



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22.12.2006
SEC(2006) 1725

COMMISSION STAFF WORKING DOCUMENT

Accompanying document to the

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the inland transport of dangerous goods

IMPACT ASSESSMENT

{COM(2006) 852 final
SEC(2006) 1726}

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COMMISSION STAFF WORKING DOCUMENT

IMPACT ASSESSMENT OF A LEGISLATIVE INITIATIVE ON THE INLAND TRANSPORT OF DANGEROUS GOODS

Lead DG: Energy and Transport

This report commits only Energy and Transport DG, which has prepared the document, and does not prejudice the final form of any decision to be taken by the Commission.

Agenda planning / WP reference: 2005/TREN/017

“Proposition sur le transport des marchandises dangereuses, y compris les matières radioactives”

EXECUTIVE SUMMARY

The international transport of dangerous goods is regulated by mode-specific international agreements, which are based on the *Recommendations on the Transport of Dangerous Goods Model Regulations* of the United Nations. In Europe there are two regulations of this kind in force for the land transport modes road and rail. For the third mode, inland waterways, a corresponding agreement is currently at the ratification stage. In the EU, the two regulations for road and rail have been introduced into Community law via two framework directives and some additional pieces of legislation, extending the scope of the rules to national transport in the territory of the EU.

As a European agreement for the inland waterway mode can be expected to be ratified soon, it would be justified for reasons of harmonisation to include it also in Community law.

Currently, Community law in the field of dangerous goods transport is rather complex, consisting of several separate, voluminous and partly outdated texts. In accordance with the Lisbon strategy, it would be justified to try to simplify this legislation as much as possible.

The impact assessment examines policy options to tackle these problems. The options are:

- (1) “No policy change, only codification”: only the ongoing codification of the existing EU legislation would be completed;
- (2) “Codification and new legislation for inland waterways”: the codification would be carried out as in option 1, and a new piece of EU legislation would be created for the inland waterway mode;

- (3) “Revision of legislation, encompassing inland waterways”: the existing EU legislation on dangerous goods transport would be revised and simplified and extended to cover the inland waterway mode.

COMPARISON OF OPTIONS			
	1. No policy change, only codification	2. Codification + Inland waterways	3. Revision + Inland waterways
Aggregated impacts	0	+	++

Since the “Revision of legislation, encompassing inland waterways” option alone attains the objectives of full harmonisation and simplification of Community law in the field, it is the preferred option.

SECTION 1: PROCEDURAL ISSUES AND CONSULTATION OF INTERESTED PARTIES

1.1 Agenda Planning

The initiative is in the Commission's Agenda Planning under item 2005/TREN/017 "*Proposition sur le transport des marchandises dangereuses, y compris les matières radioactives*". It was postponed until 2006 in order to allow more in-depth consultation.

1.2 Organisation and timing

The preparation of the initiative started at the beginning of 2005 and it was intended to be a recast of existing pieces of legislation, but during the process it turned out – only in the winter of 2005 – that the recast procedure would be too complicated and could not be applied. At this stage it was also decided that an impact assessment should be carried out.

For the above reasons, the Impact Assessment was started at the beginning of May 2006. An inter-service steering group was not established in the Impact Assessment phase, but informal bilateral contacts with the relevant departments of SJ, ENTR and DGT were maintained throughout the preparation of the initiative itself, in particular during winter 2005-06. The Impact Assessment was completed in August 2006.

1.3 Consultation and expertise

1.3.1 External expertise

External expertise has not been used in producing the Impact Assessment; it has been carried out by TREN.

However, partly in parallel with the preparation of the initiative, TREN conducted a study by external consultants: "*Evaluation of EU policy on the transport of dangerous goods since 1994*", which was completed by April 2005¹. The report consists of an evaluation part and a statistical part. The evaluation part analyses the EU policy of the past but also gives advice for further policy developments in this field. It is still relevant in the preparation of the initiative and in the Impact Assessment. The report will be referred to hereinafter as the "*Policy Evaluation*".

1.3.2 Consultations

Member States and EFTA countries were consulted mainly via *the Regulatory Committee on the Transport of Dangerous Goods*, whose remit covers EU legislation in this field, according to the regulatory comitology procedure. The initiative has been prepared in close collaboration with the Committee, in formal meetings on 24/11/2004, 20/06/2005, 16/12/2005 and 06/03/2006, and between meetings using the Commission's CIRCA-website.

The European Parliament has been kept informed of the work of the Committee.

Stakeholders, besides participating as observers in the Committee, made their views known in an ongoing process.

¹ See http://ec.europa.eu/dgs/energy_transport/security/goods/policy_en.htm

In addition, *the Central Commission for Navigation on the Rhine (CCNR)* has been consulted, particularly since autumn 2005, in view of its remit to promote, administrate and regulate waterway transport in the Rhine basin, where the share of dangerous goods transport is about 80% of the total of dangerous goods transported by inland waterway in the whole of Europe.

Public consultation via “Your Voice in Europe” was launched on 21/05/2006 and closed on 31/07/2006.

The Commission’s standards were met both in the stakeholders’ consultation and in the public consultation.

1.3.3 Main results of the consultations

The timing and nature of the initiative and the consultations made it possible to take all the comments into account, not only in the Impact Assessment but also in the preparation of the initiative, in the following ways:

- Conclusions of the *Policy Evaluation* were taken into account when considering the basic elements of the initiative, its structure and its impact on existing EU legislation in the field;
- Member States’ and stakeholders’ input had a crucial impact on the content of the initiative during the preparation phase; common positions were sought as much as possible; stakeholders’ input was also important for Sections 3, 5 and 6 of this Impact Assessment;
- The results of the public consultation are shown under point 5.5 of this Impact Assessment. They fully endorse the preferred policy option under point 6.2.

