**Decree on Major-accident Hazards 2015
Applicable from 08-07-2015 to date**

Decree of 25 June 2015, establishing the Decree on major-accident hazards 2015 and a revision of several other decrees related to the implementation of Directive 2012/18/EU of the European Parliament and the Council of 4 July 2012 related to the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (Decree on major-accident hazards 2015)

We, Willem-Alexander, by the grace of God, King of the Netherlands, Prince of Orange-Nassau, etc., etc., etc.

On the recommendation of the State Secretary of Infrastructure and the Environment of 17 February 2015, No. IenM/BSK-2015/16340, Administrative and Legal Affairs Department, also on behalf of the Minister of Social Affairs and Employment and the Minister of Security and Justice.

Having regard to Directive 2012/18/EU of the European Parliament and the Council of 4 July 2012 related to the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (OJEU 2012, L197) and Articles 8.40, 8.41, 8.42, 19.3 (1), and 21.8 of the Environmental Management Act, Articles 2.8 and 2.22 (3), of the Environmental Law (General Provisions) Act (WABO), Articles 6 (1), 7 (1), 16 (1) (7) (8) and (10), 27 (5), 28a, (1) and (7), 33 (2) and (3), and 34 (4) (5) (6) (7) and (9), of the Working Conditions Act (Arbowet) and Articles 31 (4), 48 (6), 49 (1) and 61 (2), of the Security Regions Act;

Heard by the Advisory Division of the Council of State (opinion of 7 May 2015, No. W14.15.0034/IV);

Having considered the detailed report from the State Secretary of Infrastructure and the Environment of 23 June 2015, No. IenM/BSK-2015/114865, Administrative and Legal Affairs Department, also on behalf of the Minister of Social Affairs and Employment and the Minister of Security and Justice.

Have approved and decreed the following:

**Paragraph 1. Definitions and scope**

**Article 1**

**1.** In this Decree and the provisions based thereon the following definitions apply:

 *Presence of dangerous substances:* the actual or anticipated presence of dangerous substances in the establishment, or of dangerous substances which it is reasonable to foresee may be generated during loss of control of the processes, including storage activities, in any installation within the establishment, in quantities equal to or exceeding the qualifying quantities set out in Part 1 or Part 2 of Annex I to the Directive;

 *other establishment:*

a. an establishment to which, on 31 May 2015, the Decree on major-accident hazards 1999 did not apply and to which this Decree applies on or after the day this Decree enters into force; or

b. a lower-tier establishment that becomes an upper-tier establishment or vice versa, on or after the day this Decree enters into force,

 for reasons other than modifications to its installations or activities resulting in a change in its inventory of dangerous substances;

 *existing establishment:* an establishment to which, on 31 May 2015, the Decree on major-accident hazards 1999 applied and to which this Decree applies on or after the day this Decree enters into force, without changing its classification as a lower-tier establishment or upper-tier establishment;

 *competent authority:* an administrative authority as referred to in Article 1.1 (1), of the Environmental Law (General Provisions) Act;

 *minerals:* substances as referred to in Article 1, section a, of the Mining Act;

 *operator:* any natural or legal person who operates or controls an establishment;

 *dangerous substance:* a substance or mixture covered by Part 1 or listed in Part 2 of Annex I to the Directive;

 *upper-tier establishment:* an establishment where dangerous substances are or may be present in quantities equal to or in excess of the quantities listed in Column 3 of Part 1 or in Column 3 of Part 2 of Annex I to the Directive, where applicable using the summation rule laid down in note 4 to Annex I to the Directive;

 *establishment:* establishment as referred to in Article 1.1 (1), of the Environmental Management Act, either a lower-tier establishment or upper-tier establishment;

 *installation:* a technical unit within an establishment in which dangerous substances are produced, used, handled or stored;

 *internal emergency plan:* plan as referred to in Article 11 (1);

 *lower-tier establishment:* an establishment where dangerous substances are or may be present in quantities equal to or in excess of the quantities listed in Column 2 of Part 1 or in Column 2 of Part 2 of Annex I to the Directive, but less than the quantities listed in Column 3 of Part 1 or in Column 3 of Part 2 of Annex I to the Directive, where applicable using the summation rule laid down in note 4 to Annex I to the Directive;

