

# Procedure file

Basic information		
SYN - Cooperation procedure (historic)	<a href="#">1994/0284(SYN)</a>	Procedure completed
Transport of dangerous goods by railway Amended by <a href="#">1999/0087(COD)</a> Repealed by <a href="#">2006/0278(COD)</a> Subject 3.20.02 Rail 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		22/02/1995
		PPE <a href="#">CORNELISSEN Petrus A.M.</a>	
	Former committee responsible		
	<b>TRAN</b> Transport and Tourism		22/02/1995
		PPE <a href="#">CORNELISSEN Petrus A.M.</a>	
	Former committee for opinion		
	<b>ENVI</b> Environment, Public Health and Consumer Protection		
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Agriculture and Fisheries</a>	<a href="#">1944</a>	23/07/1996
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">1893</a>	08/12/1995
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">1870</a>	28/09/1995

Key events			
11/10/1994	Additional information		Summary
09/12/1994	Legislative proposal published	COM(1994)0573	Summary
25/04/1995	Committee referral announced in Parliament		
21/06/1995	Vote in committee		Summary
21/06/1995	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0152/1995</a>	
12/07/1995	Debate in Parliament		Summary

13/07/1995	Decision by Parliament	T4-0349/1995	Summary
14/09/1995	Modified legislative proposal published	COM(1995)0424	Summary
08/12/1995	Council position published	<a href="#">11303/2/1995</a>	Summary
18/01/1996	Committee referral announced in Parliament, 2nd reading		
18/03/1996	Vote in committee, 2nd reading		Summary
18/03/1996	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A4-0074/1996</a>	
15/04/1996	Debate in Parliament		Summary
16/04/1996	Decision by Parliament, 2nd reading	T4-0168/1996	Summary
04/06/1996	Modified legislative proposal published	COM(1996)0235	
23/07/1996	Act adopted by Council after consultation of Parliament		
23/07/1996	End of procedure in Parliament		
17/09/1996	Final act published in Official Journal		

### Technical information

Procedure reference	1994/0284(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
	Amended by <a href="#">1999/0087(COD)</a> Repealed by <a href="#">2006/0278(COD)</a>
Legal basis	EC before Amsterdam E 075-p1
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/4/07379

### Documentation gateway

Legislative proposal	<a href="#">COM(1994)0573</a> <a href="#">OJ C 389 31.12.1994, p. 0015</a>	09/12/1994	EC	Summary
Economic and Social Committee: opinion, report	<a href="#">CES0581/1995</a> <a href="#">OJ C 236 11.09.1995, p. 0036</a>	31/05/1995	ESC	Summary
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A4-0152/1995</a> <a href="#">OJ C 249 25.09.1995, p. 0004</a>	21/06/1995	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0349/1995 <a href="#">OJ C 249 25.09.1995, p. 0119-0137</a>	13/07/1995	EP	Summary
Modified legislative proposal	<a href="#">COM(1995)0424</a> <a href="#">OJ C 313 24.11.1995, p. 0026</a>	14/09/1995	EC	Summary
Council position	<a href="#">11303/2/1995</a>	08/12/1995	CSL	Summary
Commission communication on Council's position	SEC(1995)2060	08/12/1995	EC	Summary
Committee recommendation tabled for plenary, 2nd reading	<a href="#">A4-0074/1996</a> <a href="#">OJ C 117 22.04.1996, p. 0004</a>	18/03/1996	EP	

Text adopted by Parliament, 2nd reading	<a href="#">T4-0168/1996</a> <a href="#">OJ C 141 13.05.1996, p. 0020-0051</a>	16/04/1996	EP	Summary
Modified legislative proposal	COM(1996)0235	04/06/1996	EC	
Follow-up document	<a href="#">COM(2002)0357</a>	03/07/2002	EC	Summary
Implementing legislative act	<a href="#">32003L0029</a> <a href="#">OJ L 090 08.04.2003, p. 0047-0047</a>	07/04/2003	EU	Summary

### Additional information

European Commission

[EUR-Lex](#)

### Final act

[Directive 1996/49](#)

