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Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union on the amendments to the Annexes to the 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)

EXPLANATORY MEMORANDUM

1. SUBJECT MATTER OF THE PROPOSAL

This proposal concerns the decision establishing the position to be taken on the EU's behalf on the amendments to the Annexes to the 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), applicable as from 1 January 2027, in connection with the envisaged end of the standstill period in which contracting parties members of the Working Party on the Transport of Dangerous Goods (WP.15) and of the ADN Administrative Committee can object to the proposed amendments for the 2027 edition.

2. CONTEXT OF THE PROPOSAL

The Annexes and Regulations mentioned above, commonly known as the Annexes to the ADR and the Annexed Regulations to the ADN, regulate the international transport of dangerous goods by road and inland waterways, respectively, between members of the United Nations Economic Commission for Europe (UNECE), who are also contracting parties to the ADR and the ADN.

The development of the transport of dangerous goods by road and inland waterways, both in the EU and between the EU and neighbouring countries, is a key component of the European common transport policy, ensuring the proper functioning of all industrial branches producing or using the goods classified as dangerous under the ADR and the ADN. Adapting these agreements to technical and scientific progress is therefore essential for the development of transport and associated industrial branches. The amendments aim to align the ADR and the ADN with the UN Model Regulations, including new definitions, classification criteria and UN numbers, packaging/labelling requirements, and updating applicable standards and technical provisions, as well as editorial corrections.

International provisions on the transport of dangerous goods have been established by various international organisations, such as the UNECE, the Intergovernmental Organisation for International Carriage by Rail (OTIF) and various specialised bodies of the United Nations. Since the rules need to be compatible with one another, a complex international system for coordination and harmonisation has been developed between the organisations involved. The provisions are adapted over periods of 2 years.

2.1. The Agreement concerning the International Carriage of Dangerous Goods by Road (ADR)

The Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) regulates the international transport of dangerous goods by road between the UNECE Member States and other countries that apply the ADR (ADR contracting parties). The ADR entered into force on 29 January 1968.

The EU is not a party to the ADR, but all its Member States are contracting parties to it.

2.2. The European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN)

The European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN) regulates the international transport of dangerous goods by inland waterways between the UNECE Member States that apply the ADN (ADN contracting parties). The ADN entered into force on 28 February 2008.

The EU is not a party to the ADN, but 13 Member States are contracting parties to it.

2.3. The Working Party on the Transport of Dangerous Goods (WP.15) and the ADN Administrative Committee

The Working Party on the Transport of Dangerous Goods (WP.15) and the ADN Administrative Committee and ADN Safety Committee (WP.15/AC.2) are the bodies set up by the UNECE to decide on the amendments to the ADR and the ADN. These bodies are made up of the representatives of the UNECE Member States that apply the ADR and the ADN. Each ADR and ADN contracting party has a vote.

According to Chapter VII – 'Voting' – of the Terms of Reference and Rules of Procedure of the WP.15, only full participants have a vote in the WP.15, and its decisions must chiefly be taken by consensus. WP.15 votes by show of hands.

Article 17(7) of the ADN states that each contracting party represented at the session of the ADN Administrative Committee has a vote.

The amendments adopted during the two-year 2024-2026 period include a wide-ranging series of adaptations to technical and scientific progress.

For the ADR, the WP.15 took its decision on these proposed amendments at every one of the sessions mentioned in Section 2.4 below. For the ADN, the Administrative Committee decided on the amendments at its 35th session in Geneva on 30 January 2026.

In accordance with Article 14 of the ADR, once decided upon by the WP.15, any proposed amendment to the Annexes to the ADR must be considered accepted unless, within 3 months of the date on which the Secretary-General of the United Nations circulates it, at least one third of the contracting parties, or five of them if one third exceeds five, have given the Secretary-General written notification of their objection to the proposed amendment.

In accordance with Article 20 of the ADN, once decided upon by the ADN Administrative Committee, the amendments must be considered accepted unless, within 3 months of the date on which the Secretary-General of the United Nations circulates it, at least one third of the contracting parties, or five of them if one third exceeds five, have given the Secretary-General written notification of their objection to the proposed amendment.

The amendments adopted by the WP.15 were sent to the Secretary-General of the United Nations so that they could be notified to the ADR contracting parties on 1 July 2026 for acceptance in accordance with the procedure set out in Article 14 of the ADR. They are also online[1].

