Council of the European Union

Brussels, 17 September 2020
(OR. en)

10773/20

Interinstitutional File:
2020/0226(NLE)

TRANS 389

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)/Council
No. prev. doc.:	ST 10565/20
No. Cion doc.:	ST 10354/20 + ADD 1
Subject:	Proposal for a Council Decision on the position to be taken on behalf of the European Union as regards the amendments to the Annexes of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) and to the Annexed Regulations to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN) – Adoption

I. INTRODUCTION

1. On 31 August 2020, the Commission submitted to the Council the above-mentioned proposal, after having informed, on 7 July 2020, the Working Group on Land Transport about the conclusion of work on technical and scientific updates to the relevant international agreements on the transport of dangerous goods by road and by inland waterways, for the years 2021 and 2022.

2. The consultation of the contracting parties on the changes to the Annexes and to the Annexed Regulations to above-mentioned agreements was launched by the Secretary-General of the United Nations on 1 July 2020 and it ends on 1 October 2020.

3. The Union is not a contracting party to either of the agreements. However, all Member States are contracting parties to the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) and thirteen Member States are contracting parties to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN). The European Union regulates, in particular through Directive 2008/68/EC[1], the transport of dangerous goods by road, rail and inland waterways, and refers to the application of rules adopted under ADR and AND.

II. WORK AT THE PREPARATORY BODY

4. During an informal meeting of the members of the Working Party on Land Transport on 8 September 2020, the Commission presented the proposal. Delegations supported its adoption and noted, in agreement with the Commission, that the list of relevant UNECE documents needed to be completed by some documents which had been published more recently.

5. Following a written consultation of the Working Party on the draft decision thus amended,[2] no delegation made additional comments.

III. CONCLUSIONS

6. The Permanent Representatives Committee is invited to endorse the draft Decision and to submit it for adoption to the Council), as presented in document 10362/20 which was revised by the lawyer-linguists.[3]

7. Once adopted, the European Parliament will be informed about the Council Decision.

---

1 Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13.).

2 See document 10565/20.

3 The document revised by the lawyer-linguists will be available on 22 September 2020, p.m.

Annex 1

2020/0226 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union as regards the amendments to the Annexes of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) and to the Annexed Regulations to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The European Agreement concerning the International Carriage of Dangerous Goods by Road ("ADR") entered into force on 29 January 1968. The European Agreement Concerning the International Carriage of Dangerous Goods by Inland Waterways ("ADN") entered into force on 28 February 2008.

(2) Pursuant to Article 14 of the ADR, any Contracting Party may propose one or more amendments to the Annexes to that Agreement and, therefore, the Working Party on Transport of Dangerous Goods ("WP.15") may adopt amendments to the Annexes of the ADR. Pursuant to Article 20 of the ADN, the Safety Committee and Administrative Committee may adopt amendments to the Annexed Regulations to the ADN.

(3) The amendments adopted during the biennium 2018-2020 by the WP.15 and the ADN Administrative Committee on transport of dangerous goods by road and inland waterways were notified to the ADR and ADN contracting parties on 1 July 2020.

(4) It is appropriate to establish the position to be taken on the Union's behalf with regard to those amendments to the ADR and the ADN, as those acts will be capable of decisively influencing the content of Union law, namely Directive 2008/68/EC of the European Parliament and of the Council[1]. That Directive lays down requirements for the transport of dangerous goods by road, rail or inland waterways within or between Member States, by referring to the ADR and the ADN. Article 4 of that Directive provides that the transport of dangerous goods between Member States and third countries shall be authorised in so far as it complies with the requirements of the ADR, RID and ADN, unless otherwise indicated in the Annexes. Moreover, under Article 8 of Directive 2008/68/EC, the Commission is empowered to adapt Annex I, Section I.1 and Annex III, Section III.1 to that Directive to scientific and technical progress, in particular to take account of amendments to the ADR, RID and ADN.

(5) The Union is not a contracting party to the ADR and to the ADN. However, this fact does not prevent it from exercising its competence by establishing, through its institutions, a position to be adopted on its behalf in the body set up by that agreement, in particular through the Member States which are party to that agreement acting jointly in its interest.

(6) All Member States are contracting parties to and apply the ADR, and 13 Member States are contracting parties to and apply the ADN.

[1] Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13.)

(7) The amendments adopted concern technical standards or uniform technical prescriptions, with the objective to ensure safe and efficient transport of dangerous goods whilst taking into account scientific and technical progress in the sector and the developments of new substances and articles that pose danger during their transport. The development of transport of dangerous goods by road and inland waterways, both within the Union and between the Union and its neighbouring countries, is a key component of the common transport policy and ensures proper functioning of all industrial branches producing or making use of goods classified as dangerous under the ADR and ADN.

(8) All the proposed amendments are justified and beneficial, and should therefore be supported by the Union.

(9) The Union's position is to be expressed by the Member States of the Union that are contracting parties to ADR and ADN, acting jointly,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf on the amendments adopted by the Working Party on Transport of Dangerous Goods (WP.15) and the ADN Administrative Committee to the Annexes to the ADR and to the Annexed Regulations to the ADN, respectively, as referred to in the Annex to this Decision, is set out in that Annex.

Minor changes to this position may be agreed without further decision of the Council, in accordance with Article 2.

Article 2

The position referred to in Article 1 shall be expressed by the Member States of the Union that are contracting parties of the ADR and the ADN, acting jointly.

Article 3

The decisions of the Working Party on Transport of Dangerous Goods (WP.15) and of the ADN Safety Committee shall be published in the *Official Journal of the European Union*, indicating the date of their entry into force.

Article 4

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

For the Council
The President

Annex 2

Proposal	Reference Document	Notification	Issue	Comments	EU Position
1.	ECE/TRANS/WP.15/249	C.N.274.2020. TREATIES-XI.B.14 **(Depositary Notification)**	Draft amendments to annexes A and B of ADR	Technical consensus at the Working Party on the Transport of Dangerous Goods – WP.15.	Agree with the amendments.
2.	ECE/TRANS/WP.15/249/ Add.1	C.N.274.2020. TREATIES-XI.B.14 **(Depositary Notification)**	Draft amendments to annexes A and B of ADR - Addendum	Technical consensus at the Working Party on the Transport of Dangerous Goods – WP.15.	Agree with the amendments.
3.	ECE/TRANS/WP.15/249/ Corr.1	C.N.274.2020 TREATIES-XI.B.14 **(Depositary Notification)**	Draft amendments to annexes A and B of ADR - Corrigendum	Technical consensus at the Working Party on the Transport of Dangerous Goods – WP.15.	Agree with the amendments.
4.	ECE/ADN/54	C.N.273.2020.TREATIES-XI.D.6 **(Depositary Notification)**	Draft amendments to the Regulations annexed to ADN	Technical consensus at the ADN Administra-tive Committee.	Agree with the amendments.

5.	**ECE/TRANS/WP.15/ AC.2/25**	**C.N.309.2020. TREATIES-XI.D.6 (Depositary Notification)**	**Draft amendments to the Regulations annexed to ADN - Corrigendum**	**Technical consensus at the ADN Administra-tive Committee.**	**Agree with the amendments.**
6.	**ECE/ADN/54/Add.1**	**C.N.367.2020. TREATIES-XI.D.6 (Depositary Notification)**	**Draft amendments to the Regulations annexed to ADN**	**Technical consensus at the ADN Administra-tive Committee.**	**Agree with the amendments.**