



Recommendation of the Council
concerning Chemical Accident
Prevention, Preparedness and
Response

**OECD Legal
Instruments**

This document is published under the responsibility of the Secretary-General of the OECD. It reproduces an OECD Legal Instrument and may contain additional material. The opinions expressed and arguments employed in the additional material do not necessarily reflect the official views of OECD Member countries.

This document, as well as any data and any map included herein, are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.

For access to the official and up-to-date texts of OECD Legal Instruments, as well as other related information, please consult the Compendium of OECD Legal Instruments at <http://legalinstruments.oecd.org>.

Please cite this document as:

OECD, *Recommendation of the Council concerning Chemical Accident Prevention, Preparedness and Response*, OECD/LEGAL/0319

Series: OECD Legal Instruments

© OECD 2023

This document is provided free of charge. It may be reproduced and distributed free of charge without requiring any further permissions, as long as it is not altered in any way. It may not be sold.

This document is available in the two OECD official languages (English and French). It may be translated into other languages, as long as the translation is labelled "unofficial translation" and includes the following disclaimer: *"This translation has been prepared by [NAME OF TRANSLATION AUTHOR] for informational purpose only and its accuracy cannot be guaranteed by the OECD. The only official versions are the English and French texts available on the OECD website <http://legalinstruments.oecd.org>"*

Background Information

The Recommendation concerning Chemical Accident Prevention, Preparedness and Response was adopted by the OECD Council on 15 January 2004 on the proposal of the Environment Policy Committee and the Joint Meeting of the Chemicals Committee and the Working Party on Chemicals, Pesticides and Biotechnology (today under the responsibility of the Chemicals Committee). Under this instrument, Adherents are recommended to establish or strengthen national programmes for the prevention of, preparedness for, and response to accidents involving hazardous substances and to take into account the OECD Guiding Principles for Chemical Accident Prevention, Preparedness and Response (the Guiding Principles) and the OECD Guidance on Safety Performance Indicators (the Guidance on SPI). The Guiding Principles were first developed between 1989 and 1992 building on a series of workshops that were designed to address the wide range of issues associated with accident prevention, preparedness and response, and to consider the roles and responsibilities of the various parties who are necessarily involved in such activities. The Guidance on SPI were then developed to facilitate implementation of the Guiding Principles, and to help stakeholders assess whether actions taken to enhance chemical safety in fact lead to improvements over time. The Recommendation was abrogated on 8 June 2023.

THE COUNCIL,

4 OECD/LEGAL/0319

~~**HAVING REGARD** to Article 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;~~

HAVING REGARD to the Decision of the Council of 8 July 1988 on the Exchange of Information concerning Accidents Capable of Causing Transfrontier Damage [C(88)84(Final)];

HAVING REGARD to the Decision-Recommendation of the Council of 8 July 1988 concerning Provision of Information to the Public and Public Participation in Decision-Making Processes related to the Prevention of, and Response to, Accidents Involving Hazardous Substances [C(88)85(Final)];

HAVING REGARD to the Recommendation of the Council of 7 July 1989 concerning the Application of the Polluter-Pays Principle to Accidental Pollution [C(89)88(Final)];

HAVING REGARD to the Environment Chapter in the OECD Guidelines for Multinational Enterprises as adopted by the Council on 27 June 2000 [C/M(2000)17];

HAVING REGARD to the Declaration on Environment: Resource for the Future, adopted at the session of the Environment Committee at Ministerial Level on 20 June 1985 stating that "they will ensure the existence of appropriate measures to control potentially hazardous installations including measures to prevent accidents";

HAVING REGARD to the Communiqué of the Environment Committee meeting at Ministerial Level on 31 January 1991; "An Environmental Strategy in the 1990s", in which Ministers pledged to strengthen the capacity of the international community to prevent and confront environmental disasters, taking particular account of the situation of developing countries;

HAVING REGARD to the conclusions adopted by the Third High-Level Meeting of the Chemicals Group on 18 March 1987 regarding the prevention of, and response to, unintended releases of hazardous substances to the environment;

HAVING REGARD to the Concluding Statement of the OECD Conference on Accidents Involving Hazardous Substances of 10 February 1988 in which Ministers and other high-level officials called on the OECD to elaborate a Code of Good Practice relating to accident prevention and response and guiding principles for investments and aid programmes with respect to hazardous installations in developing countries [Environment Monograph No. 24, page 12];

HAVING REGARD to the "OECD Environmental Strategy for the First Decade of the 21st Century", adopted by OECD Environment Ministers on 16 May 2001 which states that with regard to environmental issues related to health and safety risks, OECD countries would take action to "reduce potential effects on human health from environmental and ecosystems changes, including those resulting from natural and man-made disasters and climate changes";

HAVING REGARD to the international co-operation work through the Inter-Organisation Programme for the Sound Management of Chemicals (IOMC) Co-ordinating Group on Chemical Accidents initiated in 1995;

HAVING REGARD to the conclusions and recommendations of all the workshops organised under the auspices of the OECD on the subject;

CONSIDERING the need for strengthening efforts related to prevention of accidents involving hazardous substances and for limiting adverse consequences should such an accident occur;

CONSIDERING that appropriate accident prevention, preparedness and response requires the active involvement of public authorities, management of hazardous installations, employees at hazardous installations at all levels and their representatives where they exist, as well as the public;

CONSIDERING that certain general principles for accident prevention, preparedness and response apply to hazardous installations irrespective of location;

CONSIDERING that, in applying general principles, due account must be taken of the specific circumstances of the local community where the installation is located;

CONSIDERING increased co-operation between Member countries will help to address international problems which can arise with hazardous installations located in their frontier regions;

CONSIDERING that sharing of experience among countries can help lead to improvements in safety of hazardous installations;

CONSIDERING that the first edition of the Guiding Principles were widely used world wide, translated into many languages, and supported by relevant international organisations;

RECOGNISING that representatives of industry, labour, non-governmental organisations, and international organisations were actively involved in the preparation of the second edition of the OECD Guiding Principles for Chemical Accident Prevention, Preparedness and Response;

RECOGNISING the experience gained by countries and international organisations since the first edition of the Guiding Principles in 1992;

RECOGNISING the value of assessing performance to help industry, authorities and communities measure the extent to which actions help improve safety.

