

Without prejudice to the Commission's role as guardian of the Treaties, Member States are primarily responsible to ensure compliance with EU law. Installations refining mineral oil and gas are covered by the revised Industrial Emissions Directive (IED)¹ and must operate in accordance with permits based on the use of Best Available Techniques (BAT), which² apply also to the ISAB S.r.l. plant³.

Prevention of industrial accidents is specifically covered by the Seveso III Directive⁴, requiring operators to take measures to prevent these accidents and limit their consequences. According to the Seveso database⁵ the ISAB S.r.l. refining plant is an upper-tier establishment^{6,7}. As soon as practicable⁸, Member States shall inform the Commission of any major accidents⁹. The Commission is proactively liaising with the Italian authorities to receive further information and follow up as appropriate.

Under the Environmental Liability Directive (ELD)¹⁰ operators must, in case of imminent threat, prevent environmental damage and, where environmental damage has occurred, remediate its environmental impact. The ELD addresses cases of significant damage to water, land, species and sites protected under Birds¹¹ and Habitats¹² Directives. A significant risk of human health being adversely affected is one of the criteria to determine cases of damage covered by the ELD¹³. The revised IED confers a right to individuals whose health has been affected by breaches of national measures adopted pursuant to the IED, to claim and obtain compensation for that damage from the relevant natural or legal persons¹⁴.

¹ Directive (EU) 2024/1785 of the European Parliament and of the Council of 24 April 2024 amending Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) and Council Directive 1999/31/EC on the landfill of waste; OJ L, 2024/1785, 15.7.2024.

² Published in 2014, 2014/738/EU: Commission Implementing Decision of 9 October 2014 establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions, for the refining of mineral oil and gas (notified under document C(2014) 7155), OJ L 307, 28.10.2014, p. 38–82.

³ Part of Priolo Gargall's petrochemicals hub.

⁴ 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, OJ L 197, 24.7.2012, p. 1–37.

⁵ E-SPIRS, <https://espairs.jrc.ec.europa.eu/en/espairs/content>

⁶ Meaning that it is subject to more stringent requirements.

⁷ E.g. production of a safety report and the elaboration of an external emergency plan.

⁸ And at the latest within one year.

⁹ Pursuant to criteria defined under annex VI of the Seveso III Directive.

¹⁰ Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage, OJ L 143, 30.4.2004, p. 56–75.

¹¹ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, OJ L 20, 26.1.2010, p. 7–25.

¹² Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.7.1992, p. 7–50.

¹³ Now undergoing a Regulatory Fitness and Performance Programme (REFIT) Evaluation, https://environment.ec.europa.eu/law-and-governance/environmental-compliance-assurance/environmental-liability/implementation-commission_en

¹⁴ in Article 79a.