OJ L 235 17.09.2006, p. 0025 Summary

## Transport of dangerous goods by railway

PREVIOUS POSITION OF EP: Parallel proposals have come forward for road transport as in Measure A - COM(93)0548 final/2 - SYN 477 and Measure B COM (93)0665 final - SYN 487. These are intended to control (A by harmonising legislation and B by imposing standard checks) the transport of Dangerous Goods by Road. The Parliament as advised by the Committee discussed and amended them both at first reading under the Cooperation Procedure on the 3rd of May. The Commission prepared an amended proposal for Measure A (legislation) as in COM(94)0238 on the 2nd of June and an amended proposal for Measure B (checks) as in COM(94)0340 on the 29th of July. Transport Council reached a Common Position on Measure A on 13 June and a Common Position on Measure B on 26 September 1994. The Committee will discuss its recommendations for the second reading of Measure A at the October part-session on 10-11 October, with a view towards the Council being able to adopt the measure in November. SITUATION IN THE MEMBER STATES: all the Community Member-States (plus 22 other states) were at 1 January 1993 signed up to the RID. RID stands for the International Regulations concerning the Carriage of Dangerous Goods by Rail, whose text is drawn up by the United Nations Committee of Experts (CoE). RID is Annex 1 of Uniform rules concerning the contract for international carriages of goods by rail (CIM) which is itself Appendix B to the Convention concerning international carriage by rail, or COTIF. In the Member-States the regulations are monitored by the relevant Transport Ministries and national rail transport undertakings and where appropriate by inspectorates of railways.

## Transport of dangerous goods by railway

The proposal for a directive seeks to harmonise the provisions of national laws on the carriage of dangerous goods by rail in order to ensure the same level of safety in international and domestic traffic, thereby allowing a single market to be created for these services in the Community. The Commission proposes that this be achieved by making the Regulations concerning International Carriage of Dangerous Goods by Rail (RID), annexed to the Convention concerning international carriage by rail (COTIF), applicable to the transportation of dangerous goods by rail both between and within Member States. In addition, the proposal for a directive: - authorises the Member States to continue applying national standards compatible with the multimodal recommendations of the United Nations on the carriage of dangerous goods, with which the RID are gradually being harmonised, until such time as the revised annex to this directive brings them into line with the aforementioned recommendations; - specifies the cases in which current provisions of national legislation on the carriage of dangerous goods may be stricter or more lenient for certain goods and certain specific objectives. These cases must be notified to the Commission; - makes provision for Member States to continue to apply stricter rules to wagons belonging to or registered with their rail network, insofar as they are being used to carry dangerous goods as domestic traffic; - facilitates multimodal transport by recognising the safety standards for the carriage of dangerous goods by air and sea; - grants an exemption from the requirement to establish documents on the transport operation in several languages where the transport operation is confined to the territory of a single Member State; - grants an exemption of unlimited duration from the provisions of the directive for wagons, containers and tanks manufactured in accordance with national legislation which applied before the directive entered into force; - authorises the Member States to continue to manufacture and use equipment which meets national standards pending the definition and introduction, by reference, of the standards in the annex to the directive or until 31 December 1998 at the latest; - makes provision for an exemption authorising the use on the territory of a Member State of a different reference temperature for the carriage of liquefied gas and mixtures by tanker which is suitable for transport in the climatic zone in question; - authorises dangerous goods classed, packaged and labelled in accordance with national legislation before the date of transposition of the directive to be carried until 1 January 1998; - authorises domestic consignments to use emergency action codes in lieu of the danger identification code prescribed by the RID; - authorises a Member State to maintain more lenient provisions for certain small quantities of dangerous goods, such as those used for track maintenance; - allows Member States an exemption from the provisions of the directive for very short, non-recurrent transport; - makes provision for derogations, to be granted by the competent authority designated by the Member State, for example for new packaging not yet included in the RID; - sets a period of validity of two years from the date on which the proposal enters into force for existing agreements or tariff clauses concluded between two or more Member States or railway networks, provided that they were negotiated in accordance with the

uniform rules for international carriage of goods by rail; - makes provision for wagons carrying dangerous goods to or from a third country to be used for the international transport of dangerous goods on Community territory, provided that the transport complies with the RID; - sets the comitology rules needed in order to monitor the harmonisation of provisions governing the carriage of dangerous goods by rail.?