Some concern was expressed by stakeholders in both the inland waterway and rail sectors that the specific characteristics of the different transport modes should be respected, while supporting the overall drive towards harmonisation.

Section 2: Problem definition

2.1 Overview of the land transport of dangerous goods

To get an overview on the transport of dangerous goods in the EU, see the *Policy Evaluation*, for which the reporting period was 1990-2002.

The total amount of land freight transport and dangerous goods transport by mode in EU15 countries in 2002, as well as the corresponding national shares, is shown in the following table. On average, dangerous goods transport represents 7.8 %, and national transport about 75-80 %, of the total freight.

TRANSPORT MODE	TRANSPORT (billion tonne-kms)		SHARE OF NATIONAL TRANSPORT (billion tonne-kms)	
	Freight total	Dangerous goods	Freight total	Dangerous goods
Road	1100	64	990	58
Rail	218	28	131	19
Inland waterway	99	19	29	6
Total	1417	111	1150	84

Adding the transport of new Member States, EU10 countries, to the figures would increase the total freight transport by an estimated 25% and dangerous goods transport by an estimated 30%.

The amount and development of the inland transport of dangerous goods in the EU15 by mode is shown in Figure 1. Between 1990 and 2002 dangerous goods transport increased from 98 billion tonne-kms in 1990 to 111 billion tonne-kms in 2002 (+ 13.0 %). The highest increase was by road (+ 27.4 %), followed by inland waterways (+ 11.1 %) and rail (- 9.4 %).

The development of the share of transport of dangerous goods in the EU15 in total freight transport (dangerous and non-dangerous goods) is shown in Figure 2. Between 1990 and 2002 the share of dangerous goods decreased from 9.1 % to 7.8 %, meaning that dangerous goods transport is increasing more slowly than the whole freight transport market. The growth rate from 1990 to 2002 for the total market is 31 %, whilst dangerous goods increased only by 13 %.

There is no reason to believe that the inclusion of EU10 would result in substantially different data.

Figure 1: Development of Dangerous Goods Transport in the EU15 by Mode
(in billion tonne-kms)