 *inventory of dangerous substances:* inventory as referred to in Article 6 (1), section f;

 *new establishment:*

a. an establishment that enters into operation or is constructed, on or after the day this Decree enters into force;

b. an establishment to which, on 31 May 2015, the Decree on major-accident hazards 1999 did not apply and to which this Decree applies on or after the day this Decree enters into force due to modifications to its installations or activities resulting in a change in its inventory of dangerous substances; or

c. a lower-tier establishment that becomes an upper-tier establishment or vice versa, on or after the day this Decree enters into force, due to modifications to its installations or activities resulting in a change in its inventory of dangerous substances;

 *environmental permit:* environmental permit for an activity as referred to in Article 2.1 (1) (e) of the Environmental Law (General Provisions) Act;

 *Our Minister:* Our Minister of Infrastructure and the Environment;

 *storage:* the presence of a quantity of dangerous substances for the purposes of warehousing, depositing in safe custody or keeping in stock;

 *major-accident prevention policy (MAPP):* prevention policy as referred to in Article 7 (1) and (2);

 *crisis plan:* plan as referred to in Article 6.1.1. of the Security Regions Act;

 *directive:* Directive 2012/18/EU of the European Parliament and the Council of 4 July 2012 related to the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (OJEU 2012, L197);

 *inspector:* persons appointed by the competent authority, the inspector, as referred to in Article 1 (3) (d) of the Working Conditions Act, or persons appointed pursuant to Article 61 (1) of the Security Regions Act;

 *safety management system:* management system as referred to in Article 7 (6);

 *safety report:* report as referred to Article 10 (1), (2) and (3);

 *major accident:* an occurrence resulting from uncontrolled developments in the course of the operation of an establishment leading to serious danger to human health or the environment, immediate or delayed, inside or outside the establishment, and involving one or more dangerous substances.

**2.** An amendment to Annexes I to IV inclusive to the Directive applies to the application of this Decree and the provisions based thereon in force from the day on which the related amendments must be implemented, unless a different date is established by Ministerial Decree, announced in the Government Gazette.

**Article 2**

**1.** This Decree does not apply to:

a. military establishments, installations or storage facilities;

b. the transport of dangerous substances and directly related intermediate temporary storage by road, rail, internal waterways, sea or air, outside establishments;

c. the transport of dangerous substances in pipelines as referred to in Article 12.11 (1) (d) of the Environmental Management Act, outside establishments;

d. the exploitation, namely the exploration, extraction and processing, of minerals in mines and quarries, including by means of boreholes;

e. the offshore exploration and exploitation of minerals;

f. the storage of gas at underground offshore sites, including both dedicated storage sites and sites where exploration and exploitation of minerals are also carried out;

g. waste land-fill sites, including underground waste storage.

 **2.** By way of derogation from points (d) and (g) of the first paragraph, this Decree applies to:

a. onshore underground gas storage in natural strata, aquifers, salt cavities and disused mines; and

b. chemical and thermal processing operations and storage related to those operations which involve dangerous substances, as well as operational tailings disposal facilities, including tailing ponds or dams, containing dangerous substances.

**Article 3**

**1.** The provisions laid down by or in virtue of this Decree apply to the employer, other than the operator, insofar as it concerns the protection of the health and safety of his or her employees working in the establishment.

**2.** The provisions laid down by or in virtue of this Decree correspondingly apply to the self-employed and employer that carry out the work insofar as it concerns their own health and safety.

**3.** The operator, employer, as referred to in paragraph one, and the self-employed and employer as referred to in paragraph two, without prejudice to their own responsibility, jointly and in consultation, will implement the provisions laid down by or in virtue of this Decree related to the protection of the health and safety of:

a. the employees working in the establishment;

b. the self-employed, as referred to in paragraph two; and

c. the employer, as referred to in paragraph two.

**Article 4**

**1.** The competent authority ensures the coordination of the implementation of powers derived from or by virtue of this Decree.

