



Seveso prohibition of use in Romania

General consideration

- The prohibition of use applies to the whole establishment, one or more installation / storage facilities.
- The prohibition of use application shall take into consideration the principle of safety and without unjustified impairment of the economic activity of the operator.
- The criteria for prohibition of use are divided into:
 - ✓ organizational
 - ✓ technical
 - ✓ location

Organizational criteria

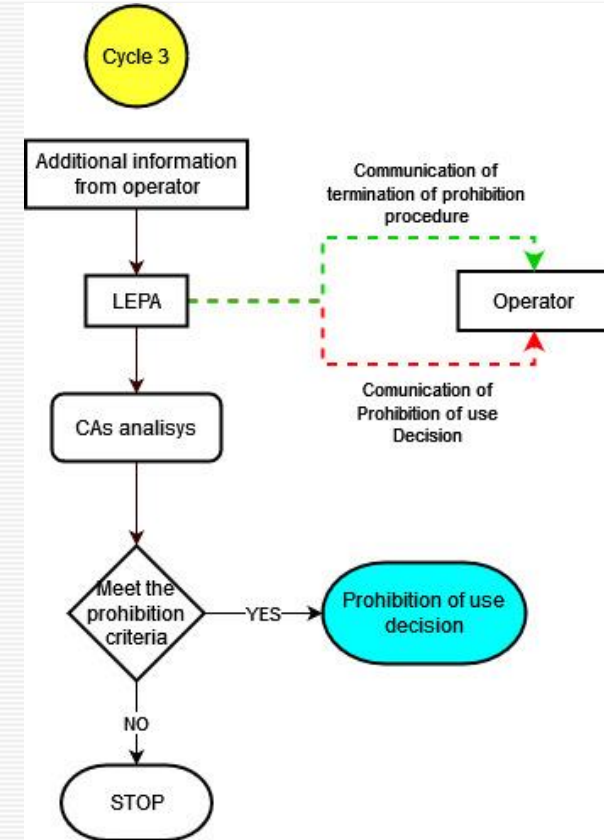
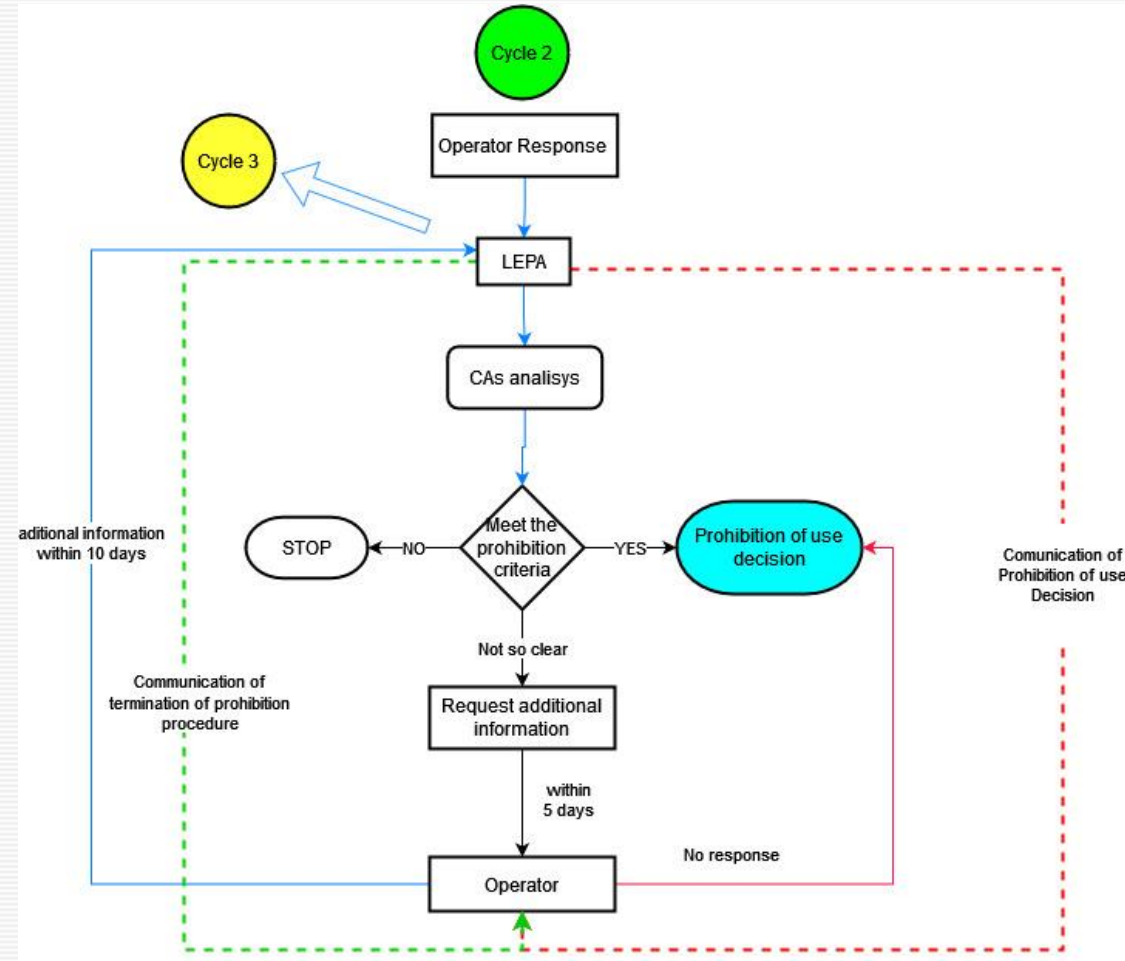
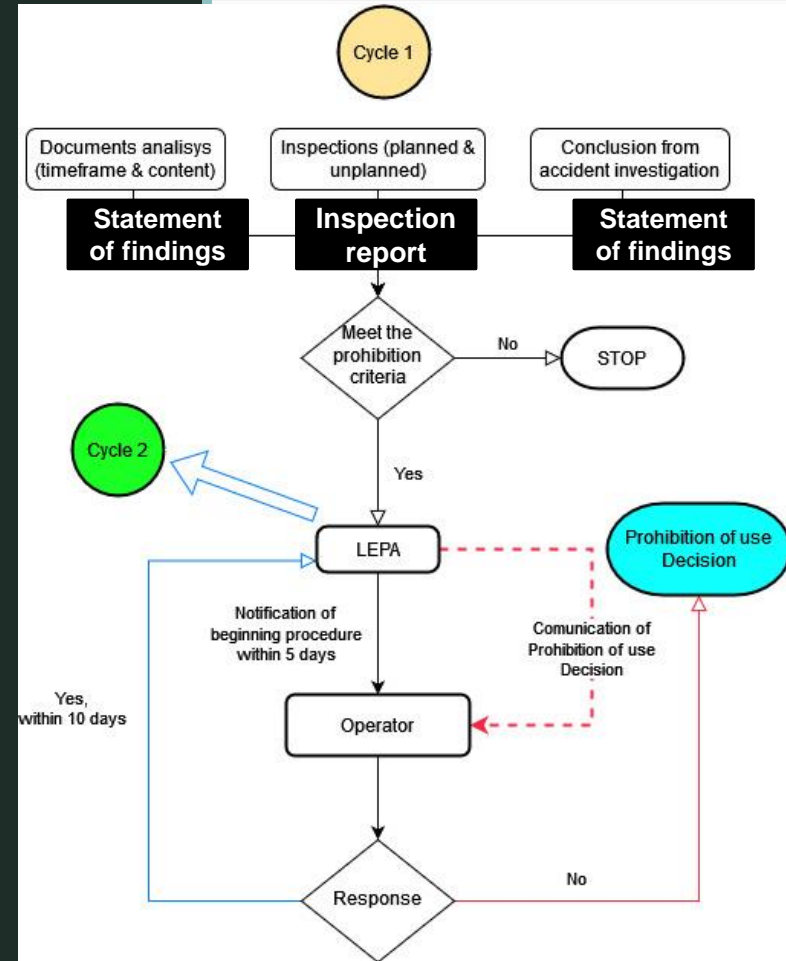
- a) Non submission of notification, MAPP, SR, IEP or other information required under Law No 59/2016, in the time frame specified in the law;
- b) Non-compliance with the established procedures and/or methodological standards by the competent authorities, establishing the framework structure and/or the minimum information contained in the MAPP, SR or IEP;
- c) Failure to undertake risk analysis in accordance with the specifications included in the guides and methodologies developed by competent authorities or used by them in the risk assessment process in industrial accident;
- d) The non-inclusion in the MAPP or SR, as appropriate, of the section in which they are set out in detail and appropriate, dependent of the complexity of the establishment, the protection and intervention measures for limiting the consequences of a major accident;
- e) The absence of minimal data and information regarding SMS specified in Appendix 4, Law no.59/2016 submitted by the operator in the MAPP or SR, as appropriate, or non-adaptation of those to the complexity of the on-site activities undergone on the establishment;
- f) Failure to establish the private emergency response service or lack of contracts with a private company that provide emergency response services, under the conditions set out in the criteria approved by ministerial order of Internal Affairs Minister on setting up, framing and equipping voluntary services and private emergency services;

