

## **Manual of European Environmental Policy**

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This section is the text of the Manual as published in 2012. It is therefore important to note the following:

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The Manual should be cited as follows:

Farmer, A.M. (2012) (Editor). Manual of European Environmental Policy. 1043pp. Routledge, London.

# Inland transport of dangerous goods

<b>Formal references</b>	
<a href="#">2008/68/EC</a> (OJ L260/13 30.9.2008)	Directive on the inland transport of <a href="#">dangerous goods</a>
Proposed 22.12.2006 – <a href="#">COM(2006)852</a>	
<b>Legal base</b>	Article 91 TFEU (Originally Article 71 TEC)
Entry into force	20 October 2008
Formal compliance	30 June 2009

## Purpose of the Directive

International controls over the transport of dangerous goods by air, water, road and rail are established on the basis of UN Recommendations for the Transport of Dangerous Goods, the so-called Orange Book which is reviewed biannually by the UN Committee of Experts on Transport of Dangerous Goods. These UN Recommendations form the basis of more specific international agreements which are in turn transposed into national and EU legislation. The purpose of earlier Directives was to provide a harmonized system for preventing accidents or mitigating them during transport of dangerous goods by ensuring proper enforcement of international standards. These earlier Directives were repealed by Directive 2008/68/EC on 30 June 2009. Directive 2008/68/EC sets up a common regime covering all aspects of inland transport of dangerous goods.

## Summary of the Directive

The Directive applies to the transport of dangerous goods by road, 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 Directive exempts Member States without a railway system from the obligation to transpose and implement the Directive. 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 are also allowed to lay down specific safety requirements for the national and international transport of dangerous goods within their territory as regards:

- the transport of dangerous goods by vehicles, wagons or inland waterway vessels not covered by the Directive;
- where justified, the use of prescribed routes including the use of prescribed modes of transport; or
- 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.

Member States are allowed a transitional period of two years (until 30 June 2011) for the transport of dangerous goods by inland waterway.

## **Development of the Directive**

In 1997, the Commission published a proposal, ([COM\(97\)367](#)), which was later amended by [COM\(1999\)563](#) with the aim to harmonize national and international legislation on the transport of dangerous goods by inland waterways. However, the proposal was never adopted, because the European Agreement concerning the international carriage of dangerous goods by inland waterways (AND) was not duly concluded. The proposal was withdrawn in 2004. A new proposal (COM(2006)852), was published in 2006. At this point, the AND (ratified in February 2008) was in the process of ratification and it was deemed undesirable to maintain separate sets of rules for each mode. In June 2008, the European Parliament approved the Common Position and Directive 2006/68/EC was published in the *Official Journal* on 30 September 2008.

## **Implementation of the Directive**

Information on the transposition of the Directive into Member State law can be found in the national [execution measures](#). There is no report on the practical implementation of the Directive as it is relatively recently adopted.

## **Enforcement and court cases**

In October 2010 Austria and Ireland were taken to the European Court of Justice for failing to transpose the Directive, which should have been fully transposed by 30 June 2009.<sup>1</sup>

## **Reference**

1 EC Press Release (2009), *EU Law: Commission Acts to Ensure that European Legislation is Fully and Properly Implemented*. European Commission webpage. <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/11/86&format=HTML&aged=0&language=EN&guiLanguage=en>. Accessed 1.4.2011.