## Transport of dangerous goods by railway

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The ESC welcomed the proposal to adapt national provisions to the international provisions in force for cross-frontier traffic, which under the RID rules already applied to 34 states that were parties to the Convention. The proposal for a directive under review was largely in keeping with the Directive on the transport of dangerous goods by road and, to correspond to this Directive [(1) Doc. COM(93)665 final - SYN 487 - OJ C 238 of 26 August 1994, page 4], the ESC expected in the near future to see a proposal for a directive from the Commission on the monitoring of the transport of dangerous goods by rail. It also urged the Commission to produce as soon as possible a draft Directive on the transport of dangerous goods by inland waterway, which was still lacking, and which would greatly facilitate intermodal transport. Finally, since the restructuring referred to by the Commission (Directive 91/440/EEC) would also give rise to differing responsibilities for the enterprises responsible for operation and those responsible for the track, the ESC considered that these different responsibilities should be addressed and defined in the Directive.

## Transport of dangerous goods by railway

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The Committee adopted the report of Mr. Pam CORNELISSEN (NL, EPP) on the Commission proposal for a Council Directive on the approximation of the laws of Member States with regard to the transport of dangerous goods by rail: a. the objectives and substance of the proposal Owing to the increase in the transport of dangerous goods by rail and the associated risks, rules are needed to guarantee a uniform level of safety within the EU. The international transport of dangerous goods is currently governed by the Regulations concerning the International Carriage of Dangerous Goods by Rail (RID). All Member States are Contracting Parties to this Convention, although the EU itself is not. These regulations only cover the transport of dangerous goods between, and not within, the States involved. Quite apart from the safety aspect, the diverse safety standards applicable within the EU constitute a substantial obstacle to the free circulation of goods throughout the Community. The risk of distortions of competition is further aggravated by the existence of numerous bilateral and multilateral agreements between Member States. Some of these agreements which exist alongside the RID diverge substantially from the RID and that is why EU legislation is required. Given the fact that international rules already exist, the most effective way of legislating would be to extend the scope of RID to cover transport within Member States as well, since this would not involve drawing up new rules, but applying existing, universally recognized rules. Therefore, rapporteur CORNELISSEN feels that a directive is the most appropriate means of achieving the desired objective as quickly as possible. The two main aims of the directive would be firstly: to improve safety standards and, secondly, to create an environment for the transport of dangerous goods by rail which is genuinely compatible with the Single Market. b. Nevertheless, the Committee adopted some amendments considering the right of Member States to adopt special rules or grant derogations for transport operations of local significance, e.g. the transport of hydrogen cyanide in purpose-built tank wagons, or for the transport of dangerous goods on narrow-gauge, dock or mountain railways. Finally, the Committee adopted the amendment that this directive does not affect the right of any Member State to adopt rules governing the transport of its territory of dangerous goods by rail from or to States of the former Soviet Union. Germany, Finland and Austria shall ensure, by adopting appropriate measures and conditions, that a standard of safety requirement to that provided for by the RID is maintained. In Germany and Austria, the provisions of this paragraph should only apply to tank wagons.

## Transport of dangerous goods by railway

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According to Mr KINNOCK, this proposal, which provided the Member States with a certain degree of flexibility, did not interfere with the principles of the internal market and the free movement of services. In this context, the Commission could take over Amendment No 5, which gave Member States the right to adopt rules governing the transport of dangerous goods by rail from or to the states of the former Soviet Union, outside the conditions laid down in the annexes, provided that an equivalent standard of safety was maintained. However, it rejected the following amendments as they were inappropriate: Amendment No 1 because the requirement for advance warning would only result in excessive bureaucracy and would not improve safety; Amendment No 2, which sought to prevent trains transporting dangerous goods from transporting passengers, as it would appear to be out of all proportion given that this ban was already in place for explosives and other highly dangerous substances; Amendment No 3 as it was too permissive as regards derogations; and Amendment No 4, which was not consistent with the proposal's aim of eliminating where possible the obstacles to transport by rail.

## Transport of dangerous goods by railway

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Adopting the report by Mr CORNELISSEN (PPE, NL), the European Parliament approved the proposal subject to certain amendments calling for: - the local authorities and emergency services to be given advance warning of any transportation operation involving dangerous goods and persons not involved in the transportation to be prevented from traveling on trains carrying dangerous goods; - special rules for the transport of dangerous goods of local significance and for narrow-gauge, dock or mountain railways; - the facility to transport dangerous goods in tanker wagons from wide-gauge railways (in the CIS and the Baltic states) suitable for the change of gauge, provided that the required level of safety can be guaranteed.?

