



**COUNCIL OF
THE EUROPEAN UNION**

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STATEMENT OF THE COUNCIL'S REASONS

Subject : Proposal for a Directive of the European Parliament and of the Council on the
 inland transport of dangerous goods

STATEMENT OF THE COUNCIL'S REASONS

I. Introduction

1. On 22 December 2006, the Commission transmitted to the Council the above mentioned proposal. The proposed Directive updates the existing four directives and four Commission decisions on the transport of dangerous goods, integrating them into one piece of legislation and extending the scope of EU rules to cover not only road and rail transport but also inland waterway transport. The proposal brings the existing rules for international transport into Community law and also extends the application of international rules to national transport.

The objective of the proposal is to ensure the uniform application of safety rules and a high level of safety for national and international transport operations.

2. On 6 June 2007, the Council reached a general approach on a proposal for a Directive on inland transport of dangerous goods, pending the adoption of the opinion of the European Parliament at first reading. In carrying out its work, the Council took account of the opinion of the Economic and Social Committee¹. The Committee of the Regions decided not to adopt an opinion on the above mentioned proposal.
3. On 5 September 2007, the European Parliament voted its opinion at first reading.
4. On 7- April 2008, the Council will adopt its Common Position.

¹ OJ C 256, 27.10.2007, p. 44.

II. Analysis of the Common Position

1. General

In accordance with the provisions of Article 251(2) of the EC Treaty and the joint declaration on practical arrangements for the codecision procedure², a number of informal contacts had taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at first reading, thereby avoiding the need for a second reading.

In this context, the rapporteur, Mr Boguslaw LIBERADZKI (PES - PL), presented to the EP plenary a package of compromise amendments to the proposal, on behalf of the Committee on Transport and Tourism, which had been agreed during the informal contacts referred to above.

The amendments adopted by the plenary corresponded to what was agreed between the three institutions and were therefore acceptable to the Council. Consequently, once the legal linguists had scrutinized the text, the Council could be in a position to adopt the legislative act.

At a certain stage, the EP Legal Service discovered a discrepancy, which had occurred during the vote at the plenary. More precisely, Amendment 17 consisted of two parts: the first part was Article 1(5) of the proposal, on which agreement was reached during the informal contacts, since it already exists in current legislation and the second part, on which it was agreed to be rejected in order to reach a compromise solution. By mistake, at the plenary the whole Amendment 17 was rejected. As a result, there is a contradiction between the intention of the EP, as expressed in the justification of Amendments 17 and 20, and the formal vote.

Initially, it was understood 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 since there was no substantive disagreement. In February 2008, the EP informed the Council that this procedure could not be followed in this case.

² OJ C 145, 30.6.2007, p.5.

Therefore, an agreement in first reading was not possible anymore and the Council had to adopt a common position.

2. Main modifications to Commission proposal

Taking the Commission's proposal as the basis, the Council introduced several modifications.

- Comparing to the Commission's proposal, the text agreed by the Council exempts Member States, which have no railway system from the obligation to transpose and implement this directive insofar as rail is concerned.
- It also gives Member States, which have no inland waterways or whose inland waterways are not linked to those of other Member States, the possibility not to apply the directive as far as inland waterway transport of dangerous goods is concerned.
- It further provides for a transitory period of up to two years for the application of its provisions in respect of inland waterways, to allow sufficient time for adaptation on national provisions establishing legal frameworks and training of personnel.
- The Directive will further enhance the safety of transport of dangerous goods for all three inland modes of transport, support the protection of the environment and facilitate transport of dangerous goods and the internal market for transport operators by harmonising the conditions of transport; it further provides a good example for simplification of legislation and for better regulation.

III. Amendments of the European Parliament

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

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.

IV. Conclusion

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.