**2.** The bodies charged with implementing or enforcing the provisions laid down by or in virtue of this Decree shall immediately exchange the information they possess, insofar as this information is necessary for them to perform their tasks effectively.

**3.** Any exercise of powers, as referred to in paragraph one, shall be jointly coordinated with the bodies, as referred to in paragraph two.

**4.** The operator can comply with the provisions laid down by or in virtue of this Decree by submitting information collected in order to comply with other legal provisions, provided that the information concerned complies with the provisions laid down by or in virtue of this Decree.

**5.** In a regulation laid down by Our Minister, in agreement with Our Ministers of Social Affairs and Employment and Security and Justice, additional rules may be established, related to paragraphs one to four inclusive.

**Paragraph 2. General provisions**

**Article 5**

**1.** The operator shall undertake all the measures necessary to prevent major accidents and limit their consequences for human health and the environment.

**2.** The operator must be able to demonstrate to the appointed inspectors at all times that he or she has implemented all the measures necessary.

**3.** It is forbidden to operate the establishment or a part thereof if the measures to be taken laid down by or in virtue of this Decree have not been implemented or are clearly inadequate.

**Article 6**

**1.** The operator must send a notification to the competent authority containing the following information:

a. the operator's name and/or trade name;

b. the full address of the establishment concerned;

c. the registered place of business of the operator, with the full address, if different from that in part b;

d. the name and position of the person actually in charge of the establishment, if this person is not the operator;

e. information necessary to identify the dangerous substances and category of substances involved or likely to be present at the establishment;

f. an inventory of the quantities, nature and physical forms of the dangerous substances involved or likely to be present at the establishment;

g. the activities exercised at the establishment;

h. information related to the immediate environment of the establishment, and factors likely to cause a major accident or to aggravate the consequences thereof.

**2.** In the notification, the operator of an upper-tier establishment also includes the establishment's group risk and location-related risk, as referred to in Article 1 (1), (j), respectively (o), of the Public Safety Establishments Decree.

**3.** The operator shall send the notification, as referred to in paragraph one, or its updated version, to the competent authority:

a. for new establishments, with the application for an environmental permit;

b. for existing establishments and other establishments, within one year from the date from which this Decree applies to the establishment concerned.

**4.** Paragraph three shall not apply if:

a. the operator has already sent a notification or already submitted the information, as referred to in paragraphs 1 and 2, to the competent authority before the day this Decree enters into force, with the application for an environmental permit;

b. the information contained therein complies with paragraphs 1 and 2; and

c. the information remains unchanged.

**5.** The operator shall inform the competent authority in advance of the following events:

a. any significant increase or decrease in the quantity of the dangerous substance present, included in the inventory of dangerous substances;

b. a significant change in:

1°. the nature or physical form of the dangerous substance present, included in the inventory of dangerous substances;

2°. the processes employing a dangerous substance, included in the inventory of dangerous substances;

c. modification of an establishment or an installation which could have significant consequences in terms of major-accident hazards;

d. the permanent closure of the establishment or its de-commissioning; or

e. changes in the information referred to in parts a to d inclusive of paragraph 1.

**6.** The operator informs the competent authority about the modifications, as referred to in paragraph 5, in the application for an environmental permit, or well before the modifications take place.

**7.** The operator must ensure that the inventory of dangerous substances can be consulted by anyone.

**8.** In a regulation laid down by Our Minister, in agreement with Our Ministers of Social Affairs and Employment and Security and Justice, additional rules may be established, related to paragraphs one, and five to seven inclusive.

**Article 7**

**1.** The operator shall draw up a document in writing setting out the major-accident prevention policy (MAPP). The MAPP contains:

a. the operator’s overall aims;

b. the principles of the operator's activities;

c. the role and responsibility of management; and

d. the commitment towards continuously improving the control of major-accident hazards, and ensuring a high level of protection.

**2.** The MAPP shall be designed to ensure a high level of protection of human health and the environment. It shall be proportionate to the major-accident hazards..