The amendments adopted by the ADN Administrative Committee were notified by the Secretary-General of the United Nations to the ADN contracting parties on 1 July 2026 for

[1] CN.252.2026-Eng.pdf

acceptance in accordance with the procedure set out in Article 20 of ADN. They are also online[2].

Until 30 September 2026 for the ADR and for the ADN, the Secretary-General of the United Nations, in its capacity as depositary, can receive objections to the amendments, as adopted in the sessions mentioned above.

2.4. The envisaged acts of WP.15 and the ADN Administrative Committee

The purpose of the envisaged acts is to ensure safe and secure transport of dangerous goods by road and inland waterways, by updating certain provisions. These include, among others, the list of dangerous goods admitted for carriage, the packing instructions, the list of applicable standards, and other technical requirements for various means of containment.

It should be noted that international provisions on the transport of dangerous goods have been established by various international organisations. These include the United Nations Economic Commission for Europe (UNECE) and various specialised bodies of the United Nations, such as the Economic and Social Council's (ECOSOC) Sub-Committee of Experts on the Transport of Dangerous Goods. Since rules need to be compatible, a complex international system for coordination and harmonisation has been developed by the organisations involved. The provisions are adapted over periods of 2 years.

A wide range of public and private sector experts has been consulted during the preparation of these amendments. The following technical meetings took place during the preparation of the amendments:

– UN ECOSOC Sub-Committee of Experts on Transport of Dangerous Goods:

(1) 64th session in Geneva, 24 June - 3 July 2024;

(2) 65th session in Geneva, 25 November to 3 December 2024;

(3) 66th session in Geneva, 30 June - 4 July 2025;

(4) 67th session in Geneva, 24 November to 3 December 2025;

– UNECE Joint meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods:

(5) autumn 2024 session in Geneva, 10-13 September 2024;

(6) spring 2025 session in Bern, 24-28 March 2025;

(7) autumn 2025 session in Geneva, 17-25 September 2025;

(8) spring 2026 session in Bern, 24-27 March 2026

– UNECE-WP.15 (ADR) in its:

(9) 116th session in Geneva, 5-8 November 2024;

(10) 117th session in Geneva, 6-8 May 2025;

(11) 118th session in Geneva, 4-6 November 2025;

(12) 119th session in Geneva, 5-8 May 2026;

– UNECE-WP.15/AC.2 (ADN) in its:

[2] CN.254.2026-Eng.pdf

(13) 44th session in Geneva, 26-30 August 2024;

(14) 45th session in Geneva, 27-31 January 2025;

(15) 46th session in Geneva, 25-29 August 2025;

(16) 47th session in Geneva, 26-30 January 2026;

and the ADN Administrative Committee in its 35th session in Geneva on 30 January 2026.

In these meetings, the individual proposals for amendments were analysed and processed by the experts of the committees mentioned above. In most cases, the recommended action has been supported unanimously. For certain proposals, the recommendations were supported by a majority of experts.

Unless the proposed amendments to the Annexes to the ADR, as notified by the Secretary-General of the United Nations, are considered rejected pursuant to Article 14(3) within 3 months of the date of their notification, i.e. on 1 October 2026, the amendments in question will enter into force on 1 January 2027 and become binding on the parties.

Unless the proposed amendments to the Annexed Regulations to the ADN are considered rejected pursuant to Article 20(5) within 3 months of the date of their notification, i.e. on 1 October 2026, the amendments in question will enter into force on 1 January 2027 and become binding on the parties.

3. POSITION TO BE TAKEN ON THE EU'S BEHALF

It is appropriate to establish the position to be taken on the Union's behalf with regard to these amendments to the ADR and the ADN, as they will be binding under international law and are capable of decisively influencing the content of Union law, namely Directive 2008/68/EC of the European Parliament and of the Council[3]. That Directive lays down requirements for the transport of dangerous goods by road, rail or inland waterways, which in accordance with Article 1 shall apply within or between Member States, by referring to the ADR, RID and the ADN. Article 4 of the Directive states 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, in accordance with 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 Directive 2008/68/EC to scientific and technical progress, in particular to take account of amendments to the ADR, RID or ADN.

Pursuant to Article 3(2) TFEU, the EU has thus acquired exclusive competence in the fields covered by the ADR and ADN international agreements. As Directive 2008/68/EC explicitly integrates the Annexes to the ADR and the Annexes Regulations to the ADN into EU law for both national and international carriage of dangerous goods, any changes made at the international level to those agreements directly alters EU legislation.

