



Decision of the Council on the
Exchange of Information
concerning Accidents Capable of
Causing Transfrontier Damage

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Date(s)

Adopted on 08/07/1988

Background Information

The Decision on the Exchange of Information concerning Accidents Capable of Causing Transfrontier Damage was adopted by the OECD Council on 8 July 1988 on the proposal of the Environment Committee. The Decision recognises that increased cooperation between Adherents is needed to address problems arising from the location of hazardous installations in their frontier regions. Hence, under this instrument, Adherents have a duty to exchange information and consult one another with the objective of preventing accidents capable of causing transfrontier damage. Hazardous installations are defined as those which contain more than a threshold quantity of any of the hazardous substances mentioned in Appendix III of this Decision. The Decision only refers to exchanging information amongst Adherents who border one another.

THE COUNCIL,

HAVING REGARD to Article 5 a) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to paragraph 3 of Article 6 of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to the Recommendations of the Council of 14 November 1974 on Principles Concerning Transfrontier Pollution, of 11 May 1976 on Equal Right of Access in Relation to Transfrontier Pollution, of 17 May 1977 for the Implementation of a Regime of Equal Right of Access and Non-Discrimination in Relation to Transfrontier Pollution, and of 21 September 1978 for Strengthening International Co-operation on Environmental Protection in Frontier Regions [C(74)224, C(76)55(Final), C(77)28(Final), C(78)77(Final)];

HAVING REGARD to the Recommendations of the Council of 26 July 1983 concerning the Exchange of Confidential Data on Chemicals and concerning the OECD List of Non-Confidential Data on Chemicals [C(83)97(Final), C(83)98(Final)];

HAVING REGARD to the Declaration on "Environment: Resource for the Future" adopted by the Governments of OECD Member countries and of Yugoslavia at the session of the Environment Committee at Ministerial Level on 20 June 1985 stating that "they will ensure the existence of appropriate measures to control potentially hazardous installations, including measures to prevent accidents";

HAVING REGARD to the Conclusions adopted by the Third High-Level Meeting of the Chemicals Group on 17-18 March 1987 regarding the prevention of, and response to, unintended releases of hazardous substances in the environment;

CONSIDERING that certain hazardous installations are likely to cause serious damage to human health and the environment in the event of a major accident;

CONSIDERING that it is necessary to promote new measures for the prevention of accidents involving hazardous substances and for limiting the adverse consequences of such accidents;

CONSIDERING the need to ensure that frontiers between Member countries do not constitute an obstacle to the transmission of information needed in order to protect human health and the environment in the event of accidents capable of causing transfrontier damage;

CONSIDERING that increased co-operation between Member countries should help to address the international problems which can arise with hazardous installations located in their frontier regions;

On the proposal of the Environment Committee:

DECIDES:

- 1.** Member Countries concerned shall exchange information and consult one another, on a reciprocal basis if so desired, with the objective of preventing accidents capable of causing transfrontier damage and reducing damage should such an accident occur.
- 2.** Member countries shall take all necessary practical steps to implement, on a reciprocal basis if so desired, the provisions set out in Appendix I to this Decision, which is an integral part of this Decision, including, as need be, to conclude arrangements or agreements aimed at specifying procedures for exchanging information relating to accidents capable of causing transfrontier damage.
- 3.** Definitions of terms used in this Decision are given in Appendix II, which is integral part of this Decision.
- 4.** The Environment Committee will examine, within three years, actions taken by Member countries pursuant to this Decision.

5. The Environment Committee will review Appendix III, which is an integral part of this Decision, within three years and will propose, as need be, a revised minimum list for the identification of hazardous installations.

APPENDIX I

PROVISIONS RELATING TO THE EXCHANGE OF INFORMATION

Title A. Exchange of Information on Hazardous Installations

1. Countries concerned shall exchange relevant information for the prevention of, and the response to, accidents at hazardous installations. To this end, the country of the installation shall provide to the exposed country relevant information concerning existing or planned hazardous installations located in the area under its national jurisdiction and capable of causing transfrontier damage in the event of an accident, and the exposed country shall provide to the country of the installation relevant information concerning the area under its jurisdiction capable of being affected by such transfrontier damage.

