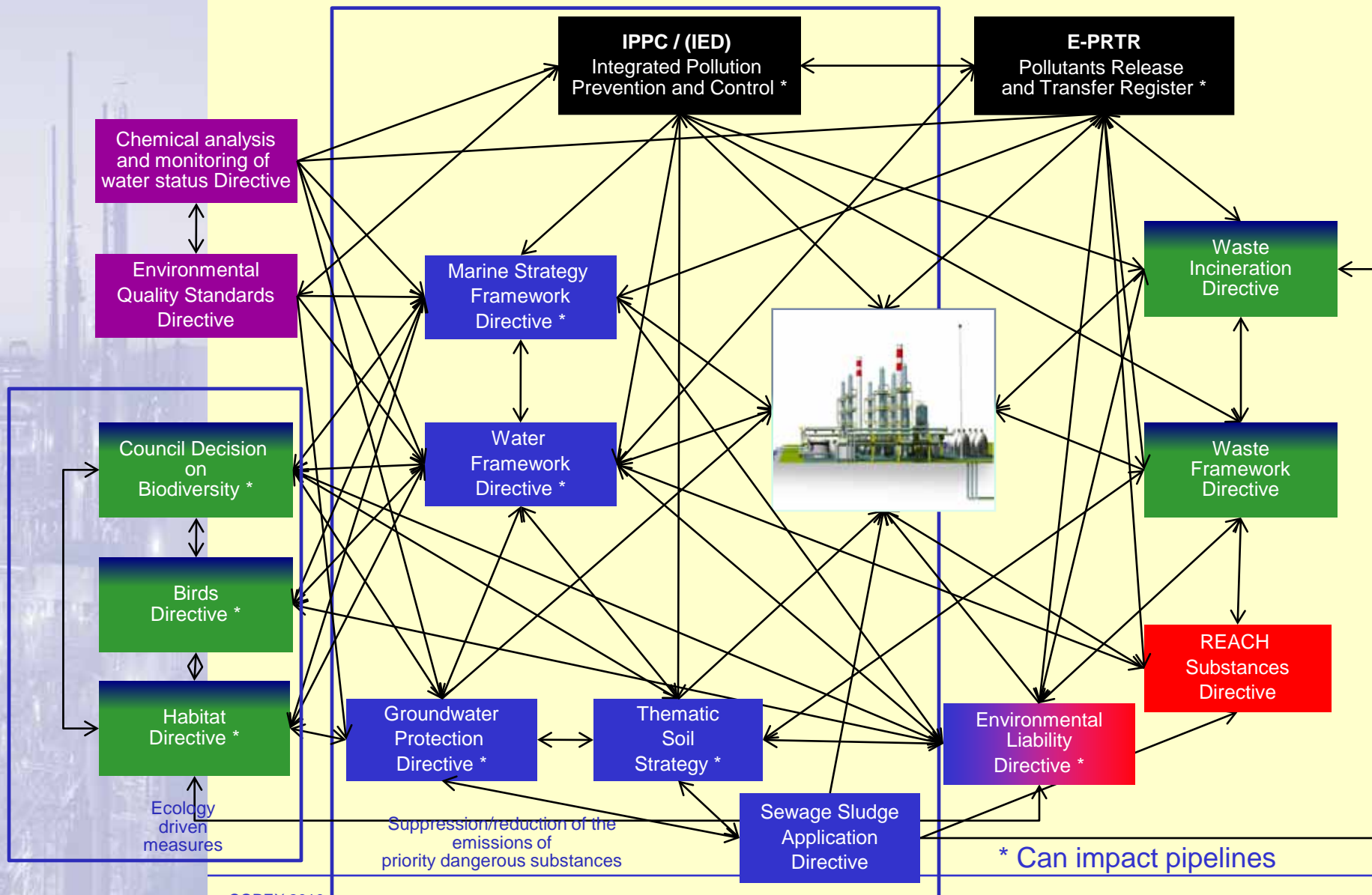
(Tech. Coordinator, Water, Soil, Waste, Safety & OP)

25 March 2010

concaawe

- **Introduction**
- **EU Regulatory Scenery on Water, Waste & Soil**
- **Legislative development that might impact Oil Pipeline Operations**
 - ✓ **WFD**
 - ✓ **E-PRTR**
 - ✓ **Environmental Liabilities**
 - ✓ **Classification, Packaging and Labelling**