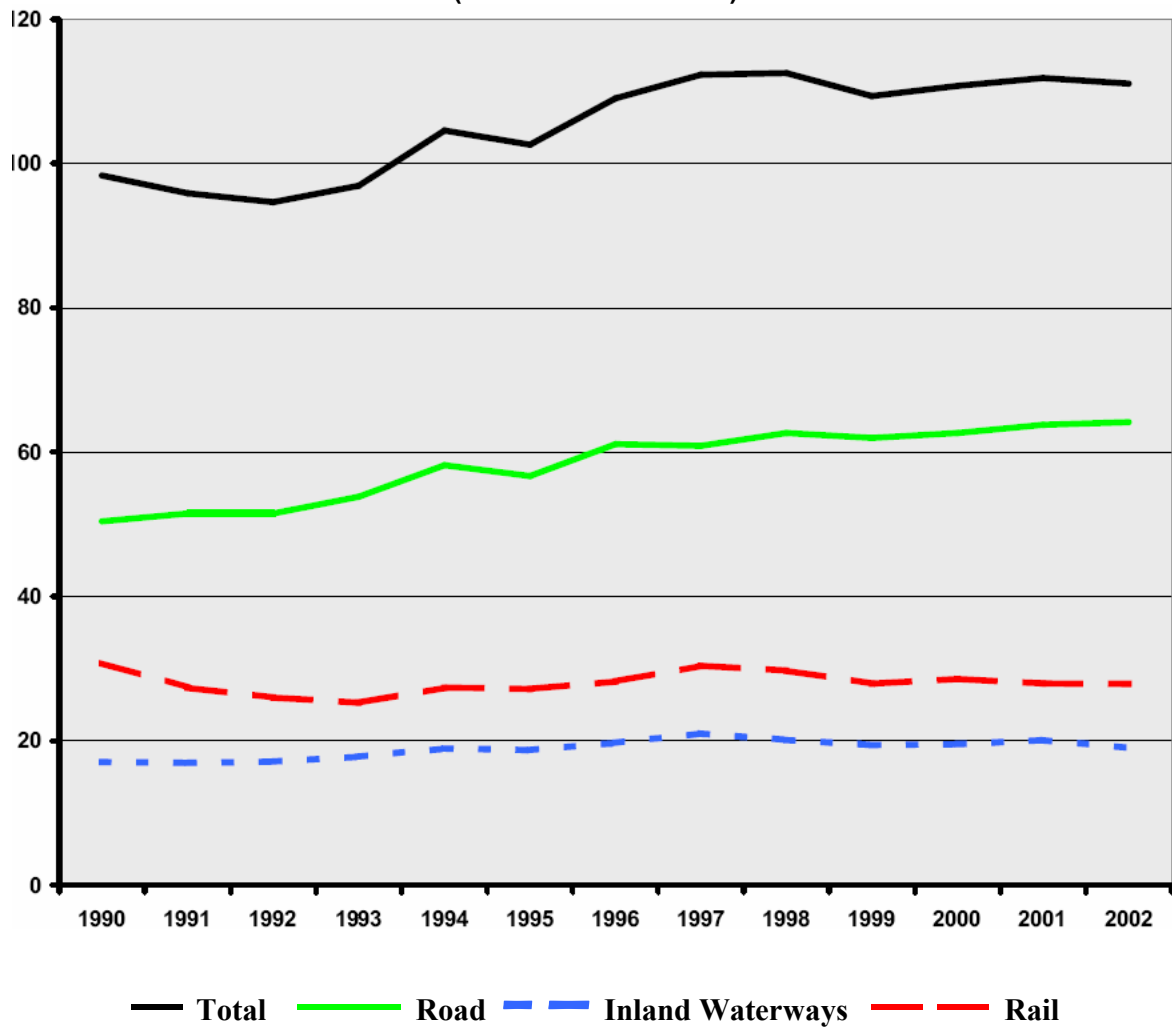
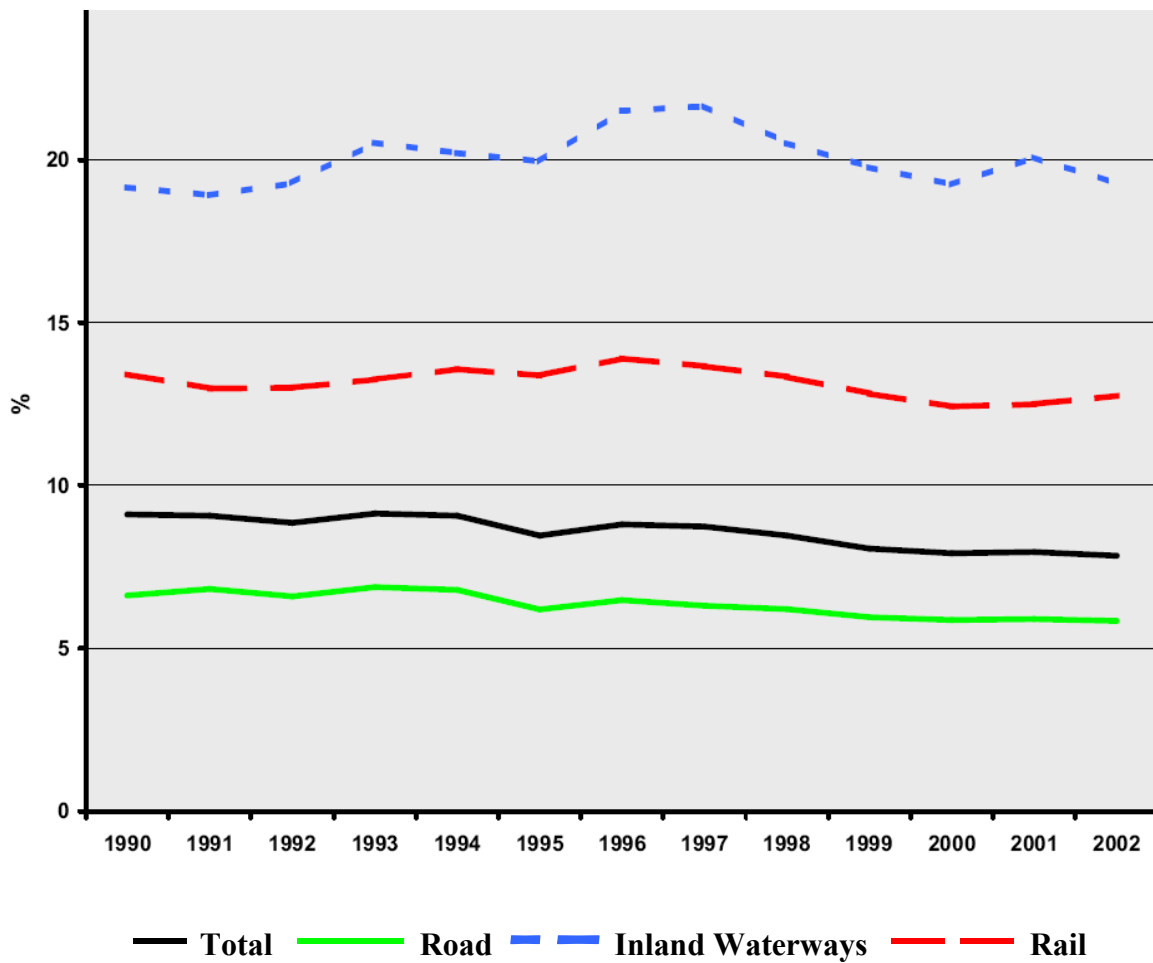


Figure 2: Development of the Share of Dangerous Goods in relation to Total Goods Transported in the EU15 by Mode (in %)



2.2 European regulations on the international land transport of dangerous goods

The international transport of dangerous goods is regulated by international agreements, which are based on the *Recommendations on the Transport of Dangerous Goods Model Regulations*² of the United Nations. The UN recommendations have been implemented in inland transport modes by three instruments:

- *European Agreement concerning the international carriage of dangerous goods by road (ADR)*³
- *Regulations concerning international carriage of dangerous goods by rail (RID)*⁴

² Published by the United Nations, last 2005.

³ Published by the United Nations Economic Commission for Europe, last 2004.

- *European Agreement concerning the international carriage of dangerous goods by inland waterways (ADN)⁵ (in the process of ratification by signatories)*

All EU countries are signatories of ADR, except Ireland and Malta.

All EU countries are signatories of RID, except Cyprus, Estonia and Malta.