**3.** The MAPP shall be drawn up:

a. for new establishments, with the application for an environmental permit;

b. for existing establishments and other establishments, within one year from the date from which this Decree applies to the establishment concerned.

**4.** Paragraph three shall not apply if:

a. the operator has already established the MAPP before the day this Decree enters into force;

b. the information contained therein complies with paragraphs 1 and 2; and

c. the information remains unchanged.

**5.** Without prejudice to Article 9, the operator shall periodically review the MAPP, at least every five years. If necessary the operator shall update the MAPP.

**6.** The operator ensures the correct implementation of the MAPP. The MAPP shall be implemented by a safety management system, that complies with the elements cited in Annex III to the Directive, proportionate to the major-accident hazards, and the complexity of the organisation or the activities of the establishment.

**7.** In a regulation laid down by Our Minister, in agreement with Our Ministers of Social Affairs and Employment and Security and Justice, additional rules may be established, related to paragraphs one, two, five and six.

**Article 8**

**1.** Using all available information the competent authority shall identify establishments or groups of establishments where the risk or consequences of a major accident may be increased because of the geographical position and the proximity of such establishments, and their inventories of dangerous substances could be greater than expected based on the quantities present in these separate establishments.

**2.** Where the competent authority has additional information to that provided by the operator pursuant to point (h) of Article 6 (1), it shall make this information available to that operator, if it is necessary for the application of this Article..

**3.** The operators of the establishments identified in accordance with paragraph 1 shall exchange suitable information to enable those establishments to take account of the nature and extent of the overall hazard of a major accident in their MAPP, safety management systems, safety reports and internal emergency plans, as appropriate.

**4.** The operators of the establishments, identified in accordance with paragraph 1, shall cooperate in informing the public and neighbouring sites that fall outside the scope of this Decree, and in supplying information for the compilation of the crisis plan by the Security Region's Board as referred to in Article 6.1.1 of the Security Regions Decree.

**5.** In a regulation laid down by Our Minister, in agreement with Our Ministers of Social Affairs and Employment and Security and Justice, additional rules may be established, related to paragraphs one to four inclusive.

**Article 9**

**1.** In the event of the modification of an installation, establishment, storage facility, or process or of the nature or physical form or quantity of dangerous substances which could have significant consequences for major-accident hazards, or could result in a lower-tier establishment becoming an upper-tier establishment or vice versa, and for which no environmental permit is required based on Article 2.4 of the Environmental Law (General Provisions) Act, the operator must review, and where necessary update the notification, the MAPP, the safety management system and the safety report, if this has not already been done to comply with regulations laid down by or pursuant to this Decree.

**2.** The operator informs the competent authority of the details of the modifications, as referred to in paragraph 1, before the modifications take place.

**Paragraph 3. Upper-tier establishments**

**Article 10**

**1.** The operator of an upper-tier establishment shall draw up a safety report and ensure that a safety plan is available in the establishment that provides the current state of affairs related to the safety of the establishment concerned.

**2.** The safety report shall contain at least the data and information listed in Annex II to the Directive, in a way that demonstrates that:

a. a MAPP and a safety management system for implementing it have been put into effect;

b. major-accident hazards and possible major-accident scenarios have been identified and that the necessary measures have been taken to prevent such accidents and to limit their consequences for human health and the environment;

c. adequate safety and reliability have been taken into account in the design, construction, operation and maintenance of any installation, storage facility, equipment and infrastructure connected with its operation, which are linked to major-accident hazards inside the establishment; and

d. internal emergency plans have been drawn up.

**3.** The safety report shall also contain the names of the relevant organisations involved in the drawing up of the report and demonstrate that the information necessary for compiling a crisis plan is available.

**4.** The operator shall draw up and send the safety report to the competent authority:

a. for new establishments, with the application for an environmental permit;

b. for existing establishments, before 1 June 2016;

c. for other establishments, within two years from the date from which this Decree applies to the establishment.

**5.** Paragraph four shall not apply if:

a. the operator has already sent the safety report to the competent authority before the day this Decree enters into force;

b. the information contained therein complies with paragraphs 2 to 4 inclusive; and

c. the information remains unchanged.