Water, Soil and Waste Legislative Environment



■ What the legislative issues are currently worked on in CONCAWE

- ✓ Water FD (2000/60/EC, 2006/118/EC, 2008/105/EC, 2009/90/EC)
- ✓ Marine Strategy FD (2008/56/EC)
- ✓ Thematic Soil strategy and Soil framework developments
- ✓ Waste FD (2008/98/EC)
- ✓ E-PRTR (Regulation EC-166/2006)
- ✓ IPPC (2008/1/EC) (Recast & BREFs)
- ✓ SEVESO II (96/82/EC)
- ✓ REACH (Regulation EC 1907/2006)

- ✓ Process Safety Performance Indicators

REACH & CLP

- ✓ Many of the issues identified in the risk assessments fall under the WSWMG remit

IPPC / BAT Reference Documents (BREF)

- ✓ Refinery BREF will be reviewed in 2008 and it is now essential that WSWMG will be involved to assess that proposed BAT is appropriate
- ✓ IPPC recast activities indicate binding nature of BREFs and increased attention to water and soil management

EU Waste Legislation

- ✓ Waste Directive is published and indicates implications for used oil

European Pollutant Release and Transfer Register (E-PRTR)

- ✓ E-PRTR has placed an additional burden on downstream petroleum facilities to test and monitor for additional chemical species in effluents.

