

Implementation of Article 14, (1) and (2) in France

Who implements Article 14(1) and (2)*

According to the national or local law, who is responsible for implementing the obligations under Article 14 (1) and (2) as indicated in the table below, and follow-up questions (a), (b), (c), and (d) as appropriate.

Please select the appropriate box. If further clarification is necessary, please feel free to explain your selection in words .

	Competent authority (Please indicate which authority or authorities)	Operator	Both competent authority and operator	Other
Article 14, (1) (Annex V, Part 1)	Ministry of environment and local authority (Prefect)			
Article 14 (1) (Annex V, Part 2)	Local authority (Prefect)			
Article 14 (2) Determining “persons likely to be affected”	Local authority (Prefect), with the help of the operator, other local authorities, and interested third parties			
Article 14 (2) (Information for Upper tier sites)	Local authorities (The Prefect, possibly with the help of the mayor of concerned towns)	The operator provides the necessary information for the competent authority to implement Article 14(2)		

How are Article 14(1) and (2) implemented?

	Competent authority (Please indicate which authority or authorities)	Operator	Both competent authority and operator	Other
Article 14, (1) (Annex V, Part 1)	Information available via a national online portal managed by the Ministry. The data is provided and updated by the Prefect			
Article 14 (1) (Annex V, Part 2)	Information available on the Prefecture website or physically at the prefecture or concerned towns			
Article 14 (2) Determining “persons likely to be affected”	The prefect sets up a working group with interested parties and determines the area likely to be affected. The Prefect (possibly with the support of local authorities) ensures that all persons likely to be affected are correctly informed, and that the information is regularly revised and updated. The Prefect is also responsible for making information available upon request.			
Article 14 (2) (Information for Upper tier sites)	Information is available online (via the national portal and the prefecture website), physically at the prefecture or concerned towns			

Evaluating implementation (1/2)

Authority - Please briefly describe any rules or guidance followed **by authorities** in implementing their duties

- National guidance and good practices are available to local competent authorities in order to ensure a homogeneous implementation at the national level
- Public information is centralised and accessible via a national online portal (Géorisques)

Operator - How does the authority evaluate that the implementation **by the operator** is effective the requirement, (e.g., criteria, minimum information, frequency, methods)?

- Information to the public falls within the remit of the competent authority

Evaluating implementation (2/2)

Confidentiality - How do we deal with the requests for confidentiality? What information do we consider as confidential? Are there any criteria developed for declaring information as confidential?

- Generally, information that could be used to commit malicious acts or terrorist attacks is considered confidential. It is made available only to the competent authority.
- Confidentiality requests are assessed by the local competent authority and are usually dealt with on a case-by-case basis
- A ministerial instruction provides a framework on how to deal with confidential information and gives examples of information that should generally be considered confidential

Guidance and tools

General guidance on the permitting process of a Seveso plant (including land-use planning and information to concerned parties)

https://www.ecologie.gouv.fr/sites/default/files/Guide_PPRT_tbd_complet-2.pdf

Guidance for dealing with confidential information (Ministerial instruction)

<https://www.legifrance.gouv.fr/circulaire/id/42788>

Summary of the main modifications after the Lubrizol accident

<https://www.ecologie.gouv.fr/sites/default/files/2018-LUBRIZOL%20VF.pdf>

Main modifications after the Lubrizol accident regarding information to the public

- The operator shall establish, maintain and update an exhaustive list of all the substances stored or used on site, **and their quantities** at any given time. Under normal circumstances, this information is only available to the competent authority but it can be made available to the public after an accident.
- The operator shall establish the list of possible hazardous products that could result from the accidental reaction, in case of a fire, of the substances stored or used on site.