

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 (Text with EEA relevance)

Article 20

Inspections

1 Member States shall ensure that the competent authorities organise a system of inspections.

2 Inspections shall be appropriate to the type of establishment concerned. They shall not be dependent upon receipt of the safety report or any other report submitted. They shall be sufficient for a planned and systematic examination of the systems being employed at the establishment, whether of a technical, organisational or managerial nature, so as to ensure in particular that:

- a the operator can demonstrate that he has taken appropriate measures, in connection with the various activities of the establishment, to prevent major accidents;
- b the operator can demonstrate that he has provided appropriate means for limiting the consequences of major accidents, on-site and off-site;
- c the data and information contained in the safety report, or any other report submitted, adequately reflects the conditions in the establishment;
- d information has been supplied to the public pursuant to Article 14.

3 Member States shall ensure that all establishments are covered by an inspection plan at national, regional or local level and shall ensure that this plan is regularly reviewed and, where appropriate, updated.

Each inspection plan shall include the following:

- a a general assessment of relevant safety issues;
- b the geographical area covered by the inspection plan;
- c a list of the establishments covered by the plan;
- d a list of groups of establishments with possible domino effects pursuant to Article 9;
- e a list of establishments where particular external risks or hazard sources could increase the risk or consequences of a major accident;
- f procedures for routine inspections, including the programmes for such inspections pursuant to paragraph 4;
- g procedures for non-routine inspections pursuant to paragraph 6;
- h provisions on the co-operation between different inspection authorities.

4 Based on the inspection plans referred to in paragraph 3, the competent authority shall regularly draw up programmes for routine inspections for all establishments including the frequency of site visits for different types of establishments.

The period between two consecutive site visits shall not exceed one year for upper-tier establishments and three years for lower-tier establishments, unless the competent authority has drawn up an inspection programme based on a systematic appraisal of major-accident hazards of the establishments concerned.

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5 The systematic appraisal of the hazards of the establishments concerned shall be based on at least the following criteria:

- a the potential impacts of the establishments concerned on human health and the environment;
- b the record of compliance with the requirements of this Directive.

Where appropriate, relevant findings of inspections carried out under other Union legislation shall also be taken into account.

6 Non-routine inspections shall be carried out to investigate serious complaints, serious accidents and 'near misses', incidents and occurrences of non-compliance as soon as possible.

7 Within four months after each inspection, the competent authority shall communicate the conclusions of the inspection and all the necessary actions identified to the operator. The competent authority shall ensure that the operator takes all those necessary actions within a reasonable period after receipt of the communication.

8 If an inspection has identified an important case of non-compliance with this Directive, an additional inspection shall be carried out within six months.

9 Inspections shall, where possible, be coordinated with inspections under other Union legislation and combined, where appropriate.

10 Member States shall encourage the competent authorities to provide mechanisms and tools for exchanging experience and consolidating knowledge, and to participate in such mechanisms at Union level where appropriate.

11 Member States shall ensure that operators provide the competent authorities with all necessary assistance to enable those authorities to carry out any inspection and to gather any information necessary for the performance of their duties for the purposes of this Directive, in particular to allow the authorities to fully assess the possibility of a major accident and to determine the scope of possible increased probability or aggravation of major accidents, to prepare an external emergency plan and to take into account substances which, due to their physical form, particular conditions or location, may require additional consideration.