Amongst the EU countries, Austria, Czech Republic, Germany, France, Hungary, Italy, Luxembourg, the Netherlands and Slovakia are signatories of ADN. In addition, Belgium is a signatory of the *ADN-Rhine* agreement, which is similar to ADN in content but is in force in the area of the Rhine only and is managed by the CCNR in Strasbourg. A third agreement, *ADN-Danube*, similar in content to ADN, covers Danube countries and is managed by the Danube Commission in Budapest. The UN-based ADN agreement is not yet in force, as it transpired that the ratification process would take longer than expected in a number of signatory states. For it to enter into force, seven ratifications are required, with the latest count being five. It is expected that ADN will enter into force as from the beginning of 2009 at the latest.

2.3 EU legislation on the land transport of dangerous goods

EU legislation completes the international regulations by making the rules of the international agreements apply also to national transport in the territory of the EU. Community law consists of the following rules for dangerous goods transport.

International agreements ADR and RID have been introduced into Community law in two pieces of legislation, so-called framework directives:

- (4) Council Directive 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road⁶;
- (5) Council Directive 96/49/EC of 23 July 1996 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail⁷.

It should be noted that the Commission put forward in 1997 a proposal for a

- Directive of the European Parliament and of the Council on the approximation of the laws of the Member States with regard to the transport of dangerous goods by vessels on inland waterways⁸, which was amended in 1999⁹.

The proposal was never adopted, because the ADN agreement was not concluded as expected. The proposal was withdrawn in 2004.

⁴ Published by the the Intergovernmental Organisation for International Carriage by Rail as Annex 1 to Appendix B “Uniform Rules concerning the Contract for International Carriage of Goods by Rail (CIM)” to the “Convention concerning International Carriage by Rail (COTIF)”, last 2004.

⁵ Published by the United Nations Economic Commission for Europe, last 2004.

⁶ OJ L 319, 12.12.1994, p. 7.

⁷ OJ L 235, 17.9.1996, p. 25.

⁸ COM(97) 367 final.

⁹ COM(1999) 563 final.

In connection with the framework directives, two particular directives for dangerous goods safety advisers have been adopted, which cover all three land transport modes:

- (6) Council Directive 96/35/EC of 3 June 1996 on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway¹⁰;
- (7) Directive 2000/18/EC of the European Parliament and of the Council of 17 April 2000 on minimum examination requirements for safety advisers for the transport of dangerous goods by road, rail or inland waterway¹¹.

Finally, there are four Commission Decisions granting national derogations for Member States from the basic Directives 94/55/EC and 96/49/EC:

- (1) Commission Decision 2005/263/EC of 4 March 2005 authorising Member States to adopt certain derogations pursuant to Directive 94/55/EC with regard to the transport of dangerous goods by road¹²;
- (2) Commission Decision 2005/903/EC of 13 December 2005 amending Decision 2005/263/EC on authorising Member States to adopt certain derogations pursuant to Directive 94/55/EC with regard to the transport of dangerous goods by road¹³;
- (3) Commission Decision 2005/180/EC of 4 March 2005 authorising Member States to adopt certain derogations pursuant to Council Directive 96/49/EC with regard to the transport of dangerous goods by rail¹⁴;
- (4) Commission Decision 2005/777/EC of 13 October 2005 amending Decision 2005/180/EC on authorising Member States to adopt certain derogations pursuant to Council Directive 96/49/EC with regard to the transport of dangerous goods by rail¹⁵.

2.4 Problems requiring action

EU legislation governing the land transport of dangerous goods covers road and rail modes only, for both international and national transport. For those modes, the EU legislation ensures a high level of transport safety, free provision of transport services and free movement of the means of transport in the territory of the EU. No European rules exist for dangerous goods transport by inland waterway.

With the international agreement soon to enter into force, we should avoid the development of two different regimes: one for international and one for national transport. The rationale for incorporating international road and rail agreements into Community law, namely to extend these rules to national transport, is equally valid for inland waterways.

¹⁰ OJ L 145, 19.6.1996, p. 10.

¹¹ OJ L 118, 19.5.2000, p. 41.

¹² OJ L 85, 2.4.2005, p. 58.

¹³ OJ L 328, 15.12.2005, p. 62.

¹⁴ OJ L 61, 8.3.2005, p. 41.

¹⁵ OJ L 293, 9.11.2005, p. 23.

In multimodal transport operations, it is undesirable to maintain separate sets of rules for each mode, which a user of these operations will have to consult. Wherever possible, the rules should be identical. This objective is already being pursued in substance at international level; it is appropriate to support this development by a modern presentation of EU legislation.

For historic reasons, EU legislation on the transport of dangerous goods in its current form is rather complicated. Mode-specific pieces of legislation contain unnecessary incoherencies. Moreover, some of the provisions are now obsolete and others will become obsolete soon. Directives 96/35/EC and 2000/18/EC relating to safety advisers can in practice be considered completely outdated, since their provisions have been incorporated into ADR, RID and ADN.

Apart from the foregoing issues of substance, a technical problem has been encountered, which is linked to the current structure of the framework directives. Each time a revision of the international agreements takes place at two-year intervals, full translations of the voluminous technical annexes have to be provided under the terms of the directives; this has proved extremely difficult, if not impossible, to achieve.

2.5 Affected parties

Parties affected by the international agreements on the transport of dangerous goods are companies that are involved in the international transport of dangerous goods, starting with the consignor at the beginning of the transport chain and ending with the consignee. EU legislation extends the scope to companies that are involved in national transport operations in the territory of the EU. These two groups overlap.