**6.** If, pursuant to paragraphs 1 to 3 inclusive, only parts of the safety report require changing, the operator shall submit any changed parts of the safety report in the format agreed by the competent authority, respecting paragraph 4.

**7.** Without prejudice to Article 9, the operator shall periodically review the safety report at least every five years. If necessary the operator shall update the safety report.

**8.** Without prejudice to paragraph 7, the operator shall also review and where necessary update the safety report following a major accident at its establishment, and at any other time at the initiative of the operator or at the request of the competent authority, where justified by new facts or by new technological knowledge about safety matters.

**9.** The safety report that complies with paragraph 7 or 8 shall be updated or updated parts thereof shall be sent to the competent authority without delay.

**10.** The competent authority shall communicate the conclusions of its examination of the safety report to the operator within a reasonable period of receipt of the report.

**11.** The safety report and changes thereto, insofar as it concerns parts 1, 2, sub b and d, 3, 4, and 5 of Annex II to the Directive, insofar as the parts relate to protection of the health and safety of the employees working in the establishment, is drawn up in consultation with the employees concerned, in the absence of a Works Council or staff representation, before being sent to the competent authority.

**12.** The operator shall ensure that parts of the safety report cited in paragraph 2 can be consulted, if desired by:

a. the employees working in the establishment;

b. in-house emergency response workers, as referred to in Article 15, paragraph 1, of the Working Conditions Act;

c. external emergency response organisations, as referred to in Article 3, paragraph 1 (e), of the Working Conditions Act;

d. experts, cited in Article 13, paragraph 2, of the Working Conditions Act;

e. experts or health and safety services, cited in Articles 14 and 14a of the Working Conditions Act; and

f. employees working in the establishment, cited in Article 3, paragraph 2.

**13.** In a regulation laid down by Our Minister, in agreement with Our Ministers of Social Affairs and Employment and Security and Justice, additional rules may be established, related to paragraphs 1 to 3 inclusive and 6 to 10 inclusive.

**Article 11**

**1.** The operator of an upper-tier establishment draws up an internal emergency plan for the measures to be taken inside the establishment in the event of a major accident, focusing on containing, controlling and limiting the effects as much as possible of major accidents for employees working in the establishment, cited in Article 3, paragraphs 1 and 2, the environment and property, cited in Article 10, paragraph 2 (c), and for external communication about the matter if a major accident occurs. The internal emergency plan must at least include the information and descriptions, included in Annex IV to the Directive.

**2.** The operator must review the internal emergency plan at least every three years. If necessary the operator shall update the internal emergency plan. In the review the operator shall take into account operating and production methods applied in the establishment and for external emergency services, as referred to in Article 3, paragraph 1 (e), of the Working Conditions Act, changes of a technological or organisational nature and changes to insights into safety that could have significant effects on the risks of a major accident.

**3.** The internal emergency plan and changes thereto are drawn up in consultation with the employees concerned, in the absence of a Works Council or staff representation. The internal emergency plan and changes thereto are also drawn up in consultation with the personnel of other employers based on long-term relevant subcontracted personnel working inside the **establishment.**

**4.** The operator shall ensure that the internal emergency plan can be consulted, if desired by:

a. the employees working in the establishment;

b. in-house emergency response workers, as referred to in Article 15, paragraph 1, of the Working Conditions Act;

c. external emergency response organisations, as referred to in Article 3, paragraph 1 (e), of the Working Conditions Act;

d. experts, cited in Article 13, paragraph 2, of the Working Conditions Act;

e. experts or health and safety services, cited in Articles 14 and 14a of the Working Conditions Act; and

f. employees working in the establishment, cited in Article 3, paragraph 2.

**5.** The internal emergency plan is drawn up:

a. for new establishments, within a reasonable period of time prior to the start of operations, or prior to the modifications leading to a change in the inventory of dangerous substances;

b. for existing upper-tier establishments, before 1 June 2016;

c. for other establishments, within two years from the date from which this Decree applies to the establishment.

**6.** Paragraph five (b) shall not apply if:

a. the operator has already drawn up the internal emergency plan before the day this Decree enters into force;

b. the information contained therein complies with paragraph 2; and

c. the information remains unchanged.

