



Decision-Recommendation of the  
Council 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

**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, *Decision-Recommendation of the Council 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*, OECD/LEGAL/0239

Series: OECD Legal Instruments

© OECD 2018

---

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>"*

---

## **Date(s)**

Adopted on 08/07/1988

## **Background Information**

The Decision-Recommendation 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 was adopted by the OECD Council on 8 July 1988 on the proposal of the Environment Committee. The Decision-Recommendation follows from such accidents as the ones in Seveso (1976), Bhopal (1984), Basel (1986) and Chernobyl (1986) which have brought attention to accidents involving hazardous substances that pose a threat to human life and health and to the environment. The Recommendation sets a duty for public authorities to provide information to both, the public about the hazards which could arise from accidents occurring at hazardous installations, and to persons potentially affected in the event of such an accident about the measures which need to be taken by them in order to mitigate adverse consequences.

## **THE COUNCIL,**

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

**HAVING REGARD** to paragraph 3 of Article 6 of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

**HAVING REGARD** to the Declaration on Anticipatory Environmental Policies adopted by the Governments of OECD Member countries and of Yugoslavia at the session of the Environment Committee at Ministerial Level on 8 May 1979 stating that "they will encourage public participation, where possible, in the preparation of decisions with significant environmental consequences, *inter alia*, by providing, as appropriate, information on the risks, costs and benefits associated with the decisions";

**HAVING REGARD** to the Recommendation of the Council of 8 May 1979 on the Assessment of Projects with Significant Impact on the Environment [C(79)116] in which Member governments were recommended to "introduce, where appropriate, practical measures for informing the public and for participation by those who may be directly or indirectly affected, at suitable stages in the process of arriving at decisions on projects" having a potentially significant impact on the environment;

**HAVING REGARD** to the Recommendation of the Council of 26 July 1983 concerning the OECD List of Non-Confidential Data on Chemicals [C(83)98(Final)];

**HAVING REGARD** to the Declaration on "Environment: Resource for the Future" adopted by the Governments of OECD Member countries and of Yugoslavia 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 conclusions adopted by the Third High-Level Meeting of the Chemicals Group on 17-18 March 1987 regarding the prevention of, and response to, unintended releases of hazardous substances to the environment;

**CONSIDERING** that the potentially affected public has a right to be informed about the hazards to human health or the environment, including property, which could arise from accidents occurring at hazardous installations;

**CONSIDERING** that persons potentially affected in the event of an accident at a hazardous installation should be well-informed of measures which need to be taken by them in order to mitigate adverse consequences of such an accident;

**CONSIDERING** that such persons should have the opportunity to be heard, as appropriate, in decision-making processes related to prevention of, and response to, accidents involving hazardous substances;

### **On the proposal of the Environment Committee:**

**I. DECIDES** that Member countries shall ensure, through the legal and procedural means they deem appropriate, that the potentially affected public:

- a) Is provided with specific information on the appropriate behaviour and safety measures they should adopt in the event of an accident involving hazardous substances;
- b) Is provided with general information on the nature, extent and potential off-site effects on human health or the environment, including property, of possible major accidents at a planned or existing hazardous installation<sup>2</sup>; and
- c) Has access to such other available information needed to understand the nature of the possible effects of an accident (such as information on hazardous substances capable of

causing serious off-site damage) and to be able to contribute effectively, as appropriate, to decisions concerning hazardous installations and the development of community emergency preparedness plans.

**II. RECOMMENDS** that Member countries take action to facilitate, as appropriate, opportunities for the public to comment prior to decisions being made by public authorities concerning siting and licensing of hazardous installations and the development of community emergency preparedness plans.

**III. RECOMMENDS** that, in implementing this Decision-Recommendation, Member countries take into account the Guiding Principles set out in the Appendix.

**IV. INSTRUCTS** the Environment Committee to review, within three years, actions taken by Member countries in pursuance of this Decision-Recommendation.