2. Relevant information supplied by the country of the installation shall include the following information in so far as it is available in accordance with domestic law to the public authorities of the country of the installation:

- a) Location and general description of the hazardous installation capable of causing transfrontier damage;
- b) Common chemical names or, if more appropriate, the generic names or general danger classifications of the main hazardous substances which may cause transfrontier damage in the event of a major accident;
- c) The legislative, regulatory and administrative requirements, including any conditions imposed by the licensing authorities, under which the installation operates;
- d) General information concerning the nature, extent and likely effects off-site of a major accident on human health or the environment, including property; and
- e) Information on the off-site emergency plan relevant to the exposed country.

3. Relevant information supplied by the exposed country relating to the area under its national jurisdiction capable of being affected by transfrontier damage in the event of an accident at the hazardous installation shall include the following information, in so far as it is available in accordance with domestic law to the public authorities of the exposed country:

- a) Distribution of the population, including sensitive groups;
- b) Location and general description of pertinent properties and activities which could be adversely affected; and
- c) Location of natural resources, protected areas, sensitive ecosystems and historical monuments which could be damaged.

4. The countries concerned shall consult one another in case of difficulties in the identification of those hazardous installations under their respective national jurisdictions which shall be subject to an exchange of information.

Title B. Proposals for a Hazardous Installation

5. Where a Member country, through any forum or by any process to which the public has access and through which it can make representations, determines any human health or environmental risks which may be posed by an accident at a proposed hazardous installation or where a Member country requires the completion of a study concerning the impact on human health or the

environment of a proposed hazardous installation in the event of an accident, it shall transmit to an exposed country any conclusions of the enquiry or of the study which it makes available to the public and shall implement the procedures described in Title A above.

6. Where the country of the installation has transmitted to the exposed countries the conclusions referred to in paragraph 5 above, it shall allow a reasonable amount of time for consultations with the exposed countries prior to implementing the proposal for a hazardous installation.

7. Where a Member country convenes or holds, as part of existing procedures, a meeting, enquiry, hearing or session of a tribunal, at which a decision is to be taken or an advice given on the establishment of a hazardous installation, it shall provide the exposed countries with the venues and dates of such a meeting, enquiry, hearing or session at which the proposed hazardous installation will be considered.

8. The country of the installation shall transmit to the exposed countries a copy of the documents concerning any proposal for a hazardous installation which are made available to the public in the country of the installation in accordance with its domestic law.

Title C. Organisation of Emergency Measures

9. The countries concerned shall consult one another with a view to co-ordinating the off-site emergency plans relating to a hazardous installation capable of causing transfrontier damage. They shall inform one another of the communication systems to be used, the main features of their emergency plans and the means available for emergency response in the event of an accident capable of causing transfrontier damage.

10. The countries concerned shall inform one another of the instructions given to their respective populations on how to respond in the event of an accident capable of causing transfrontier damage and on any evacuation or protection measures to be taken in the event of such an accident or imminent threat of such an accident.

Title D. Transmission of the Emergency Warnings

11. In the event of an accident or imminent threat of an accident capable of causing transfrontier damage, the country of the installation shall immediately transmit an emergency warning to the exposed countries.

Title E. Organisation of the Subsequent Transmission of Information Relating to the Accident

12. In the absence of an agreed system for transmitting information relating to an accident, the country of the installation shall communicate to the authorities responsible for receiving emergency warnings in the exposed countries appropriate information relating to the accident or imminent threat of an accident.

13. The countries concerned shall draw up, as need be, procedures and practical arrangements for rapid and effective transmission of information relating to an accident or to the imminent threat of an accident capable of causing transfrontier damage, and they shall set up, as need be, systems for communication of pertinent information following an accident. The information to be transmitted shall include:

- a) Accident location and brief description of the circumstances;
- b) Immediate effects of the accident;
- c) Emergency measures planned and actions taken;
- d) Chemical identity, quantity and physical form of the hazardous substances which may affect an exposed country; and
- e) Data available for evaluating the probable impact of the accident in an exposed country.

Title F. Confidentiality

14. The obligations of the countries concerned to transmit the relevant information referred to above shall be subject to the limitations of their domestic law concerning the protection of confidential information, including both proprietary data and information protected for reasons of national security.

15. The receiving country shall respect the confidentiality of the information received. It shall not make available to its public information that is not made available to the public in the country supplying it.

