

# Inland transport of dangerous goods

2006/0278(COD) - 24/09/2008 - Final act

**PURPOSE:** to ensure the safe and secure transport of dangerous goods within the European Union.

**LEGISLATIVE ACT:** Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods.

**CONTENT:** the Directive updates and simplifies the existing rules for the transport of dangerous goods by integrating the rules into a single harmonised directive.

**Scope:** the Directive shall apply to the transport of dangerous goods **by road, by rail or by inland waterway** within or between Member States, including the activities of loading and unloading, the transfer to or from another mode of transport and the stops necessitated by the circumstances of the transport.

The Regulation exempts a Member State that has no railway system from the obligation to transpose and implement this Directive in relation to rail transport. It also allows Member States that have no inland waterways or whose inland waterways are not linked, by inland waterway, to the waterways of other Member States to decide not to apply the Directive in relation to the transport of dangerous goods by inland waterway.

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 or inland waterway vessels not covered by this 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.

Member States may also regulate or prohibit, **strictly for reasons other than safety during transport**, the transport of dangerous goods within their territory.

**Restrictions on grounds of transport safety:** Member States may on grounds of transport safety apply more stringent provisions, with the exception of construction requirements, concerning the national transport of dangerous goods by vehicles, wagons and inland waterway vessels registered or put into circulation within their territory.

If, in the event of an accident or incident within its territory, a Member State considers that the safety provisions applicable have been found to be insufficient and if there is an urgent need to take action, that Member State shall notify the Commission of the measures which it proposes to take. The Commission shall decide whether to authorise the implementation of the measures in question and the duration of that authorisation.

**Derogations:** Member States may authorise the use of languages other than those provided for in the Annexes for transport operations performed within their territories. Provided that safety is not compromised, Member States may request derogations: (a) for the transport within their territories of small quantities of certain dangerous goods, with the exception of substances having a medium or high level of radioactivity, provided that the conditions for such transport are no more stringent than the conditions set out in those Annexes; (b) for the transport of dangerous goods within their territory in the case of: (i) local transport over short distances; or (ii) local transport by rail on particular designated routes, forming part of a defined industrial process and being closely controlled.

**Adaptations:** the amendments necessary to adapt the Annexes to scientific and technical progress, including the use of technologies for tracking and tracing, in the fields covered by this Directive, in particular to take account of amendments to the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), the Regulations concerning the International Carriage of Dangerous Goods by Rail (RID) and the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (AND), shall be adopted in accordance with the regulatory procedure with scrutiny.

The Commission shall provide financial support, as appropriate, to the Member States for the translation of the ADR, RID and ADN and their modifications into their official language.

ENTRY INTO FORCE: 01/11/2008

TRANSPOSITION: 30/06/2009.

Member States shall be allowed a transitional period of up to two years (until 30/06/2011) for the application of the provisions of this Directive to the transport of dangerous goods by inland waterway so as to allow sufficient time for the adaptation of national provisions, the establishment of legal frameworks and the training of personnel.