## Transport of dangerous goods by railway

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The Commission's amended proposal incorporates the amendment allowing Member States to continue transport operations to and from the states of the former Soviet Union under conditions which do not correspond in all points to the provisions of the Annex but which nonetheless safeguard an equivalent level of safety. However, the Commission did not incorporate the four other amendments in the text of the directive.?

## Transport of dangerous goods by railway

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The Commission considered that, compared with the scope of the proposed directive, the planned derogations only covered a very small segment of the transport market and that some of these derogations were limited geographically and should not therefore hamper the creation of a single rail transport market. Consequently, the Commission considered that the main objectives of harmonization and safety could still be achieved and therefore supported the common position.?

## Transport of dangerous goods by railway

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The common position of the Council incorporates one of the five amendments adopted by the EP at its first reading and accepted by the Commission in its amended proposal. This amendment allows Member States the right to undertake rail transport operations with states of the former Soviet Union which are not contracting parties to the Convention concerning international carriage by rail (COTIF). The other amendments were not accepted. The common position, whilst retaining the principal objectives of harmonisation and safety, nevertheless contains a number of changes to the amended Commission proposal, particularly as regards derogations, restrictions and exemptions most of which are limited in scope. The main changes concern the following points: - the possibility to apply specific safety rules on international or national transport of dangerous goods in areas not covered by the Annex (e.g. routing of trains, special rules for transport of dangerous goods in passenger trains); - the possibility for continuation of rail transport operations between Member States and states of the former Soviet Union under equivalent conditions of safety to those in the Annex; - the possibility for certain Member States to retain, in certain cases, their national legislation with regard to: .transport of dangerous goods via the Channel Tunnel and, in future, other similar tunnels of unique construction; .operating requirements for equipment in Member States where the temperature is regularly less than -20C; .the transport of dioxins and furanes; .the possibility to transport, over short and pre-designated routes, certain dangerous goods prohibited by the Annex but forming part of a defined industrial process, under strictly controlled conditions; .transport operations strictly confined to airports and industrial sites. ?

## Transport of dangerous goods by railway

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The Committee adopted the draft recommendation for second reading by its Chairman Mr Pam CORNELISSEN (NL, EPP) on a Directive on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail. The aim of this directive is to transpose into EU law the international rules on the cross-border transport of dangerous goods by rail in order to standardize as far as possible the application of legislation to conditions of competition applicable to the various modes of transport used to transport dangerous goods. The Committee adopted amendments on ensuring passenger safety and on the right of Member States to adopt special rules or grant derogations for transport operations of local significance or for the transport of dangerous goods on narrow-gauge, dock or mountain railways. But it did not take on board Mr CORNELISSEN's proposal not to allow France and the UK to impose more stringent provisions for transport via the Channel tunnel. A majority felt that, given the special status of this tunnel, security provisions should be left to the competent authorities on both sides of the Channel.

## Transport of dangerous goods by railway

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The rapporteur, Mr Cornelissen (EPP, NL), emphasised that strict measures were needed to control the transport of dangerous goods by rail, particularly in urban areas. While expressing agreement with the common position of the Council, he went on to stress that some room for manoeuvre also had to be left open to Member States as far as local transport was concerned. Similarly, in the event of an accident he wanted to see the authorities kept fully informed of the nature of the goods being transported. Finally, he called on the Commissioner to clarify the definition ?tunnels with characteristics similar to the Channel Tunnel?. Recalling that the proposal in question was aimed at removing barriers to freedom of movement between Member States, Commissioner Kinnock recognised that harmonisation could not be achieved overnight. It was for this reason that the Commission had provided for maximum flexibility in the proposal and the Council, in turn, had added to this. The Commissioner was not at all in favour of the abundance of bureaucracy associated with Amendment No 1 since this was of no benefit whatsoever from a safety point of view, in that highly dangerous goods such as radioactive substances were already subject to notification. He also considered that Amendment No 2 was completely superfluous, given that its content was already part of the common position. The Commissioner then recognised that the political compromise on the Channel Tunnel that had been reached within the Council comprised the application of stricter standards that were justified from a safety point of view by reason of the specific characteristics of the Channel Tunnel and the Oresund Tunnel. Mr Kinnock concluded by pointing out that in his view the common position seemed to be a balanced compromise.