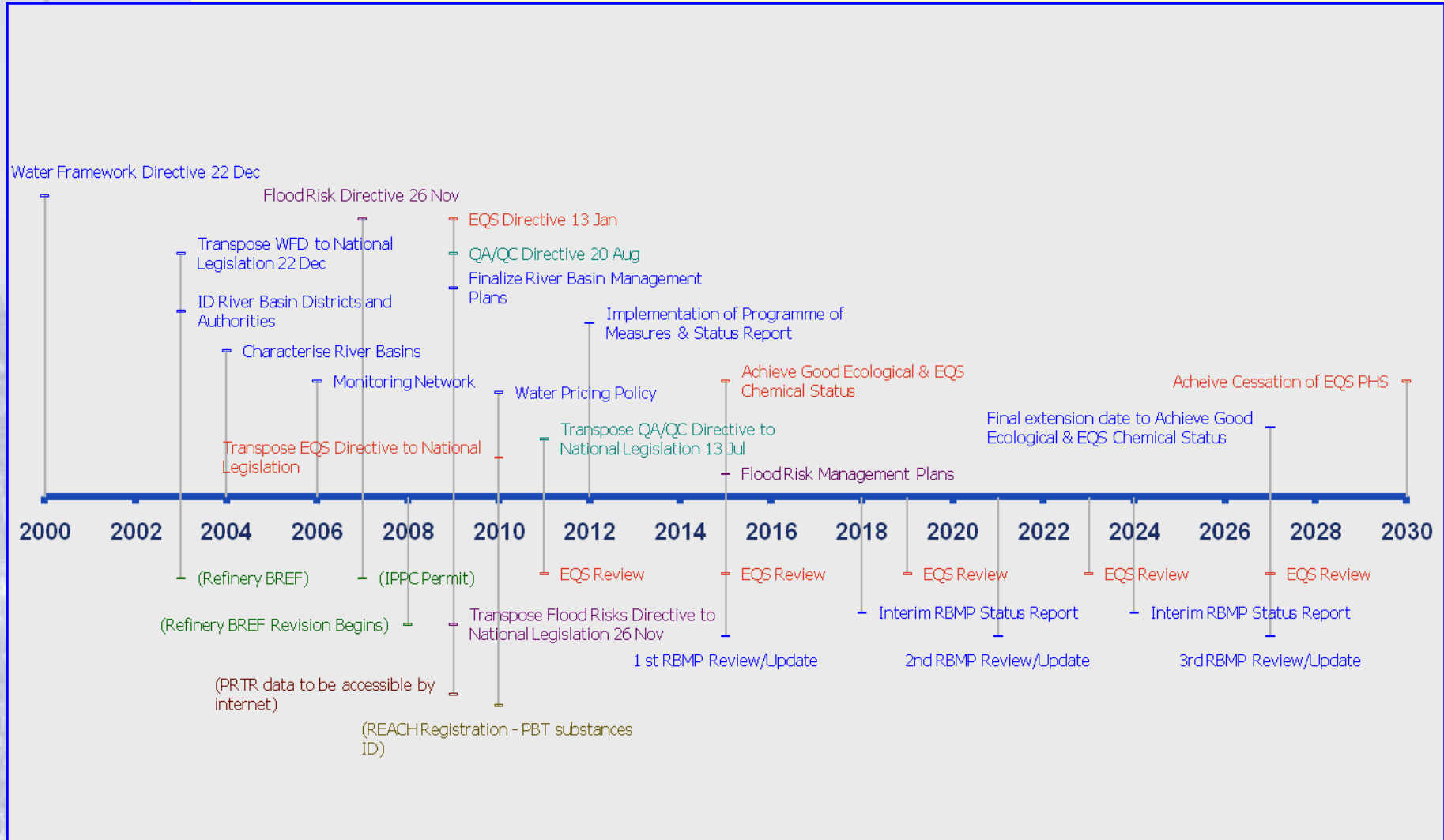
OSPAR

- ✓ OSPAR continues to look at strategies to reduce hazardous substances in the marine environment including Whole Effluent Assessment (WEA)
- ✓ The adoption of the Marine Strategy Framework Directive triggered intensified OSPAR and EU activities à Good Environmental status in 2020 for coastal (overlap with WFD) and marine waters

EU Marine and Mediterranean Partnership

- ✓ In addition to the Marine Strategy Framework Directive, the EU has initiated the Horizon 2020 initiative that seeks to de-pollute the Mediterranean Sea in the forthcoming 20 years

Water Framework Directive Implementation



Water FD impact on Pipelines

- Except for spill into the aquatic environment, the direct impact of the Water FD is deemed minimal.
 - ✓ The potential impacts of pipelines are often addressed in the River Base Management Plans
 - ∅ Impacts of spills
 - ∅ Groundwater quality impacts



■ Purpose

- ✓ Public inventory of environmental release
- ✓ Facilitation of public participation
- ✓ Contributing to the prevention of and reduction of pollution

■ The E-PRTR will

- ✓ Set up a public data base with information on
 - ∅ What was released
 - ∅ Where these took place
 - ∅ The environmental compartment in which the release took place
 - ∅ How much was released
 - ∅ Who was responsible for the release
 - ∅ Any off-site transfers of pollutants
- ✓ Expose installations that are “poor performers”

■ Reporting entities

- ✓ The operator of each facility that undertakes one or more of the activities specified in Annex I above the applicable capacity thresholds specified therein shall report the amounts annually to its competent authority, along with an indication of whether the information is based on measurement, calculation or estimation.
- ✓ Member States (CA) shall provide all the data referred to in Article 5(1) and (2) to the Commission by electronic transfer

■ Definitions of concern for Oil Pipelines

- ✓ 'installation' means a stationary technical unit where one or more activities listed in Annex I are carried out, and any other directly associated activities which have a technical connection with the activities carried out on that site and which could have an effect on emissions and pollution;
- ✓ 'operator' means any natural or legal person who operates or controls the facility or, where this is provided for in national legislation, to whom decisive economic power over the technical functioning of the facility has been delegated
- ✓ 'pollutant' means a substance or a group of substances that may be harmful to the environment or to human health on account of its properties and of its introduction into the environment;
- ✓ 'release' means any introduction of pollutants into the environment as a result of any human activity, whether deliberate or accidental, routine or non-routine, including spilling, emitting, discharging, injecting, disposing or dumping, or through sewer systems without final waste-water treatment;

- Do pipeline spills fulfil these definitions and should these be reported accordingly?
 - ✓ When products are harmful to human health or the environment, a spill classifies for reporting under E-PRTR.
 - ✓ Reporting is to the local, regional or National competent authority, who is the reporting party to the E-PRTR.

- Legislation that is transposed into National law since 30 April 2007
 - ✓ Defines environmental damage
 - ✓ Enforces preventive actions
 - Ø Maintenance
 - Ø Obligation to report these
 - ✓ Enforces remedial actions upon events
 - Ø Primary, Complementary as well as Compensatory.

- Recent EU Court ruling
 - ✓ Operators with installations located close to a polluted area may be deemed liable for the pollution, when a causal link is presumed and a correlation between the pollutant and operators activity is plausibly proven.
 - Ø PR No. 25/10, 9 March 2010 in cases C-378/08, C-379/08 and C-380/08

■ Regulation EC 1272/2008

- ✓ EU declared to support the UNECE - GHS by incorporating this into the Community Law
- ✓ In 2008 this resulted in the publication of a new Regulation on classification, labelling and packaging of substances and mixtures
 - ∅ It amends Regulation (EC) No 1907/2006 (REACH)
 - ∅ It amends and repealing Directives 67/548/EEC and 1999/45/EC
 - Both Directive are completely repealed per 1 June 2015
 - Until then, there are several transitional provisions.

■ Requires that the public and workers are adequately informed on product hazards

- ✓ Use labels to convey information
 - ∅ Tanks are considered containers that should be adequately labelled