

Inland transport of dangerous goods

2006/0278(COD) - 07/04/2008 - Council position

Prior to the adoption of the common position, a number of informal contacts had already taken place between the Council, the European Parliament and the Commission with a view to reaching agreement at first reading, thereby avoiding the need for a second reading.

The rapporteur, Boguslaw **LIBERADZKI**, presented a number of compromise amendments, which were later adopted by the plenary. Thus, once the legal linguists had scrutinized the text, the Council was in a position to adopt the legislative act. At a certain stage, however, the Legal Service of the European Parliament discovered a discrepancy, which had occurred during the vote at the plenary. More precisely, Amendment 17, consisting of two parts namely, the first part Article 1(5) of the proposal, on which agreement was reached during the informal contacts, and the second part, which was rejected in order to reach a compromise solution. Through error, the whole of Amendment 17 was rejected. As a result, a contradiction emerged between the intention of the EP and the formal vote.

Initially, it was hoped that the problem could be solved in the form of a Corrigendum to be adopted by the EP plenary, which would enable the Council to endorse the EP position without amendments. In February 2008, however, Parliament informed the Council that it would be unable to follow this procedure. An agreement at first reading was, therefore, not possible and the Council had to adopt a common position.

In its common position, the Council introduced several modifications, which can be summarised as follows:

- those Member States which have no railway systems will be exempted from transposing and implementing the proposed Directive, insofar as rail is concerned;
- all Member States, which have no inland waterways or whose inland waterways are not linked to those of other Member States, will be given the possibility of not applying the Directive, insofar as inland waterway transport of dangerous goods is concerned;
- a transitional period of up to two years for the application of inland waterways provisions is provided for to allow sufficient time for the adoption of national provisions; the establishment of legal frameworks; and the training of personnel.

Parliamentary amendments:

The text adopted by the European Parliament corresponds to the text of the Council, with two exceptions. They concern two omissions of the EP text namely:

1. Article 1(5), as explained under 2.1
2. Article 8(2) on the financing of translations by the Commission. There was no intention to exclude this paragraph from the EP text, since the relevant Recital 17 appears in the text.

To conclude, the Council is of the view that the proposed Directive on the inland transport of dangerous goods will make a very important contribution to ensuring the safety and security of the transport of dangerous goods in the European Union. The proposed Directive will simplify and update the existing dangerous goods rules and at the same time extend the scope of the current rules by including inland waterways. Thus the proposed Directive will provide a user-friendly single set of rules for the inland transport of dangerous goods in the European Union.