## Transport of dangerous goods by railway

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In adopting the report by Mr Petrus CORNELISSEN (PPE, NL), Parliament called for measures ensuring passenger safety and the right of Member States to adopt special rules or seek derogations for transport operations of local significance or for the transport of dangerous goods on narrow-gauge, dock or mountain railways. It called for the various competent authorities to be given advance warning of any transport operation involving highly dangerous goods. ?

## Transport of dangerous goods by railway

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OBJECTIVE: Harmonization of the rules applicable to national and intra-Community transport of dangerous goods by rail in order to ensure a high level of safety and the creation of a single market for such transport services within the Union. Such harmonization should eliminate

obstacles to the free movement of goods between the Member States in respect of transport equipment (vehicles, bottles, tanks, packaging, safety devices). COMMUNITY MEASURE: 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. SUBSTANCE: The Directive establishes national safety rules at a high level, i.e. the level of international standards laid down in the Convention concerning international carriage by rail (COTIF). It takes account of the potential risks inherent in the transport of goods by rail, having regard to the fact that such goods are frequently carried through urban areas and that accidents are liable to happen during operations in marshalling yards which are often located in town or city centres. Moreover, with a view to the progressive opening up of the transport market by rail, the Directive establishes a harmonized package of national safety rules, which would prevent distortions of competition between the various modes of transport of dangerous goods. The Directive provides for the possibility of imposing more stringent provisions for the transport of dangerous goods via the Channel Tunnel or tunnels with characteristics similar to the Channel Tunnel, which would be the case, according to currently available information, with the tunnel under the Great Belt in Denmark and the Sound Tunnel between Denmark and Sweden. DATE OF ENTRY INTO FORCE: 17 September 1996 DEADLINE FOR TRANSPOSITION INTO NATIONAL LEGISLATION: 1 January 1997. ?

## Transport of dangerous goods by railway

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The transport of dangerous goods in the EU by rail is mainly covered by the Framework Directive 96/49/EC on transport of dangerous goods by rail. The European standards laying down detailed technical specifications relating to the construction, use and conditions of carriage of pressure drums, cylinder racks and tanks for the transport of dangerous goods by rail have not yet been added to the Annex to Directive 96/49/EC, since standardisation of the CEN on them is not yet complete. It is therefore necessary to defer the deadlines by which such pressure drums, cylinder racks and tanks must comply with Directive 96/49/EC. The proposed modification states that a Member State may maintain national provisions in force on 31 December 1996 relating to the construction, use and conditions of carriage of new tanks, and new pressure drums and cylinder racks as defined in Class 2 of the Annex, which differ from the provisions of that Annex until references to standards for the construction and use of tanks, pressure drums and cylinder racks are added to the Annex, with the same binding force as the provisions therein, but in any event no later than 30 June 2003. Pressure drums, cylinder racks and tanks constructed before 1 July 2003 and other receptacles constructed before 1 July 2001 and maintained to the required safety levels may continue to be used under the original conditions. The dates 30 June 2003 and 1 July 2003 shall be put back for pressure drums, cylinder racks and tanks for which there are no detailed technical requirements or for which no sufficient references to appropriate European standards have been added to the Annex.?

## Transport of dangerous goods by railway

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COMMUNITY MEASURE : Commission Directive 2003/29/EC adapting for the fourth time to technical progress 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. CONTENT : the Annex to Directive 96/49/EC refers to the Regulation concerning the international carriage of dangerous goods by rail, generally known as the RID, as applicable with effect from 1 July 2001. The RID is updated every two years. Consequently, the amended version will be in force with effect from 1 January 2003, with a transitional period up to 30 June 2003. It is therefore necessary to amend the Annex to Directive 96/49/EC. The measures provided for in this Directive are in conformity with the opinion of the Committee on the transport of dangerous goods referred to in Article 9 of Directive 96/49/EC. TRANSPOSITION : 1 July 2003. ENTRY INTO FORCE : 9 April 2003.