




# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2006/0278(COD) Procedure completed
Inland transport of dangerous goods  Repealing Directive 96/35/EC <a href="#">1991/0516(SYN)</a> Repealing Directive 94/55/EC <a href="#">1993/0477(SYN)</a> Repealing Directive 96/49/EC <a href="#">1994/0284(SYN)</a> Amending Directive 2006/87/EC <a href="#">1997/0335(COD)</a> Repealing Directive 2000/18/EC <a href="#">1998/0106(COD)</a>	
Subject 3.20.02 Rail transport: passengers and freight 3.20.04 Inland waterway transport 3.20.05 Road transport: passengers and freight 3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport)	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>TRAN</b> Transport and Tourism		27/03/2008
		PSE <a href="#">LIBERADZKI Boguslaw</a>	
	Former committee responsible		06/02/2007
	<b>TRAN</b> Transport and Tourism		
	Former committee for opinion		
	<b>ENVI</b> Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2861</a>	07/04/2008
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">2805</a>	06/06/2007
European Commission	Commission DG	Commissioner	
	Energy and Transport	TAJANI Antonio	

Key events			
21/12/2006	Legislative proposal published	<a href="#">COM(2006)0852</a>	Summary
17/01/2007	Committee referral announced in Parliament, 1st reading		
06/06/2007	Debate in Council	<a href="#">2805</a>	Summary
26/06/2007	Vote in committee, 1st reading		Summary
28/06/2007	Committee report tabled for plenary, 1st reading	<a href="#">A6-0253/2007</a>	
04/09/2007	Debate in Parliament		
05/09/2007	Results of vote in Parliament		

			
05/09/2007	Decision by Parliament, 1st reading	<a href="#">T6-0370/2007</a>	Summary
06/04/2008	Council position published	<a href="#">06920/3/2008</a>	Summary
10/04/2008	Committee referral announced in Parliament, 2nd reading		
29/05/2008	Vote in committee, 2nd reading		Summary
05/06/2008	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A6-0227/2008</a>	
18/06/2008	Debate in Parliament		
19/06/2008	Decision by Parliament, 2nd reading	<a href="#">T6-0302/2008</a>	Summary
24/09/2008	Final act signed		
24/09/2008	End of procedure in Parliament		
30/09/2008	Final act published in Official Journal		

Technical information	
Procedure reference	2006/0278(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Repealing Directive 96/35/EC <a href="#">1991/0516(SYN)</a> Repealing Directive 94/55/EC <a href="#">1993/0477(SYN)</a> Repealing Directive 96/49/EC <a href="#">1994/0284(SYN)</a> Amending Directive 2006/87/EC <a href="#">1997/0335(COD)</a> Repealing Directive 2000/18/EC <a href="#">1998/0106(COD)</a>
Legal basis	EC Treaty (after Amsterdam) EC 071
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/6/61076

Documentation gateway					
Legislative proposal		<a href="#">COM(2006)0852</a>	22/12/2006	EC	Summary
Document attached to the procedure		<a href="#">SEC(2006)1725</a>	22/12/2006	EC	
Document attached to the procedure		<a href="#">SEC(2006)1726</a>	22/12/2006	EC	
Committee draft report		PE386.696	19/04/2007	EP	
Amendments tabled in committee		<a href="#">PE390.365</a>	05/06/2007	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A6-0253/2007</a>	28/06/2007	EP	
Economic and Social Committee: opinion, report		<a href="#">CES0988/2007</a>	11/07/2007	ESC	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T6-0370/2007</a>	05/09/2007	EP	Summary

Commission response to text adopted in plenary	<a href="#">SP(2007)5401</a>	18/10/2007	EC	
Council position	<a href="#">06920/3/2008</a>	07/04/2008	CSL	Summary
Commission communication on Council's position	<a href="#">COM(2008)0193</a>	08/04/2008	EC	Summary
Committee draft report	<a href="#">PE404.575</a>	09/04/2008	EP	
Amendments tabled in committee	PE405.943	30/04/2008	EP	
Committee recommendation tabled for plenary, 2nd reading	<a href="#">A6-0227/2008</a>	05/06/2008	EP	
Text adopted by Parliament, 2nd reading	<a href="#">T6-0302/2008</a>	19/06/2008	EP	Summary
Draft final act	<a href="#">03656/2008/LEX</a>	24/09/2008	CSL	

#### Additional information

National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>

#### Final act

[Directive 2008/68](#)  
[OJ L 260 30.09.2008, p. 0013](#) Summary

#### Delegated acts

<a href="#">2020/2816(DEA)</a>	Examination of delegated act
<a href="#">2022/2844(DEA)</a>	Examination of delegated act

## Inland transport of dangerous goods

**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 acquis 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 waterways 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.

## Inland transport of dangerous goods

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The Committee on Transport and Tourism unanimously adopted a report drawn up by Bogusław Liberadzki (PES, Poland) on the proposal on the inland transport of dangerous goods. It 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;
- 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;
- each Member State may, 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;
- 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. 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 as applicable on 31 December 1996.

## Inland transport of dangerous goods

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The European Parliament adopted by a large majority a resolution drafted by Bogusław 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.

## Inland transport of dangerous goods

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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.

## Inland transport of dangerous goods

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The Commission is of the view that the Council's common position reflects all of the main objectives of its initial proposal. The common position, which was adopted unanimously on 7 April 2008, reflects the compromise text agreed by all three institutions.

Both Parliament and Council made several amendments to the proposed Directive. To recall, a package of compromise amendments were adopted by Parliament during Plenary in September 2007. The amendments were agreed on by all three institutions with a view to finding final agreement at first reading. However, two minor omissions were discovered in the operative part of the text adopted by the EP (corresponding recitals were adopted). The texts concerning the application of rules for reasons other than safety and the financing of translations were omitted. These omissions were simply errors, there was no disagreement on the substance of the texts. The text of the two omissions are as follows:

- Article 1(5): Member States may regulate or prohibit, strictly for reasons other than safety during transport, the transport of dangerous goods within their territory
- Article 8(2): 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.

To conclude the Commission can accept the common position as it stands.

## Inland transport of dangerous goods

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The Committee on Transport and Tourism adopted a report by Boguslaw LIBERADZKI (PES, PL) and unanimously approved the common position for adopting a directive of the European Parliament and of the Council on the inland transport of dangerous goods.

## Inland transport of dangerous goods

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The European Parliament adopted, under the 2<sup>nd</sup> reading of the codecision procedure, a legislative resolution approving the common position adopted by the Council with a view to the adoption of a directive of the European Parliament and of the Council on the inland transport of dangerous goods.

The recommendation for second reading had been tabled for consideration in plenary by Boguslaw LIBERADZKI (PES, PL) on behalf of the Committee on Transport and Tourism.

The text was approved unamended, given that the Council adopted all of the amendments that had already been tabled at first reading. The two modifications introduced by the Council in the interim period have also been approved. First of all, a new paragraph has been introduced, which allows Member States to regulate or prohibit, strictly for reasons other than safety during transport, the transport of dangerous goods within their territory. Secondly, the Council indicated that the Commission should provide financial support to the Member States for the translation of the European Agreements and Regulations in the sector.

## Inland transport of dangerous goods

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**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.