16. The information supplied in the framework of the implementation of this Decision may be used only for assessing the nature and extent of the potential transfrontier damage and for reducing the consequences of an accident beyond the frontier or for coping with the imminent threat of an accident capable of causing transfrontier damage.

Title G. Identification of Competent Authorities

17. The countries concerned shall notify one another of the identity and details of the following:

- a) National, regional and/or local authorities responsible for transmitting or receiving the relevant information referred to in paragraphs 2 and 3 above;
- b) Authorities responsible for implementing the off-site emergency plans referred to in paragraphs 9 and 10 above; and
- c) Authorities responsible for transmitting and receiving the emergency warnings referred to in paragraph 11 above at national, regional and/or local levels.

Title H. Information from other Sources

18. The above provisions shall not prejudice the direct transmission of information by the operator of a hazardous installation to the authorities or to the public in the exposed countries with the objective of preventing accidents in the hazardous installation or reducing transfrontier damage should an accident occur.

Title I. Strengthening International Co-operation

19. The countries concerned shall co-operate in ensuring that persons in the exposed country who might be affected by an accident in the country of the installation receive the same information that is provided to persons who might be affected in the country of the installation.

20. The above provisions shall be taken into account by Member countries when preparing agreements or arrangements with non-member countries on the subject area covered by this Decision.

21. The above provisions shall not prejudice the organisation of wider exchanges of information or consultations between the countries concerned with the objective of preventing accidents involving hazardous substances and reducing transfrontier damage should an accident occur; nor shall it prejudice the conclusion of subsequent agreements intended to specify the scope and extent of the exchanges of information provided for under this Decision.

APPENDIX II

DEFINITIONS

For the purpose of this Decision,

- a) "Hazardous installation" means an industrial installation which contains more than the threshold quantity of any of the hazardous substances mentioned in Appendix III and in which are used, stored or produced such hazardous substances which are capable, in the

event of an accident, of causing serious damage to human health or the environment, including property, outside the installation site, with the exclusion of military or nuclear installations;

- b) "Proposal for a hazardous installation" means any proposal made to a competent authority to set up a new hazardous installation and any proposal involving substantial modification of an existing hazardous installation;
- c) "Accident" means any occurrence involving a hazardous substance such as a major emission, fire or explosion at a hazardous installation leading to serious damage to human health or the environment, including property;
- d) "Hazardous substance" means any substance which is capable of causing serious damage to human health or the environment, including property, in the event of an accident in a hazardous installation and which is identified in Appendix III;
- e) "Transfrontier damage" means any serious damage to human health or the environment, including property, suffered by an exposed country in the event of an accident and, in general, by the country of the accident;
- f) "Sensitive group" means any group of persons particularly sensitive to the consequences of an accident as a result of their age, health conditions or way of life;
- g) "Country of the installation" means any Member country within whose jurisdiction there is a hazardous installation or a proposal for a hazardous installation;
- h) "Exposed country" means any Member country other than the country of the installation which suffers serious damage as a result of an accident, or which is capable of being affected by such damage in an area under its national jurisdiction;
- i) "Countries concerned" means the country of the installation and the exposed country or countries.

APPENDIX III

THRESHOLD QUANTITIES OF HAZARDOUS SUBSTANCES

Hazardous Substances / Threshold quantity (tonnes)

1. Flammable, explosive or oxidizing substances:

Flammable gases
including liquified flammable gases¹ / 200
Highly flammable liquids² / 50 000
Ethylene oxide / 50
Sodium chlorate / 250
Ammonium nitrate / 2 500

2. Substances toxic to man and/or the environment:

Ammonia / 500
Chlorine / 25
Hydrogen cyanide / 20
Hydrogen fluoride / 50
Methyl isocyanate / 0.15

Sulphur dioxide / 250
Acrylonitrile / 200
Hydrogen sulphide / 50
Phosgene / 0.75
Methylbromide / 200
Tetraethyl lead / 50
Disulfoton / 0.1
Parathion / 0.1
Warfarin / 0.1
Aldicarb / 0.1

The hazardous substances and threshold quantities mentioned above are without prejudice to those used in more extensive lists of hazardous installations developed in a national or international context.

¹ Flammable gases: substances which in the gaseous state at normal pressure and mixed with air become flammable and the boiling point of which at normal pressure is 20° C or below.

² Highly flammable liquids: substances which have a flash point lower than 21° C and the boiling point of which at normal pressure is above 20° C.

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