Technical criteria

- a) failure to ensure the endowment / equipment of constructions / installations with technical means of fire protection, in accordance with the technical regulations applicable at the time of commissioning of the constructions / installations or at the time of carrying out their modernization works, as the case may be;
- b) failure to equip the installations in which dangerous substances are present with means and systems of safety and protection, in accordance with the technical regulations applicable at the time of commissioning of the installations or at the time of carrying out their modernization works, as the case may be;
- c) failure to ensure the functioning of technical means of defense against fire or safety and protection means and systems of the installations at design parameters, if the operator does not demonstrate that this deficiency is of temporary nature and does not provide adequate compensatory measures during their non-functioning;
- d) failure to provide alarm to the population in risk areas identified within risk analysis made by the operator;
- e) failure to provide the measuring and control equipment for installations, as set out in the design and operation documents and assuring their proper functioning;
- f) failure to implement technical measures identified/established by SR/document presenting MAPP for operation under safety conditions and reduction of the major accident risk;
- g) failure to comply with specific technical conditions in the conclusions of BAT/BREF, as stipulated in the integrated environmental authorization;

Location criteria

- a) Maintaining incompatibilities between existing establishments and developments around them, as its are defined in the methodology for establishing appropriate distances in land-use and urban planning in the frame of Seveso legislation, as a result of non - implementation of the measures established by the competent authorities regarding the additional technical requirements for reducing the impact, frequency, and risk of major accident of the installation /establishment according to the approvals, agreements and authorizations provided by law;
- b) Failure to provide adequate safety distances between existing establishments and residential areas, buildings and areas attended by the public, recreational areas and transport routes by introducing changing to an establishment, an installation, a storage area or a process or by changing the nature or quantities of dangerous substances, without complying with article 11 from the law (i.e. revision of the Notification, MAPP, SR and IEP, respectively to inform competent authorities about these modification and revision of documents, as well as implement the modification only after validation of documents by the competent authorities).



- During the application period of the decision to prohibit use/putting into use of the establishment/facility/storage area, the operator may perform work to remedy the deficiencies that led to the application of the prohibition of use/commissioning measure.
- After the remediation of the deficiencies, the operator sends to SRAPM a letter accompanied by evidence demonstrating that he took the necessary measures according to the observation of the competent authorities.
- The competent authorities analyze the request even by field verification and propose.
 - ✓ the end of the prohibition of use
 - ✓ the continuation of the prohibition of use measure.
- The operator has the possibility to file an appeal in court at any point of the cycles of the prohibition of use procedure.