**7.** In a regulation laid down by Our Minister, in agreement with Our Ministers of Social Affairs and Employment and Security and Justice, additional rules may be established, related to paragraph 1.

**Article 12**

**1.** The operator of an upper-tier establishment keeps an up-to-date inventory of the dangerous substances present in the establishment and ensures this inventory is available in the establishment at all times. This list includes:

a. a description of the dangerous substances that are present in the establishment;

b. the nature and physical forms of these substances under the circumstances applicable in the establishment and in the event of a foreseeable accident; and

c. the quantities in which these substances are present in the establishment.

**2.** The operator ensures that the authorities' emergency services have direct access to the inventory, as referred to in paragraph 1, for each installation.

**3.** In a regulation laid down by Our Minister, in agreement with Our Ministers of Social Affairs and Employment and Security and Justice, additional rules may be established, related to paragraphs 1 and 2.

**Paragraph 4. Inspections**

**Article 13**

**1.** Inspectors jointly ensure the organisation and management of an inspection system.

**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.

**3.** Inspections 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 or she has taken appropriate measures to prevent major accidents;

b. the operator can demonstrate that he or she has provided appropriate means for limiting the consequences of major accidents, on-site and off-site; and

c. the data and information contained in the safety report, or any other report submitted, adequately reflect the conditions in the establishment;

**4.** Inspectors shall jointly compile an inspection plan for all establishments.

**5.** The inspection plan shall at least 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 designated establishments pursuant to Article 8 (1);

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 7;

g. procedures for non-routine inspections pursuant to paragraph 12; and

h. provisions on the cooperation between different inspection authorities.

**6.** Inspectors will regularly review the inspection plan. If necessary the inspectors shall update the inspection plan.

**7.** Based on the inspection plans the inspectors shall regularly draw up programmes for routine inspections and non-routine inspections for all establishments.

**8.** The programmes, as referred to in paragraph 7, shall include the frequency of site inspections for different types of establishments. The period between two consecutive site inspections shall not exceed:

a. one year for upper-tier establishments;

b. three years for lower-tier establishments.

**9.** Paragraph 8, second sentence, does not apply if the inspectors have compiled an inspection programme based on a systematic appraisal of major-accident hazards at the establishments concerned.

**10.** 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 Decree.

**11.** Without prejudice to paragraph 10, if relevant, taking into account findings of inspections carried out under other legislation.

**12.** 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.

**13.** Inspectors shall communicate the conclusions of each inspection to the operator within four months of the inspection being carried out.

**14.** The inspectors shall ensure that the operator takes all the necessary actions within a reasonable period after receipt of the communication, as referred to in paragraph 13.

**15.** If an inspection has identified an important case of non-compliance with the provisions laid down by or pursuant to this Decree, an additional inspection shall be carried out within six months.

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

**17.** The competent authority shall disclose to any interested person:

a. the date of the last routine site inspection at an establishment or a reference to the place where this information can be consulted electronically; and

b. information related to the way in which additional, detailed data about the inspection and inspection plan may be obtained on request.

**18.** In a regulation laid down by Our Minister, in agreement with Our Ministers of Social Affairs and Employment and Security and Justice, additional rules may be established, related to paragraphs 3 and 6 to 8 inclusive, 10 to 12 inclusive and 14 to 17 inclusive.

**Article 14**

In a regulation laid down by Our Minister, in agreement with Our Ministers of Social Affairs and Employment and Security and Justice, rules are established related to the data the operator discloses to the inspector following a major accident, and related to the inspection the latter must perform.

**Paragraph 5. Public access to environmental information**

**Article 15**

**1.** Data as referred to in Article 19.3, paragraph 1, last sentence, of the Environmental Management Act is understood to be:

a. the up-to-date inventory of dangerous substances present in the establishment as referred to in Article 12;

b. the inspection report, or report with the inspector's findings;

c. the inventory of dangerous substances; and

d. the safety report.