EU legislation may also impact on the organisations that manage the international agreements. These are

- The United Nations Economic Commission for Europe (UNECE);
- The Intergovernmental Organisation for International Carriage by Rail (OTIF);
- The Central Commission for Navigation on the Rhine (CCNR);
- The Danube Commission.

2.6 The EU's right to act

The legal basis for the EU to act on the rules regulating the inland transport of dangerous goods is Article 71(1)(c) of the Treaty.

2.7 Subsidiarity and proportionality

The steps taken at EU level to reinforce and extend the applicability of ADR and RID by incorporating them into Community law on road and rail transport modes were justified. The objective of uniform rules for all transport operations involving dangerous goods, whether national or international, could not be achieved without the Community's intervention. In order to create a similar status for inland waterway mode and ADN, EU-level action is equally necessary.

EU involvement fully respects the principle of proportionality. For Member States which already apply one of the ADNs, intend to do so or should do so, a very small additional effort is needed to extend the scope to cover national transport as well, especially since ADN already includes special provisions for vessels that carry goods for national transport only.

The issue of proportionality is particularly important for Member States which have very little dangerous goods transport or no transport at all by inland waterway. This issue is addressed under point 5.3.

2.8 Foreseeable problems

The problems outlined under point 2.4 will remain, and will even be exacerbated: current complex rules are likely to become more complex with changes in international agreements; obsolete rules will remain and confuse users; the risk of non-compliance will increase. The EU rules are likely to become less rather than more user-friendly.

With increasing use of multimodal concepts, different rules for different transport modes will exacerbate the daily problems encountered in multimodal operations and increase costs unnecessarily.

In inland waterway transport, different rules for international and national operations will hamper the development of this mode, which otherwise, on the basis of statistics, would be the preferable mode in many cases.

SECTION 3: OBJECTIVES

The general policy objective is to ensure safety and security in the transport of dangerous goods in the EU. Another general objective is to ensure free provision of transport services and free movement of the means of transport in the territory of the EU.

International agreements ADR, RID and, soon, ADN fulfil the objectives in international transport. In the territory of the EU, there is an additional need to apply the same objectives to national transport. This is in line with the EU policies for transport safety and the completion of the internal market.

Until now, EU rules for the inland transport of dangerous goods have been limited to road and rail transport modes. The third international agreement — ADN — is expected to enter into force soon; it is therefore justified to treat all inland transport modes in a harmonious way in the future, and at the same time give up the regional ADNs (ADN-Rhine, ADN-Danube) in the territory of the EU. Ensuring at least the same level of safety in national transport as in the international sphere will prevent accidents on waterways, thus supporting the sustainable development strategy, in particular for the environment and society.

Because the two existing framework directives on dangerous goods transport have been amended several times, the Commission's Legal Service started a codification procedure to simplify the legislation. However, the procedure was interrupted when the idea of extending EU action to the waterway mode came under consideration. Instead of creating a third piece of legislation, it was thought that a better option could be to replace the existing directives with one piece of legislation with the intended extended scope. This would also mean simplification of the EU legislation, which is in line with the Lisbon strategy.

Provided that this legislative measure is taken, there are further objectives for simplification, which would reduce and consolidate the existing EU legislation considerably. Most of them have been mentioned in the *Communication of the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions*

- *Implementing the Community Lisbon programme - A strategy for the simplification of the regulatory environment*¹⁶. The points to be considered are as follows:

First, including ADN in the scope of the EU legislation would make the two directives on dangerous goods safety advisers unnecessary and they could be repealed.

Secondly, the provisions in the two framework directives are not necessarily similar even where they could be, and some of them are either currently obsolete or about to become obsolete in the near future. There is now an opportunity to lay down provisions that are as uniform as possible for all three transport modes, to revoke obsolete provisions and to prepare for provisions that will clearly become outdated in the future.

Thirdly, the four Commission Decisions on national derogations could be integrated into the intended new framework directive, and at the same time some outdated derogations could be repealed and others updated. In this way the derogations would become an integral part of a single legislative instrument. The existing separate decisions could be repealed.

Finally, it is possible to reduce the immense volume of the *acquis* by about 2000 pages. As a by-product this would offer a practical solution to the linguistic problems referred to above.

SECTION 4: POLICY OPTIONS

The following three policy options were considered.

4.1 Option 1: No policy change, only codification

The scope and content of the existing EU legislation on dangerous goods transport will be kept in its present format. Transport by inland waterway will not be included in Community law. Only the codification procedure in respect of the existing legislation, already tentatively started, will be completed.

4.2 Option 2: Codification and new legislation for inland waterways

Codification will be carried out as in option 1, and in addition a new piece of EU legislation will be created to cover dangerous goods transport by inland waterway and ADN.

4.3 Option 3: Revision of legislation, encompassing inland waterways

The existing EU legislation on dangerous goods transport will be revised and simplified, the framework directives merged and the scope of the legislation extended to inland waterway transport in terms of ADN.

¹⁶ COM(2005) 535 final.

SECTION 5: ANALYSIS OF IMPACT

5.1 Likely economic, social and environmental impact of policy options

The policy options have varying degrees of economic, social and environmental impact, although, as will be seen, the impact in general appears to be quite small.

It is beyond dispute that the transport of dangerous goods requires rules which ensure that these operations, necessary as they are for our economy and society, are carried out in such a way that the risk to the general public, the environment and the workers involved in the transport operations is minimised.

There has consequently been no initiative to abandon the rules or to fundamentally modify the system: dangerous goods cannot be disinvented and their transport from one place to another is inevitable.