On the proposal of the Environment Policy Committee and the Joint Meeting of the Chemicals Committee and the Working Party on Chemicals, Pesticides and Biotechnology:

I. RECOMMENDS that Member countries establish or strengthen national programmes for the prevention of, preparedness for, and response to accidents involving hazardous substances and that in doing so, to the extent it has not already been undertaken, they:

- a) Develop overall safety objectives related to the prevention of, preparedness for, and response to accidents involving hazardous substances;
- b) Develop and implement control frameworks covering all aspects of accident prevention, emergency preparedness and mitigation of accidents, emergency response, and follow-up to incidents, recognising appropriate roles of all stakeholders including industry, labour and the public;
- c) Consider the use of safety performance indicators to assess the performance related to the prevention of, preparedness for, and response to chemical accidents;
- d) Encourage and/or facilitate processes in which all stakeholders, including industry, public authorities, communities, and other stakeholders, can take action and help ensure effective communication and co-operation;
- e) Establish arrangements for monitoring safety of hazardous installations and for enforcing any requirements related to the control framework;
- f) Arrange for the development and implementation of compatible off-site and on-site emergency preparedness plans for hazardous installations;
- g) Establish appropriate arrangements for siting new hazardous installations and for preventing inappropriate developments near existing hazardous installations in order to mitigate possible off-site effects of an accident involving hazardous substances, recognising also the need to take into account the possibility of accidents which are capable of causing transfrontier damage;
- h) Share information and experience on accident case histories by reporting past accidents to the Major Accident Reporting System (MARS) scheme; and
- i) Support and promote related research, including co-operative international activities.

II. RECOMMENDS that, in undertaking the activities referred to in Paragraph I above, Member countries take into account the second edition of the OECD Guiding Principles for Chemical Accident Prevention, Preparedness and Response¹ and the OECD Guidance on Safety Performance Indicators².

III. RECOMMENDS that, in relation to transfer of technology and international investments related to hazardous installations in non-OECD countries and in relation to bilateral technical and financial

¹ Published by OECD on the responsibility of the Secretary General as Environment, Health and Safety Publication, Series on Chemical Accidents, No. 10; and referred to herein as the "OECD Guiding Principles".

² Published by OECD on the responsibility of the Secretary General as Environment, Health and Safety Publication, Series on Chemical Accidents No. 11; and referred to herein as the "OECD Guidance on SPI".

IV. RECOMMENDS that Member countries promote the wide dissemination and use of the OECD Guiding Principles and of the OECD Guidance on SPI among all relevant parties in their countries and support their application in non-OECD countries.

V. INSTRUCTS the Secretary-General to take the necessary steps to facilitate the wide distribution of the OECD Guiding Principles and Guidance on SPI, both within and outside the Member countries;

VI. INVITES other international organisations to use and disseminate the OECD Guiding Principles and Guidance on SPI; and

VII. INSTRUCTS the Environment Policy Committee and the Joint Meeting of the Chemicals Committee and the Working Party on Chemicals, Pesticides and Biotechnology to pursue a programme of work designed to facilitate the implementation of the OECD Guiding Principles and Guidance on SPI, and to review within three years the implementation of this Recommendation.

This Recommendation replaces the Recommendation of the Council C(92)1/FINAL which is hereby repealed.

About the OECD

The OECD is a unique forum where governments work together to address the economic, social and environmental challenges of globalisation. The OECD is also at the forefront of efforts to understand and to help governments respond to new developments and concerns, such as corporate governance, the information economy and the challenges of an ageing population. The Organisation provides a setting where governments can compare policy experiences, seek answers to common problems, identify good practice and work to co-ordinate domestic and international policies.

The OECD Member countries are: Australia, Austria, Belgium, Canada, Chile, Colombia, Costa Rica, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Korea, Latvia, Lithuania, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Türkiye, the United Kingdom and the United States. The European Union takes part in the work of the OECD.

OECD Legal Instruments

Since the creation of the OECD in 1961, around 460 substantive legal instruments have been developed within its framework. These include OECD Acts (i.e. the Decisions and Recommendations adopted by the OECD Council in accordance with the OECD Convention) and other legal instruments developed within the OECD framework (e.g. Declarations, international agreements).

All substantive OECD legal instruments, whether in force or abrogated, are listed in the online Compendium of OECD Legal Instruments. They are presented in five categories:

- **Decisions** are adopted by Council and are legally binding on all Members except those which abstain at the time of adoption. They set out specific rights and obligations and may contain monitoring mechanisms.
- **Recommendations** are adopted by Council and are not legally binding. They represent a political commitment to the principles they contain and entail an expectation that Adherents will do their best to implement them.
- **Substantive Outcome Documents** are adopted by the individual listed Adherents rather than by an OECD body, as the outcome of a ministerial, high-level or other meeting within the framework of the Organisation. They usually set general principles or long-term goals and have a solemn character.
- **International Agreements** are negotiated and concluded within the framework of the Organisation. They are legally binding on the Parties.
- **Arrangement, Understanding and Others:** several other types of substantive legal instruments have been developed within the OECD framework over time, such as the Arrangement on Officially Supported Export Credits, the International Understanding on Maritime Transport Principles and the Development Assistance Committee (DAC) Recommendations.