**2.** If the inspector, in relation to the inspection report, as referred to in paragraph 1 (a), or the competent authority in relation to the safety report, applies the powers, as referred to in Article 19.3, paragraph 1, first sentence, of the Environmental Management Act, an amended report will be made available, which at least includes general information about major-accident hazards, the potential effects on human health and the environment in the event of a major accident and the findings, if applicable.

**3.** If, pursuant to paragraphs 1 and 2, an amended safety report is submitted, from which the description of certain substances is omitted, these substances are also omitted from the inventory of dangerous substances.

**Paragraph 6. Penalties**

**Article 16**

Acting, or failing to act contrary to the provisions laid down by or pursuant to Article 48, paragraph 6, of the Security Regions Act in Articles 10, paragraphs 3 and 7 to 9 inclusive, Article 12, paragraphs 1 and 2, is a punishable offence as referred to in Article 1a, (1°), of the Act on Economic Crimes.

**Article 17**

**1.** The employer, whether the operator or employer, as referred to in Article 3 (1) acting or failing to act contrary to the provisions laid down by or pursuant to Article 6 (1), second paragraph of the Working Conditions Act or laid down by or pursuant to Article 3 paragraphs 1 and 3, Articles 5, 6, first, third and fifth to eighth paragraphs inclusive, 7, paragraphs 1, 2, 3, 5, 6 and 7, Article 8, paragraphs 3 to 5 inclusive, Articles 9, 10, paragraphs 1 to 4, 6 to 9, 11 to 13 inclusive, Article 11, paragraphs 1 to 5 and 7, Articles 12, 13 paragraph 3, Articles 14 or 15, second paragraph, is established as a punishable offence as referred to in Article 6, third paragraph, of the Working Conditions Act.

**2.** A violation for which an administrative penalty may be imposed, is defined as the employer, acting or failure to act, whether the operator or employer, as referred to in Article 3 (1) or the self-employed person or employer performing work in the establishment, contrary to the provisions laid down by or pursuant to Article 3 (2) or as established in the Articles cited in paragraph 1, with the exception of Article 5 (3).

**3.** A serious violation in the sense of Article 34 (6) and (9), of the Working Conditions Act is defined as the employer, whether the operator or employer, as referred to in Article 3 (1) or the self-employed person or employer performing work in the establishment, knowing or having reasonable grounds for knowing, that danger to life or serious damage to health of one or more employees or a self-employed person or the employer performing work in the establishment, arises or is likely to arise.

**4.** Similar obligations and prohibitions as referred to in Article 34 (5) and (7) of the Working Conditions Act are defined as the obligations and prohibitions laid down by or pursuant to a different paragraph or part of the Articles and paragraphs cited in paragraph one, provided that the standard fine related to the administrative penalty for violation of this obligation or prohibition based on the policy regulations, as referred to in Article 34 (10), of the Working Conditions Act, is higher than 12,500 euro.

**5.** By way of derogation from paragraph four, a violation of Article 5 (1), or Article 7 (6), is established as a similar violation if the standard fine for this violation based on the policy regulations, as referred to in Article 34 (10), of the Working Conditions Act, is included in the same fine category as the standard fine related to the previous violation.

**6.** To ensure compliance with the provisions laid down by or pursuant to the Articles cited in paragraph one, an order for coercive administrative action may be imposed.

**Article 18**

**1.** Following a repeat of a violation or similar violation a warning, as referred to in Article 28a (1), of the Working Conditions Act, may be issued and if the same or a similar violation is established as referred to in that Article, the employer, whether operator or employer, as referred to in Article 3 (1), may be subject to an order imposed by the appointed official who can shut down or delay the start of operations related to the designated work for a given period, with a maximum of three months.

**2.** If the nature of the violation or the corresponding circumstances, or the consequences of the operations being shut down provide reason, the warning and order as referred to in the first paragraph may be waived.

**3.** A similar violation, as referred to in the first and second paragraphs, concerns a violation of the provisions laid down by or pursuant to a different paragraph or section of the Articles cited in Article 17 (1), provided the standard fine related to the administrative penalty for this violation based on the policy regulations, as referred to in Article 34 (10), of the Working Conditions Act, is higher than 50,000 euro.

