II

(Non-legislative acts)

DECISIONS

COUNCIL DECISION (EU) 2020/1421

of 1 October 2020

on the position to be taken on behalf of the European Union as regards amendments to the Annexes to the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) and to the Regulations annexed 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) The Union is not a Contracting Party to the ADR or to the ADN.

(3) All Member States are Contracting Parties to and apply the ADR, and 13 Member States are Contracting Parties to and apply the ADN.

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

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

(6) It is appropriate to establish the position to be taken on the Union's behalf as regards 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 Directive 2008/68/EC 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, the Regulation concerning the International Carriage of Dangerous Goods by Rail (RID) set out in Appendix C to the Convention concerning International Carriage by Rail (COTIF) and the ADN, unless otherwise indicated in the Annexes to that Directive. Moreover, under Article 8 of Directive 2008/68/EC, the Commission is empowered to adapt Section I.1 of Annex I and Section III.1 of Annex III to that Directive to scientific and technical progress, in particular to take account of amendments to the ADR, the RID and 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 of ensuring the safe and efficient transport of dangerous goods whilst taking into account scientific and technical progress in the sector and the development of new substances and articles that pose a danger during their transport. The development of the 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 the proper functioning of all industrial branches producing or making use of goods classified as dangerous under the ADR and the ADN.

(8) Technical consensus on the amendments to the Annexes to the ADR and to the Regulations annexed to the ADN covered by this Decision has been reached in WP.15 and the ADN Administrative Committee respectively.

(9) The amendments adopted are justified and beneficial, and should therefore be supported by the Union.

(10) The Union's position should be expressed by the Member States of the Union that are Contracting Parties to the ADR and the ADN, acting jointly in the interest of the Union,

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be taken on the Union's behalf as regards the amendments to the Annexes to the ADR adopted by the Working Party on the Transport of Dangerous Goods (WP.15) and the amendments to the Regulations annexed to the ADN adopted by the ADN Administrative Committee, is to support the following amendments:

(a) draft amendments to Annexes A and B to the ADR (reference document ECE/TRANS/WP.15/249; depositary notification C.N.274.2020.TREATIES-XI.B.14);

(b) draft amendments to Annexes A and B to the ADR – addendum (reference document ECE/TRANS/WP.15/249/Add.1; depositary notification C.N.274.2020.TREATIES-XI.B.14);

(c) draft amendments to Annexes A and B to the ADR – corrigendum (reference document ECE/TRANS/WP.15/249/Corr.1; depositary notification C.N.274.2020.TREATIES-XI.B.14);

(d) draft amendments to the Regulations annexed to the ADN (reference document ECE/ADN/54; depositary notification C.N.273.2020.TREATIES-XI.D.6);

(e) draft amendments to the Regulations annexed to the ADN – corrigendum (reference document ECE/TRANS/WP.15/AC.2/25; depositary notification C.N.309.2020.TREATIES-XI.D.6); and

(f) draft amendments to the Regulations annexed to the ADN (reference document ECE/ADN/54/Add.1; depositary notification C.N.367.2020.TREATIES-XI.D.6).

2. Minor changes to the amendments referred to in paragraph 1 may be agreed without a 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 to the ADR and the ADN, respectively, acting jointly in the interest of the Union.

Article 3

A reference to the accepted amendments to the Annexes to the ADR and to the Regulations annexed to the ADN shall be published in the *Official Journal of the European Union*, indicating the date of entry into force of those amendments.

Article 4

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

Done at Brussels, 1 October 2020.

For the Council
The President
M. ROTH