## APPENDIX

### **GUIDING PRINCIPLES ON 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**

#### **I. General Principles**

1. The following Guiding Principles are designed to facilitate the implementation by Member countries of programmes and policies to ensure that the potentially affected public is well informed about existing or planned hazardous installations and to facilitate the opportunities for the public to provide input, as appropriate, into decision-making by public authorities concerning such installations. These Principles do not prejudice public authorities from instituting more extensive requirements related to provision of information to the public or public participation.

2. These Guiding Principles relate to such hazardous installations defined under applicable law as being capable of giving rise to hazards sufficient to warrant the taking of precautions off-site, excluding nuclear or military installations.

3. These Guiding Principles focus on objectives to be achieved with respect to provision of information to the public and public participation, and not on the procedural approaches which should be followed. It is recognized that Member countries allocate responsibility differently between the public and private sectors and among national, regional and local governments and that Member countries have differing legal and administrative frameworks with regard to prevention of accidents and development of community emergency plans.

4. In implementing this Decision-Recommendation, Member countries should give consideration to the protection of confidential information, as defined under domestic law, including both proprietary data and information protected for reasons of national security.

#### **II. Division of Responsibilities**

5. Industry and public authorities each have responsibilities to the public concerning prevention of, and response to, accidents involving hazardous substances.

6. Industry is a primary source of that information which should be made publicly available. It therefore has a responsibility to provide this information to public authorities and, directly or indirectly, to the public. Industry should be prepared to work with the authorities which develop community emergency plans.

7. Public authorities have the responsibility of ensuring that adequate and timely information is provided to the potentially affected public and that appropriate opportunities are available for public participation in certain decision-making processes. Public authorities also have the responsibility of ensuring that adequate community emergency plans are in effect.

#### **III. Provision of Information to the Public**

##### ***Information to be Provided without Request***

8. Those members of the public who might be affected were an accident to occur should be provided with certain information, without request, so that they will be aware of the hazards arising from the installation and will be able to respond appropriately should an accident occur.

9. This information should include specific guidance related to public response in the event of an accident, such as:

- Details on how the potentially affected public will be warned in the event of an accident;
- Details of the actions and behaviour the potentially affected public should take in the event of an accident; and

- The source of post-accident information (e.g., radio or television frequencies).

It should clearly be indicated therein that the information should be read immediately and be kept in a convenient place for reference in the event of an accident.

10. The guidance on what to do in the event of an accident should be adapted to meet the needs of groups of sensitive persons, for example in schools, hospitals and homes for aged people.

11. The following information should also be provided, without request, to the potentially affected public:

- The name of the operator of the installation and the address of the installation;
- The common names or, if more appropriate, the generic names or the general danger classification of the substances involved at the installation which could give rise to an accident capable of causing serious off-site damage, with an indication of their principal harmful characteristics;
- General information relating to the nature of the hazards of accidents capable of causing serious off-site damage, as well as their potential effects on human health and the environment, including property; and
- Details of how further explanatory information can be obtained.

12. The information described in paragraphs 9 and 11 should be comprehensible to the general public and be provided in a format which is easily read and understood.

13. This information should be provided in a timely fashion, be reissued periodically as appropriate, and be updated as necessary.

14. The potentially affected public should also be provided with notification of applications for siting or licensing of a hazardous installation. Decisions concerning such applications should also be publicised.

15. In those cases in which a hazardous installation is located in a frontier region and the country of such installation has transmitted to the other country information referred to above in paragraphs 9 and 11, the country receiving this information should ensure that such information is provided to all persons within its jurisdiction potentially affected in the event of an accident.

16. Arrangements should be made, before an accident, for the timely transmission of information to the public and the media in the case of an accident in order to mitigate adverse effects and to allay unjustified fears.