Option 1 would effectively not change policies or rules. The codification is likely to make the application of rules, to a limited extent, more user-friendly by the simple fact that the number of acts, modifications and cross-references would be substantially reduced, with many modifications and cross-references being removed altogether. Simplified rules can be expected to be accepted more readily and risks ought to be reduced accordingly, thereby lessening the likelihood of a negative impact in all areas: economic, social and environmental. However, although these changes would be welcomed by stakeholders, their impact in all areas is believed to be limited. Because of the simplification of the EU legislation, administrative costs under this option would slightly decrease for all parties: the EU, national authorities and (to a lesser extent) transport operators.

Option 2 adds the element of inland waterways to option 1. Like transport of dangerous goods by road and rail, transport on inland waterways cannot take place without rules ensuring safe transport and minimising the risk to society at large, the workers involved and the environment. Rules are in place governing international transport operations in the Rhine (ADN-R) and Danube (ADN-D) areas and national operations in those countries endowed with inland waterways where dangerous goods are transported on them. Depending on the nature of the international agreements concerned, international rules are either binding or not; in the latter case, other rules may be put in place. National rules supplement those in place for international operations.

Although it is appreciated that many Member States have been trying to align national rules with international ones (international operations being greater in volume), it remains a fact that a panoply of rules still exists, in particular in an enlarged Community. With rules on the transport of dangerous goods inevitably complex due to the large number of products concerned, economic operators should only have to comply with one set of rules, be it for national or international transport operations. Since the international set of rules will soon be compulsory for the ADN signatory States, it is logical to use these same rules for national operations as well, unless there are good reasons for not doing so. No such reasons can be seen, and nobody has claimed that they exist.

Alongside the obvious economic advantages for operators, the social impact is equally positive. There must be rules for the protection and safety of workers, particularly in the area of transport of dangerous goods. It is recognised that the ADN rules provide a level of protection against accidents and accidental emissions of dangerous substances during

transport operations; in fact the majority of workers have also enjoyed this level of protection through the safety rules contained in ADN-Rhine, which forms the bedrock of the ADN agreement. The rules also provide equally good protection for rescue forces in the event of an incident or accident. There will also be a very significant environmental impact through a substantially reduced risk of accidents or incidents in the transport of dangerous goods on inland waterways where the proposed rules are satisfactorily implemented.

It is, of course, necessary but by no means easy, to enforce the rules in question. A single set of rules would considerably facilitate Member States' enforcement tasks. Indeed, a desire for easier and more effective enforcement is one of the main reasons why some Member States have already tried to reduce the number of regimes applicable in their domestic markets, in particular the application of the same rules for national and international transport.

Administrative costs under this option would to some extent increase for the EU, because of the incorporation of a new transport mode into the legislation. In contrast, for national authorities and transport operators the costs would be likely to decrease, because of the simplification of the EU legislation in road and rail modes and the application of a single set of rules for the inland waterway transport of dangerous goods.

In summary, the creation of an EU-wide regime on the transport of dangerous goods on inland waterways covering both national and international transport operations has positive economic, social, environmental and enforcement implications. The market needs rules in view of the inherent risks. It is logical to use that set of rules which those Member States with considerable inland waterway markets will have to apply in any case, in view of their international obligations, namely the ADN regime.

Option 3 would include a revision element in the proposal in addition to option 2. This revision consists of two parts. The first is intended to eliminate outdated clauses. This option would not be available in a codification process. There can be little doubt about the usefulness of eliminating outdated clauses. Their continuing existence only renders an inherently complex matter unnecessarily complicated, resulting in increased risks and costs. The second element is concerned with harmonising, as far as possible, the rules governing the three land modes: road, rail and inland waterway. An ever-increasing number of transport operations requires more than one transport mode, and the application of different sets of rules for each mode makes the operations unnecessarily expensive and complex. Clearly, a harmonised set of rules will facilitate multimodal transport.

Complex rules contain inherent risks for safety and the environment. It is therefore recognised that harmonising the rules would have a positive impact in all areas: economic because it reduces costs; social because the rules are more easily applied and therefore provide better safety; and environmental for the same reasons. In addition, the administrative costs under this option would be much lower for all the parties involved than under other options. Enforcement by national authorities is made easier by fewer variations in the rules. A harmonised, more user-friendly set of rules should also significantly improve compliance by stakeholders.

Whereas all options provide a positive economic, social, environmental and enforcement impact, option 3 offers the most.

The specific situation of Member States with no inland waterway transport of dangerous goods or with no inland waterways linked to other Member States will be addressed under point 5.3.

5.2 Impact on the simplification of Community law

Policy options 1 and 2 would simplify Community law only in the realm of codification, which means in practice consolidated versions of existing directives.

Policy option 3 would mean more far-reaching simplification geared to greater user-friendliness. All three land transport modes would be covered by only one piece of legislation, instead of three under policy option 2, and this would also include the existing four separate Commission Decisions on national derogations. On top of that, two Directives on dangerous goods safety advisers could be repealed. Finally (and this is the most laborious and costly aspect from the EU's viewpoint), the Community acquis could be reduced by about 2000 pages and would not need to be updated and published every two years.

5.3 Regional differences in terms of impact

Inland waterway transport plays an important role in some Member States (Austria, Belgium, Germany, France, the Netherlands, Poland, Czech Republic, Slovakia, Luxembourg, Hungary), but a less important role in others. It is therefore appropriate to consider to what extent it is necessary that new EU rules be implemented, together with the costs involved in implementation, in those Member States where dangerous goods transport by inland waterway plays no significant role or effectively none at all, whilst at the same time maintaining the integrity of the common inland waterway market.

