

(English version)

**Question for written answer E-002534/24
to the Commission**

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(14 November 2024)

Subject: Lubrizol disaster — five years on

On 26 September 2019, a fire broke out at the Lubrizol factory in Rouen, a site covered by Seveso. It burned 9 500 tonnes of chemicals and was a major industrial accident.

Analysis of the safety data sheets revealed that some carcinogenic substances were marked as being ‘safe’, while other substances did not comply with the standards of the European Chemicals Agency (ECHA).

A proper inspection would have resulted in these irregularities being reported. This apparent negligence infringes Article 20(1) of the Seveso III Directive, which states that ‘Member States shall ensure that the competent authorities establish a system of inspections’.

The combustion of the chemicals has led to diseases and environmental damage. To date, however, Lubrizol has not paid any compensation to those affected by this industrial disaster, despite the high remediation and care costs. This contravenes the ‘polluter pays’ principle laid down in Article 191 TFEU.

1. What steps will the Commission take when a state does not properly supervise the inspection system?
2. How does the Commission ensure that the ‘polluter pays’ principle is applied effectively?

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**Answer given by Ms Roswall on behalf of the European Commission
(17 January 2025)**

Article 20 of the Seveso-III Directive ⁽¹⁾ requires Member States to establish an inspection system and a programme of inspections for all establishments.

The Lubrizol factory qualifies as an upper-tier establishment under the directive and must thus be inspected every 12 months. In addition, issues of Seveso inspections and accidents are regularly discussed with the Member States in the Seveso Expert Group to increase common knowledge on good practices ⁽²⁾.

As regards the polluter-pays principle, Article 28 of the Seveso III Directive provides for sanctions in case of non-compliance, by an operator, with the directive as transposed into national law.

The Environmental Liability Directive ⁽³⁾ also establishes an EU-wide liability regime for environmental damages based on the polluter-pays principle, in particular as regard cases of significant damage to species and sites protected under the EU legislation ⁽⁴⁾ as well as to water and land.

This directive does not address liability for damage to human health or compensations for economic losses resulting from the environmental contamination.

The revised Industrial Emissions Directive (IED) ⁽⁵⁾ also enables citizens whose health is affected by breaches of national measures adopted pursuant to the IED, to claim compensation for such damage if some conditions are met.

Member States’ authorities are primarily responsible to ensure compliance with the EU legislation mentioned above, and Commission enforcement action regarding incorrect implementation of EU law focuses mainly on systemic failures ⁽⁶⁾.

⁽¹⁾ 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.

⁽²⁾ https://minerva.jrc.ec.europa.eu/en/content/minerva/4748cdf1-56be-44a1-9f3b-c4e75f319fbc/technical_working_group_on_seveso_inspections_twg_2

⁽³⁾ 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.

⁽⁴⁾ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (Codified version), OJ L 20, 26.1.2010, p. 7, and 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.

⁽⁵⁾ Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control), OJ L 334, 17.12.2010, p. 17-119.

⁽⁶⁾ As set out in the communication of 19 January 2017: EU law: Better results through better application — C/2016/8600, OJ C 18, 19.1.2017, p. 10-20 and in the communication of 13 October 2022: COM(2022) 518 final — Enforcing EU law for a Europe that delivers.

Currently, the Commission is not in possession of information which would point to systemic failures in this area ⁽⁷⁾.

⁽⁷⁾ Based on ongoing assessment of France's national report on implementation of Seveso III Directive for the period 2019-2022.