

EU POLICY ON THE RAILWAY TRANSPORT OF DANGEROUS GOODS

ЕВРОПЕЙСКАЯ ПОЛИТИКА В ЖЕЛЕЗНОДОРОЖНЫХ ПЕРЕВОЗКАХ ОПАСНЫХ ГРУЗОВ

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Abstract: *The article structures and scrutinizes as a whole the applicable EU policy on the railway transport of dangerous goods.*

The EU legislation for the railway transport of dangerous goods is extremely voluminous and complex and it encompasses a series of directives, regulations, decisions and recommendations.

The article examines the EU requirements for the security and safety of railway transport of dangerous goods as a whole, the role of the safety advisor, and the common views for refinement according to the application of EU policy in the field of such kind of transport on the territory of the Member States.

KEYWORDS: DANGEROUS, GOODS, RAILWAY, TRANSPORT, MEMBER-STATES, EUROPEAN, DIRECTIVES, DECISIONS, RECOMMENDATIONS, SECURITY, ROLE

1. EU transport policy and legislation for railway transport of dangerous goods

The EU transport policy is one of the main elements of the European Economic Area and EU transport market. The Framework for implementation of this policy is a subject of a separate issue related to the transport. Article 71 of it deals with the transport of dangerous goods.

Over the last few years the quantity of dangerous goods transported by rail has increased incredibly. As a result, the related risks of incidents and accidents arising with them are increasing too. Because of that, the EU launches measures that continuously provide for the accomplishment of such kind of transport at the highest possible level of safety and security.

By the decrees of the Directives for railway transport of dangerous goods, the European Union respects the obligations signed in Plan 21 at the UNESCO Conference held in June 1992 in Rio De Janeiro. They compose trends towards harmonization of the systems for classification of the dangerous substances.

All Member States are negotiating parties in The Convention for International Railway Transport (COTIF). The regulation for application of the international railway transport of dangerous goods (RID) ushers equal rules for the safety transport of dangerous substances. These rules need to enlarge their application. As a result of that they have to include in themselves the internal transport requirements and all conditions, necessary for harmonization the transport of dangerous goods in all European Union countries. The required result is to guarantee effective functioning of the whole railway transport market of dangerous goods. (All EU countries are signatories of RID, except Cyprus, Estonia and Malta).

The European Parliament and The Council have issued many directives, related to railway transport of dangerous goods. Their decrees are not applicable for some exceptional circumstances related to the kind of vehicles or vessels in use or to a limited character of the undertaken transport.

The process of harmonization of the conditions for internal transport of dangerous goods should not prevent the claims for

attention to some specific national circumstances. In order to be able to manage uncommon and exceptional situations the Member States have the rights to issue individual permissions for transport of dangerous goods on their territory, which at the same time are prohibited for transportation by RID decrees and/or the existing directives.

In the process of development of the new directive, the EU Member States have the opportunity to ask for special exceptions - the so called “derogations”. They have to have clearly defined conditions in themselves.

Having regard to the enormous investments, which have to be made in that branch, all Member States are allowed to keep some specific national decrees for a definite period of time, corresponding to the requirements for constructing the wagons or the equipment. Some Member States are also allowed to preserve their decrees for railway transport of dangerous goods between the EU Member States and countries that are negotiating parties to the Organization for railway cooperation OSJD until the full harmonization of the rules. Ten years after the implementation of the new Directive for carriage of dangerous goods by road, rail and waterways in the EU legislation, the European Commission has to analyze the results of those decrees and, if necessary, to subscribe suitable suggestions for its modification.

The Appendixes of the Directives for transport of dangerous goods have to be adapted quickly towards the technical progress and towards the new developing technologies for tracking and tracing. Special attention is paid to the new requirements involved in RID. These modifications and the adaptation respectively have to enter into force at the same time. The Commission on its part had adopted the proposal of the Committee for transport of dangerous goods to provide financial support to the Member States for the translation of RID and the modifications made in it to their official languages.

The rolling-stock registered in third countries is allowed to realize international transport of dangerous goods if RID's requirements and the existing directives for railway transport of dangerous goods are observed. The EU legislation for railway transport of dangerous goods on the territory of the Member States is shown in Table 1.

EU legislation for railway transport of dangerous goods on the territory of the Member States

Table 1

Regulations	Directives	Decisions
"RID" - Regulations for intergovernmental railway transport of dangerous goods, written in Appendix C of the Convention for international railway transport (COTIF).	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 rail	Decision 2005/180/EC authorizing the Member States to adopt certain derogations pursuant to Council Directive 96/49/EC with regard to the transport of dangerous goods by rail - text with EEA relevance
"CIM" – Regulations for negotiating the international railway transport of freights, written as Appendix B of the Convention for international railway transport (COTIF), including all amendments	Directive 96/35/EC on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway	Decision 2005/777/EC amending Decision 2005/180/EC on authorizing the Member States to adopt certain derogations, pursuant to Council Directive 96/49/EC, with regard to the transport of dangerous goods by rail - Text with EEA relevance
Appendix II of SMGS – Regulations for international railway transport of freights of the countries members to the Organization for railway cooperation (OSJD)	Directive 2000/18/EC on minimum examination requirements for safety advisers for transport of dangerous goods by road, rail or inland waterway Directive 2000/62/EC for modification of Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail Directive 96/87/EC adapting to technical progress Directive 96/49/EO; Directive 1999/48/EC adapting for <u>second</u> time to technical progress Directive 96/49/EO; Directive 2001/6/EC adapting for <u>third</u> time to technical progress Directive 96/49/EO; Directive 2003/29/EC adapting for <u>fourth</u> time to technical progress Directive 96/49/EO; Directive 2004/89/EC adapting for <u>fifth</u> time to technical progress Directive 96/49/EO; Directive 2004/110/EC adapting for <u>sixth</u> time to technical progress Directive 96/49/EO; Directive 2006/90/EC adapting for <u>seventh</u> time to technical progress Directive 96/49/EO;	Decisions of the UN Committee ;
		European Railway Agency recommendations (ERA).