The legislative initiative drawn up for policy option 3 stipulates that a Member State with no inland waterway links to other Member States may decide either to apply the EU rules (in particular where dangerous goods are transported) or to continue to apply other rules. Equally, a Member State without any dangerous goods transport by inland waterway would not be obliged to implement the proposed directive. These principles are applicable to policy option 2 as well.

In the *Policy Evaluation* doubts were expressed about the advisability of planning EU legislation for inland waterways which does not commit all the Member States. The draft initiative takes into account concerns expressed in the *Policy Evaluation* and places sufficient obligations on Member States that should apply ADN, while also making sufficient provision for exemption of those countries for which it is justified.

5.4 Impact outside the EU

For road and rail transport, none of the policy options would change the legislative situation of Community law for either ADR or RID. Countries outside the EU which are signatories of ADR or RID would therefore be in the same position under these agreements and in their relations with the EU countries as today.

For inland waterway transport the situation would be different.

The current status of ADN agreements, regarding the non-EU countries of Europe, is as follows:

- Amongst the candidate countries, Bulgaria is a signatory of ADN, whereas Croatia and Romania are signatories of ADN-Danube; for Macedonia and Turkey ADN is not relevant;
- Amongst other countries, Moldova and Russia are signatories of ADN, Switzerland is a signatory of ADN-Rhine, and Moldova, Russia, Serbia and Ukraine are signatories of ADN-Danube.

Policy options 2 and 3 would be likely to promote and speed up the harmonisation of the rules on dangerous goods transport by inland waterway, not only in the EU but also in the whole of Europe.

5.5 Results of the public consultation

Five questions were asked in the public consultation process. 108 replies were received, of which 57 came from citizens and 51 from organisations/stakeholders. The questions and an overview of the distribution of replies are shown in the following table.

SUMMARY TABLE OF PUBLIC CONSULTATION			
Question	Answers (%)		
	Yes	No	No opinion
Are you in favour of combining rules on dangerous goods transport by road and rail in one piece of Community legislation ?	90	10	0
Do you agree that the approach chosen by the European Commission leads to simplified and more easily understandable Community legislation ?	85	10	5
Do you agree that dangerous goods transport should in general be treated in Community legislation in a similar way for all transport modes ?	90	9	1
Do you find it justified to include dangerous goods transport by inland waterways in the scope of Community legislation ?	77	10	13
Should a mechanism be found to allow for regular updating of Community legislation on dangerous goods transport to take account of international and technical developments ?	88	7	5

A big majority of respondents are in favour of the policy proposed by DG TREN under point 6.2.

SECTION 6: COMPARING THE OPTIONS

6.1 Summary of impacts

The only substantial difference between the three selected policy options is whether the inland waterway mode is included in Community law or not. In addition, options 2 and 3 differ in terms of the level of harmonisation and simplification of dangerous goods transport rules.

The following comparative tables show the estimated impact and cost of the three options.

SUMMARY TABLE OF ESTIMATED IMPACTS			
Impact	P o l i c y o p t i o n s		
	1. No policy change, only codification	2. Codification + Inland waterways	3. Revision + Inland waterways
Transport safety and security improved	no	likely	likely
Free movement of transport services promoted	no	likely	likely
Environmental risk of accidents decreased	no	likely	likely
EU legislation simplified	to some extent	to some extent	considerably
EU legislation updated	to some extent	to some extent	completely
Rules for transport modes harmonised	no	no	yes
Translation problem of ADR/RID/ADN solved in the Commission	no	no	yes

SUMMARY TABLE OF ESTIMATED COSTS			
Cost	P o l i c y o p t i o n s		
	1. No policy change, only codification	2. Codification + Inland waterways	3. Revision + Inland waterways
Additional enforcement resources needed	no	no	no
Additional investment in the means of transport (vessels) necessary	no	possibly for some vessels	possibly for some vessels
Additional translation costs in Member States for ADR/RID/AND	no	no	unlikely

6.2 Preferred option

Extending the scope of the current EU legislation on dangerous goods transport to the inland waterway mode is justified now that ADN is soon to enter into force. To achieve this, policy options 2 or 3 are available.

Since option 3 is the only way to attain the objectives of full harmonisation and simplification of Community law in the field, the revision of legislation and its extension to the inland waterway mode is the preferred option.

SECTION 7: MONITORING AND EVALUATION

7.1 Core indicators

The core indicators for measuring the safety of dangerous goods transport are the annual number of accidents in the sector and the number of fatalities caused by them. Although no reliable EU-wide statistics on accidents involving transport of dangerous goods are available (a database is being set up by EUROSTAT), dangerous goods transport is generally

considered to enjoy a good safety record whether by road, rail or inland waterway. A future database will provide more precise data.

Indicators for harmonisation and simplification of Community law in the field, with their estimated values, are presented in the following table.

INDICATORS FOR HARMONISATION AND SIMPLIFICATION OF COMMUNITY LAW ON DANGEROUS GOODS TRANSPORT			
Indicator	Value / Policy option		
	1. No policy change, only codification	2. Codification + Inland waterways	3. Revision + Inland waterways
Number of pieces of Community law	8	9	1
Number of pages in Community law	1900	2650	70

7.2 Monitoring

As far as the core indicators for measuring the safety of dangerous goods transport are concerned, EUROSTAT is compiling accident statistics for this area, which can be used for monitoring purposes.