### ***Information Available upon Request***

17. The public should have access, upon request, to certain additional information to allow it to understand the nature of the hazards arising from hazardous installations, understand the reasons for guidance provided, and participate effectively in decision-making processes, as appropriate. Such information would include, for example:

- Any information concerning the hazardous installation which has previously been made publicly available by the installation or public authorities (as appropriate, licenses, environmental impact assessments, operating permits, safety reports, hearing documents);
- A general description of the types of activities undertaken at the installation;
- Additional guidance concerning actions to be taken by the public to protect human health and the environment, including property, in case of an accident and the reasons for such guidance; and
- Other information necessary for effective participation in decision-making, as appropriate.

#### **IV. Public Participation**

18. Whenever possible and appropriate, the potentially affected public should be given the opportunity to participate, by providing their views and concerns, when decisions related to siting and licensing of hazardous installations and the development of community emergency plans are being made by public authorities.

19. In all cases, adequate information about the opportunity to participate should be given.

20. As appropriate, a variety of mechanisms for public participation in decision-making processes can be used. These mechanisms can include those for direct public participation, such as open public hearings, and those for indirect public participation by means of, for example, open consultative procedures.

21. In some Member countries, local safety committees have been established with representatives of the installation, local authorities and local residents which, *inter alia*, facilitate the flow of information from the installation to persons who live and work in the area and co-ordinate local participation in appropriate decision-making processes.

22. The mechanisms for public participation and the scope of participation should be adapted to the nature of the decision being made and to who may be affected by the decision, while taking account of applicable law and practice.

23. In determining who should be given the opportunity to participate in decision-making processes, public authorities should consider which persons are seriously threatened by a potential accident and the nature of the decision being made. For example, in the case of the development of a community emergency preparedness plan, the local community near the hazardous installation might have the opportunity to participate. In the case of a siting decision for an installation which could have serious adverse effects on a watershed, national park or natural resources of more than local concern, provision might be made for broader participation, for example by allowing comments by representatives of public-interest organisations (e.g., environmental, agricultural or forestry groups).

24. Providing an opportunity for public participation should not affect the ultimate responsibilities of the public authorities with respect to decision-making in this area.

---

<sup>2</sup> The definition of "hazardous installation" for purposes of this Decision-Recommendation is set out in paragraph 2 of the Appendix.

## Adherents\*

### OECD Members

Austria  
Belgium  
Canada  
Chile  
Czech Republic  
Denmark  
Estonia  
Finland  
France  
Germany  
Greece  
Hungary  
Iceland  
Ireland  
Israel  
Italy  
Japan  
Korea  
Latvia  
Lithuania  
Luxembourg  
Mexico  
Netherlands  
New Zealand  
Norway  
Poland  
Portugal  
Slovak Republic  
Slovenia  
Spain  
Sweden  
Switzerland  
Turkey  
United Kingdom  
United States

### Non-Members

---

\* Additional information and statements are available in the Compendium of OECD Legal Instruments:  
<http://legalinstruments.oecd.org>

## 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, 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, Turkey, 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 450 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:** OECD legal instruments which are legally binding on all Members except those which abstain at the time of adoption. While they are not international treaties, they entail the same kind of legal obligations. Adherents are obliged to implement Decisions and must take the measures necessary for such implementation.
- **Recommendations:** OECD legal instruments which are not legally binding but practice accords them great moral force as representing the political will of Adherents. There is an expectation that Adherents will do their utmost to fully implement a Recommendation. Thus, Members which do not intend to do so usually abstain when a Recommendation is adopted, although this is not required in legal terms.
- **Declarations:** OECD legal instruments which are prepared within the Organisation, generally within a subsidiary body. They usually set general principles or long-term goals, have a solemn character and are usually adopted at Ministerial meetings of the Council or of committees of the Organisation.
- **International Agreements:** OECD legal instruments negotiated and concluded within the framework of the Organisation. They are legally binding on the Parties.
- **Arrangement, Understanding and Others:** several ad hoc 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.