2. EU organizations for railway transport of dangerous goods and their state of play

At European level the Economic Commission of the United Nations Organization occupies the first place. It amends the Regulation for transport of dangerous goods RID, accompanied by the European Parliament and the Council, the European Commission, Transport of Dangerous Goods Committee and the European Railway Agency (ERA).

The above mentioned organizations develop and propose to the European Parliament and the Council drafts of legislation according to the transport of dangerous goods in the railway, road and inter waterways modes. At European level, they establish high standards for safety transport of dangerous goods. The Member states are obliged to transpose in due time all technical rules and to participate

in establishing unique rules for all transport modes in the European Policy.

3. Railway safety adviser

Any physical person or legal entity, whose scope of business activity includes carriage or the associated loading or unloading of dangerous goods by rail shall use the services of one or more safety advisers, whose task shall be to assist in preventing and avoiding the hazards to people, property and the environment that are inherent to this type of activity.

The safety adviser may be appointed under an employment contract or under a civil contract. He may also be the manager of an undertaking or a company, a person having other responsibilities in the company, or a person not directly hired by that undertaking or company, provided that such person is capable of performing the duties of an adviser.

The safety adviser must be knowledgeable in the dangers inherent to carriage of dangerous goods, the laws, secondary legislations and administrative rules applicable to the respective modes of carriage, and to be aware of the obligations defined in Directive 96/35/EO.

The main task of the safety adviser shall be, within the framework of the respective activity of the undertaking, to facilitate the conduct of those activities in accordance with the applicable rules, using all appropriate means and in the safest possible way. Railway safety advisers are nominated in the EU Member States after 1st January 2000.

4. State of play of EU Member States - expected results and future actions

At present, the Member States transport the dangerous goods by rail according to the requirements of RID. But the general policy objective is to ensure safety in the transport of dangerous goods in the territory of the EU. The international agreements ADR, RID and soon ADN achieve the objectives in international transport. On the territory of the EU, there is an additional need to apply the same objectives to national transport.

Until now, EU rules for 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. Ensuring at least the same level of safety of national transport as it is in the international sphere will prevent a lot of accidents.

For historical reasons, the current EU legislation for the transport of dangerous goods is rather complicated and could be simplified. That is the reason why the existing framework directives on dangerous goods transport have been amended several times. The Legal Service Commission therefore has started a codification procedure to simplify the legislation, but the procedure was interrupted when the idea of extending the EU interventions to the waterway mode came under consideration. It was thought that a better option could be to replace the existing directives for rail and road transport with “one piece of legislation” with the intended and extended scope. This means simplification of the EU legislation, which is in line with the Lisbon strategy.

Indicators for harmonization and simplification of the

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



Reinforcing and extending the application of RID by incorporating it into the EU legislation for railway transport mode has demonstrated that the EU interventions have been justified. Current complex rules are likely to become more complex with changes in international agreements, obsolete rules will remain and confuse users, and the risk of non-compliance will increase. The EU rules are likely to become less rather than more user-friendly.

By increasing the use of multimodal concepts, different rules for different transport modes will exacerbate the daily problems encountered in multimodal operations and will unnecessarily increase costs. At present, on the territory of the Member States many kinds of dangerous goods are transported but the main part of them belongs to the petrol-chemical substances, acids and fertilizers.

5. Monitoring and evaluation

The annual number of accidents in the sector and the number of fatalities caused by them are the core indicators for measuring the safety of dangerous goods transport. Although no reliable EU-wide statistics on accidents involving transport of dangerous goods is 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.

The ecological requirements and norms have set new shackles in the commercial and transport European activities. Meanwhile, a development of freights and specialized transport equipment is being stimulated, such as noiseless rolling stock without discharge of hazardous emissions and their elimination in the environment.

A conclusion could be drawn that the development of dangerous goods transport has not only ecological aspect but it is tightly related to the industry. The right strategy is the progress in this direction and it will lead to successful market positions and will indirectly influence the railway transport. The Governments of all EU Member States play very important role in establishing suitable conditions for the realization of dangerous goods transport on the railway infrastructure.

INDICATORS for HARMONISATION and SIMPLIFICATION of EU LAW on TRANSPORT of DANGEROUS GOODS			
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

Community law in the field with their estimated values are presented in the following Table.

Figure 1 shows comparison between the developments of the different modes of the transport of dangerous goods on the territory of 15 Member States

LITERATURE:

[1] RID – Regulations for international transport of dangerous goods in force since 1st January 2007;

[2] New Directive for transport of dangerous goods by road, rail and inter waterways – presented by the European Commission in

August 2007г. – In a process of assessment by the European Parliament and the Council;

[3] 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 rail.