

# Inland transport of dangerous goods

2006/0278(COD) - 22/12/2006 - Legislative proposal

**PURPOSE:** to ensure the uniform application of safety rules and a high level of safety for national and international transport operations.

**PROPOSED ACT:** Directive of the European Parliament and of the Council.

**BACKGROUND:** the current system for regulating the transport of dangerous goods is defined by regional, national, Community and international (UN) provisions. For historic reasons existing EU legislation on the transport of dangerous goods is complicated. At present there are four pieces of EU legislation (and these do not include the UN Recommendations) which govern the transport of dangerous goods. They are:

- Council Directive 94/55/EC *on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road;*
- Council Directive 96/49/EC *on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail;*
- Council Directive 96/35/EC *on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway;* and
- Directive 2000/18/EC *on minimum examination requirements for safety advisers for the transport of dangerous goods by road rail or inland waterway.*

In addition, most Member States are members of international agreements, which are based on UN Recommendations. They are:

- ADR: *on the international carriage of dangerous goods by road;*
- RID: *concerning the international carriage of dangerous goods by rail;*
- ADN: *concerning the international carriage of dangerous goods by inland water ways.*

To add to this complexity, under existing provisions, each time a revision of the international agreements takes place (typically at two-year intervals) the Directives require the full translations of voluminous technical annexes. This can be difficult, if not impossible, to achieve. With the increasing use multimodal transport, different rules for different transport modes will cause even more practical daily problems for multimodal operations and increase costs unnecessarily.

In a bid to simplify legislation, therefore, the Commission is proposing to repeal existing Community legislation into a single, new Directive *on the inland transport of dangerous goods*. Once approved, this Directive will substantially simplify Community law in the field of dangerous goods transport. Further, all three modes of transport (road, rail and water) will be covered rather than just road and rail, as is currently the case. Also, by referring to the “international agreements” in Annex to the single Directive the Community would reduce its *aquis* by around 2000 pages.

CONTENT: the purpose of this Directive is to ensure the uniform application of harmonised safety rules throughout the Community and to offer a high level of safety for national and international transport operations. The Directive will apply to:

- the transport of dangerous goods by road;
- the transport of dangerous goods by rail; and
- the transport of dangerous goods by inland waterway.

It will include transport both within or between the Member States. It will include loading and unloading activities; transfer to or from another mode of transport and any stops. It will not apply to any vessels belonging to the armed forces; seagoing vessels on maritime waterways forming part of inland waterways; or ferries only crossing an inland waterway or harbour. Member States may be exempt from provisions referring to inland water ways if they have no inland waterways; their inland waterways are not linked by inland waterway to the waterways of other Member States or no dangerous goods are transported on their inland waterways. In other provisions, the proposed Directive would:

- set out general provisions for dangerous goods transport;
- allow transport from and to non-EU countries which apply international agreements on dangerous goods transport;
- allow Member States to apply additional provisions for national transport;
- allow Member States to take emergency measures in the event of an accident;
- allow for derogations, in exceptional circumstances, to allow for the unique nature of each Member State. Any such derogations would have to be adopted by the Commission in accordance with the comitology procedures and would be subject to periodic review;
- allow Member States to maintain certain temporary national provisions that are listed in the Annex to the Directive; and
- any amendments to the Annexes would be adopted in accordance with comitology procedures.

As a consequence of simplifying the legislation the Commission is expecting: an increase in the use of multimodal transport; decreasing costs of transport operators; a decrease in the risk of accidents for transport workers, citizens and the environment; as well as making the enforcement of the provisions both simpler and more equitable.