ANNEX

REPORT OF THE PUBLIC CONSULTATION ON THE REVISION OF COMMUNITY LEGISLATION ON THE INLAND TRANSPORT OF DANGEROUS GOODS

Introduction

The European Commission has included in its Work Programme 2006 a proposal in the area of the transport of dangerous goods. It should be noted that the European rules on dangerous goods transport currently cover road and rail transport modes; the rules can be found in four pieces of Community legislation, namely Directives 94/55/EC (road), 96/49/EC (rail), 96/35/EC and 2000/18/EC (safety advisers) respectively. Substantial elements of the road and rail directives are international rules (so-called ADR and RID), which are based on a model developed by the United Nations: “*Recommendations on the Transport of Dangerous Goods; Model Regulations*”, last amended in 2005. The UN model aims at creating, whenever possible, identical rules for all transport modes.

Road and rail directives have been amended a number of times so as to ensure that they remain in line with international rules. Inevitably, developments over time have rendered a number of clauses redundant (like directives on safety advisers) or obsolete. The Commission’s intention is to propose to take such clauses out of Community legislation.

Another intention is to propose to merge the current rules on dangerous goods transport by road and rail into one piece of Community legislation. The Commission believes that this would avoid duplication, make application of the rules by operators easier and allow the public to gain a clearer picture of existing rules.

The third element of the Commission’s initiative is intended to be an extension of Community legislation to include the international rules on dangerous goods transport by inland waterway (so-called ADN), which are also based on the UN model. The Commission believes that such extension would be a logical supplement to Community legislation, in order to create a set of uniformly applied rules for all inland transport modes in the territory of the European Union.

The Commission launched a public consultation on this initiative via “Your Voice in Europe” on 21/05/2006 and closed it on 31/07/2006. The consultation contained five questions. The questions and an overview of responses are presented below.

Number of responses

108 responses



53% from citizens

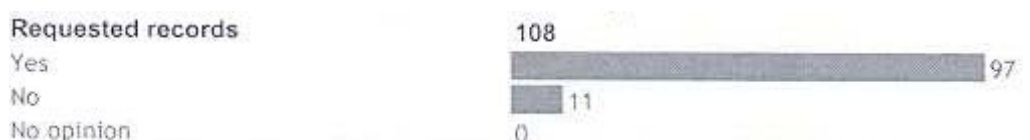
47% from stakeholders

General conclusions drawn

- There is a large majority in favour of combining the rules on dangerous goods transport by road and rail in one piece of Community legislation;
- A large majority are of the view that the above approach would lead to simplified and more easily understandable Community legislation;
- A large majority agree that dangerous goods transport should in general be treated in Community legislation in a similar way for all transport modes;
- A significant majority supported the inclusion of inland waterways in the scope of the Community legislation;
- A large majority were in favour of a mechanism to allow for regular updating of Community legislation on dangerous goods transport to take account of international and technical developments.

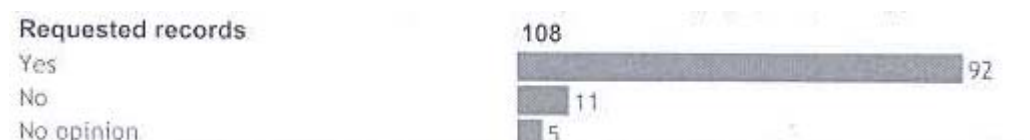
Question 1

Are you in favour of combining rules on dangerous goods transport by road and rail in one piece of Community legislation?



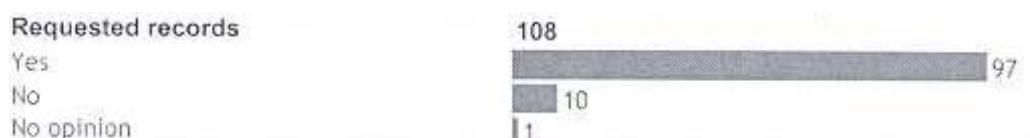
Question 2

Do you agree that the approach chosen by the European Commission leads to simplified and more easily understandable Community legislation?



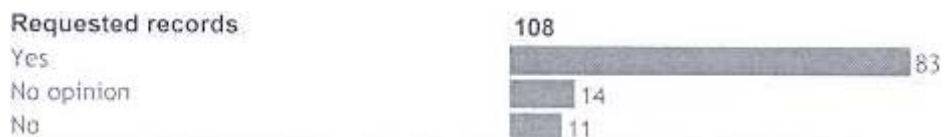
Question 3

Do you agree that dangerous goods transport should in general be treated in Community legislation in a similar way for all transport modes?



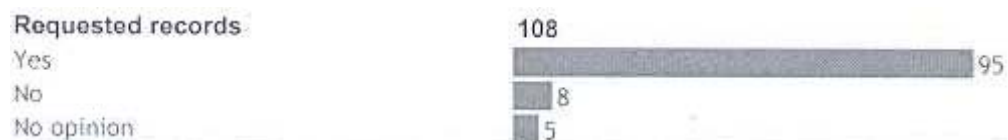
Question 4

Do you find it justified to include dangerous goods transport by inland waterways in the scope of Community legislation?



Question 5

Should a mechanism be found to allow for regular updating of Community legislation on dangerous goods transport to take account of international and technical developments?



Reasons for negative opinion expressed in relation to question 5 (more than one reason could be chosen):

Requested records	Count
This mode is used only in a part of the EU Member States	4
The less legislation, the better	4
There are no problems in inland waterway mode	3
Other reason	2