**4.** By way of derogation from paragraph three, a violation of Article 5 (1), or Article 7 (6), is established as a similar violation if the standard fine for this violation based on the policy regulations, as referred to in Article 34 (10), of the Working Conditions Act, is included in the same fine category as the standard fine related to the previous violation.

**Paragraph 7. Other provisions**

**Article 19**

[Amends the Working Conditions Act.]

**Article 20**

[Amends the Decree on the Management of Waste Extraction.]

**Article 21**

[Amends the Public Safety Establishments Decree.]

**Article 22**

[Amends the Decree on public information in disasters and major accidents.]

**Article 23**

[Amends the Nuclear Installations, Fissionable Materials and Ores Decree.]

**Article 24**

[Amends the Environmental Law Decree.]

**Article 25**

[Amends the Security Regions Decree.]

**Article 26**

[Amends the Public Safety Registration Decree.]

**Paragraph 8. Transitional law and final provisions**

**Article 27**

**1.** On the day before this Decree enters into force, punishable offences and violations as referred to in Article 25 of the Decree on major-accident hazards 1999, discovered and communicated to the offender by an inspector, the regulations applicable at the time the punishable offence or violation was discovered shall apply.

**2.** On the day before this Decree enters into force, a punishable offence or violation as referred to in Article 25 of the Decree on major-accident hazards 1999, subject to an administrative penalty imposed by an inspector, to which an objection still exists, and a punishment imposed by an appeal or higher appeal judge to which an appeal or cassation is ongoing, the regulations applicable at the time the administrative penalty or punishment was imposed shall apply.

**3.** On the day before this Decree enters into force, pending objections, appeals, higher appeals and cassation related to a punishable offence or violation as referred to in Article 25 of the Decree on major-accident hazards 1999, subject to an administrative penalty imposed by an inspector, and a punishment imposed by a judge, the regulations applicable at the time the appeal was filed or the appeal or higher appeal or cassation was brought, continue to apply.

**Article 28**

**1.** On the day before this Decree enters into force, with regard to non-compliance with one of the obligations laid down by or pursuant to the Decree on major-accident hazards 1999, a decision issued imposing an order for coercive administrative action or penalty payment, respectively imposed requirement for compliance as referred to in Article 27 of the Working Conditions Act, the regulations applicable at the time the decision was issued imposing an order for coercive administrative action or penalty payment, or imposing compliance with the requirement, shall apply.

**2.** On the day before this Decree enters into force, with regard to the non-compliance with one of the obligations laid down by or pursuant to the Decree on major-accident hazards 1999, a decision issued imposing an order for coercive administrative action or penalty payment, respectively imposed requirement for compliance as referred to in Article 27 of the Working Conditions Act, to which an objection, appeal or higher appeal is ongoing, the regulations applicable as laid down by or pursuant to the Decree on major-accident hazards 1999 shall apply on the day before this Decree enters into force.

**3.** On the day before this Decree enters into force, pending objections, appeals and higher appeals related to non-compliance with the provisions laid down by or pursuant to the Decree on major-accident hazards 1999, a decision issued imposing an order for coercive administrative action or penalty payment, respectively imposed requirement for compliance as referred to in Article 27 of the Working Conditions Act, the regulations applicable at the time the objection was filed or the appeal or higher appeal was brought, shall apply.

**Article 29**

The Decree on Major-accident Hazards 1999 and the Major-accident Hazards Regulation 1999 are repealed.

**Article 30**

This Decree is cited as: the Decree on Major-accident Hazards 2015.

**Article 31**

This Decree enters into force on the day after the publication date in the Government Gazette in which it is published.

We order and command that this Decree, together with the relevant explanatory memorandum, shall be published in the Government Gazette.

Wassenaar, 25 June 2015

Willem-Alexander

The State Secretary of Infrastructure and the Environment,
W.J. Mansveld

The Minister of Social Affairs and Employment,
L.F. Asscher

The Minister of Security and Justice,
G.A. van der Steur

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The Minister of Security and Justice
G.A. van der Steur