

# EUROPEAN PARLIAMENT

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**A6-0227/2008**

5.6.2008

**\*\*\*II**

## **RECOMMENDATION FOR SECOND READING**

on the Council common position for adopting a directive of the European Parliament and of the Council on the inland transport of dangerous goods (6920/3/2008 – C6-0160/2008 – 2006/0278(COD))

Committee on Transport and Tourism

Rapporteur: Bogusław Liberadzki

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission.)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the Council common position for adopting a directive of the European Parliament and of the Council on the inland transport of dangerous goods (6920/3/2008 – C6-0160/2008 – 2006/0278(COD))**

**(Codecision procedure: second reading)**

*The European Parliament,*

- having regard to the Council common position (6920/3/2008 – C6-0160/2008)<sup>1</sup>,
  - having regard to its position at first reading<sup>2</sup> on the Commission proposal to Parliament and the Council (COM(2006)0852)<sup>3</sup>,
  - having regard to Article 251(2) of the EC Treaty,
  - having regard to Rule 67 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on Transport and Tourism (A6-0227/2008),
1. Approves the common position;
  2. Notes that the act is adopted in accordance with the common position;
  3. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
  4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Union;
  5. Instructs its President to forward its position to the Council and Commission.

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<sup>1</sup> OJ C 117E , 14.5.2008, p. 1.

<sup>2</sup> *Texts adopted*, 5.9.2007, P6\_TA(2007)0370.

<sup>3</sup> OJ C 126, 7.6.2007, p. 8.

## **EXPLANATORY STATEMENT**

### **The Commission proposal**

The proposed Directive updates the existing four directives and four Commission decisions on the transport of dangerous goods and merges them into one piece of legislation. Furthermore, the directive includes in its scope the transport of dangerous goods by inland waterways, which has so far not been subject to EU legislation. The proposal also integrates international rules for the transport of dangerous goods into Community law and extends their application to national transport. The objective of the proposal is to ensure a high level of safety through the application of harmonised rules, while at the same time improving inter-modality in the transport of dangerous goods.

### **First reading**

In first reading, Parliament adopted a total of 42 amendments, including several of technical nature. Furthermore, the report exempts Member States, which have no railway system from the obligation to transpose and implement this directive insofar as rail is concerned.

Parliament also introduced a transitory period of up to two years for the application of the Directive's provisions in respect of inland waterways in order to provide sufficient time for the adaptation of national provisions, the establishment of legal frameworks and the training of personnel.

In addition, the report ensures that Member States may still lay down specific requirements for the national and international transport of dangerous goods within their territory as regards vehicles, wagons and inland waterway vessels not covered by the new directive. They may also prescribe certain routes or specific modes of transport and lay down special rules for the transport of dangerous goods in passenger trains.

### **Common Position**

The Parliament amendments had been the result of informal negotiations between the rapporteur and the Council. The Council thus accepted all amendments adopted by Parliament in first reading. However, the Council considered it necessary to introduce two modifications to the position of the Parliament in.

Firstly, the Common Position introduces a paragraph in Article 1, 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 added a paragraph to Article 8, which stipulates that the Commission shall provide financial support to the Member States for the translation of the ADR (European Agreement concerning the International Carriage of Dangerous Goods by Road), RID (Regulations concerning International Carriage of Dangerous Goods by Rail) and ADN (European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways) and of their modifications into their respective official languages.

**Rapporteur's comments:**

Your rapporteur supports both of the Council's changes. He therefore recommends that the Common Position be approved without amendment and that the legislative procedure be concluded.

## PROCEDURE

<b>Title</b>	Inland transport of dangerous goods
<b>References</b>	06920/3/2008 – C6-0160/2008 – 2006/0278(COD)
<b>Date of Parliament's first reading – P number</b>	5.9.2007                      T6-0370/2007
<b>Commission proposal</b>	COM(2006)0852 - C6-0012/2007
<b>Date receipt of common position announced in plenary</b>	10.4.2008
<b>Committee responsible</b> Date announced in plenary	TRAN 10.4.2008
<b>Rapporteur(s)</b> Date appointed	Bogusław Liberadzki 27.3.2008
<b>Discussed in committee</b>	6.5.2008
<b>Date adopted</b>	29.5.2008
<b>Result of final vote</b>	+:                      27 -:                      0 0:                      0
<b>Members present for the final vote</b>	Inés Ayala Sender, Paolo Costa, Arūnas Degutis, Petr Duchoň, Saïd El Khadraoui, Robert Evans, Emanuel Jardim Fernandes, Francesco Ferrari, Brigitte Fouré, Mathieu Grosch, Georg Jarzembowski, Timothy Kirkhope, Sepp Kusstatscher, Jörg Leichtfried, Marian-Jean Marinescu, Erik Meijer, Willi Piecyk, Paweł Bartłomiej Piskorski, Luís Queiró, Reinhard Rack, Brian Simpson, Yannick Vaugrenard
<b>Substitute(s) present for the final vote</b>	Nathalie Griesbeck, Zita Gurmai, Leopold Józef Rutowicz
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Rovana Plumb, Bart Staes