

Inland transport of dangerous goods

2006/0278(COD) - 05/09/2007 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by a large majority a resolution drafted by Bogusaw **LIBERADZKI** (PES, PL) on the proposal on the inland transport of dangerous goods. It is expected that this report at first reading in co-decision may lead to a direct agreement with Council. Parliament made some amendments, the principal ones being the following:

- a new recital states that the provisions of the Directive should not apply to the transport of dangerous goods under the direct and physical responsibility of the armed forces. The transport of dangerous goods carried out by commercial contractors working for the armed forces should, however, fall within the scope of the Directive unless their contractual duties are exercised under the direct and physical responsibility or supervision of the armed forces;
- a Member State which has no railway system, and no immediate prospect of having one, would be under a disproportionate and pointless obligation if it had to transpose and implement the provisions of the Directive in respect of rail. Therefore, such a Member State should be exempted, for as long as it has no railway system, from the obligation to transpose the Directive in so far as rail is concerned;
- without prejudice to Community law and the provisions of Chapter 1.9 of Annexes I.1, II.1 and III. 1, it should be possible for Member States, for reasons of transport safety, to establish specific and clearly provisions in areas not covered by the Directive;
- each Member State should retain the right to regulate or prohibit the transport of dangerous goods within its territory, on grounds other than safety, such as grounds of national security or environmental protection;
- derogations should be listed in the directive as "national derogations", rather than "additional national provisions";
- the amendments to the ADR, RID and ADN and the corresponding adaptations to the Annexes should enter into force simultaneously. A recital states that the Commission should provide Member States with financial support, as appropriate, for the translation of the ADR, RID and AND and their modifications into their official language;
- in order to address unusual and exceptional situations, Member States should have the right to grant individual authorisations allowing the transport of dangerous goods within their territory which would otherwise be prohibited by this Directive;
- Member States should also be permitted to maintain and develop provisions for the transport of dangerous goods by rail between Member States and States which are contracting parties to the Organisation for Cooperation of Railways (OSJD) until the rules of Annex II to the Agreement on International Goods Transport by Rail (SMGS) and the provisions of Annex II, Section II.1., and thereby the RID, have been harmonised. Within 10 years of the entry into force of this Directive, the Commission should assess the consequences of these provisions and, if necessary, submit appropriate proposals;
- accordingly, Member States may lay down specific safety requirements for the national and international transport of dangerous goods within their territory as regards :
 - a) the transport of dangerous goods by vehicles, wagons and inland waterway vessels not covered by the Directive;
 - b) where justified, the use of prescribed routes, including the use of prescribed modes of transport;
 - c) special rules for the transport of dangerous goods in passenger trains.

They shall inform the Commission of such provisions and their justifications. It shall inform the other Member States accordingly;

- every Member State may also, exceptionally and provided that safety is not compromised, issue individual authorisations to carry out transport operations of dangerous goods within its territory which are prohibited by the Directive or to carry out such operations under conditions different from those laid down in the Directive, provided that these transport operations are clearly defined and limited in time;
- the definition of “vehicle” is amended;
- Directives 94/55/EC, 96/49/EC, 96/35/EC, and 2000/18/EC will be repealed on 30 June 2009;
- Member States will be granted a transitional period of up to two years for the application of the provisions of the Directive in respect of inland waterways so as to allow sufficient time for the adaptation of national provisions, the establishment of legal frameworks and the training of personnel. Accordingly, Member States may choose not to apply the provisions of Annex III, Section III.1. until, at the latest, 30 June 2011. In such case, a Member State shall continue to apply the provisions of Directives 96/35/EC and 2000/18/EC, as regards inland waterways, as applicable on 30 June 2009. A general transitional period of five years will be granted for all ship and personnel certificates issued prior to or during the transitional period for the application of the Directive in respect of inland waterways, unless a shorter period of validity is indicated in the certificate;
- the report ensured the harmonisation of changing time periods with a 2 year rhythm of amendments to the ADR, RID and AND. Certain derogations will be valid for a period of 6 years (rather than 5) from the date of authorisation, taking into account the 2 year rhythm of amendments to the ADR, RID and AND;
- in accordance with the Interinstitutional Agreement on better law-making, Member States are encouraged to draw up, for themselves and in the interest of the Community, their own tables, which will, as far as possible, illustrate the correlation between the Directive and the transposition measures and to make them public;
- the transposition date is set for 30 June 2009;
- Member States may maintain national restrictions on the transport of substances containing dioxins and furans for certain periods of time.