The EU is not a contracting party to the ADR or to the ADN. However, this does not prevent it from exercising its competence by establishing, through its institutions, a position to be

[3] 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.)

adopted on its behalf in the bodies set up by either agreement, in particular through the Member States which are party to either agreement acting jointly in its interest[4].

Currently, there are 55 Contracting Parties to ADR, and all the EU Member States are contracting parties to this Agreement. There are 18 Contracting Parties to ADN, and 13 EU Member States are Contracting Parties to this Agreement.

The envisaged amendments are considered to be appropriate for the safe transport of dangerous goods in a cost-effective manner, taking into account technological progress, and can therefore be supported.

4. LEGAL BASIS

4.1. Procedural legal basis

The WP.15 is a body set up by an agreement, namely the Agreement concerning the International Carriage of Dangerous Goods by Road (ADR).

The ADN Administrative Committee is a body set up by an agreement, namely the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN).

The proposed acts of the WP.15 and ADN Administrative Committee constitute acts having legal effects under the ADR and the ADN. Under the conditions described above, the proposed acts will be binding under international law in accordance with Article 14 of the ADR and Article 20 of the ADN and are capable of decisively influencing the content of EU legislation, namely Directive 2008/68/EC. This is because Article 1 of Directive 2008/68/EC makes compulsory the use of these rules for road and inland waterway transport of dangerous goods within and between the Member States and Article 4 of Directive 2008/68/EC concerning third countries 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 or ADN, unless otherwise indicated in the Annexes". Moreover, the above mentioned amendments will have an incidence on the operation of Directive 2008/68/EC in view of its Article 8. Under that provision, the Commission is empowered to adapt Annex I, Section I.1 and Annex III, Section III.1 to Directive 2008/68/EC to scientific and technical progress, "in particular to take account of amendments to the ADR (…) and ADN".

The envisaged act does not supplement or amend the institutional framework of the Agreements.

Therefore, the procedural legal basis for the proposed decision is Article 218(9) TFEU.

4.2. Substantive legal basis

The main objective and the content of the envisaged act relates to the transport of dangerous goods by road and inland waterways. The substantive legal basis of the proposed decision is therefore Article 91 TFEU.

[4] Judgment of the Court of Justice of 7 October 2014, *Germany v Council*, C-399/12, ECLI:EU:C:2014:2258, paragraph 52.

4.3. Conclusion

The legal basis of the proposed Council Decision should be Article 91 TFEU in conjunction with Article 218(9) TFEU.

5. PUBLICATION OF THE ENVISAGED ACT

For reasons of transparency and proper reference, the decisions of the Working Party on the Transport of Dangerous Goods (WP.15) and of the ADN Safety Committee will be published in the *Official Journal of the European Union*, indicating their entry into force.

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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 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 the ADR. This means that the Working Party on Transport of Dangerous Goods (WP.15) set up by UNECE may adopt amendments to the Annexes to the ADR. Pursuant to Article 20 of the ADN, the Safety Committee and Administrative Committee set up by UNECE may adopt amendments to the Annexed Regulations to the ADN.

(3) The amendments adopted during the two-year 2024-2026 period 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 to the ADN contracting parties on 1 July 2026. Unless the proposed amendments to the Annexes to the ADR and to the Annexed Regulations to the ADN are considered rejected within 3 months of the date of their notification, i.e. on 1 October 2026, the amendments in question will enter into force on 1 January 2027, and become binding on the parties.

(4) The amendments to the Annexes to the ADR and to the Annexed Regulations to the ADN will, if adopted, produce legal effects and are capable of decisively influencing the content of Union rules.

(5) It is therefore necessary to establish the position to be taken in relation to the amendments to the Annexes to the ADR and to the Annexed Regulations to the ADN.

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

HAS ADOPTED THIS DECISION:

Article 1

The Union shall agree to the draft amendments to annexes A and B of ADR, as referenced in UN Notification C.N.252.2026.TREATIES-XI.B.14, within the UNECE Working Party on the Transport of Dangerous Goods – WP.15, and to the draft amendments to the Annexed Regulations to the ADN, as referenced in UN Notification C.N.254.2026.TREATIES-XI.D.6, within the ADN Administrative Committee.

Article 2

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

Article 3

Minor technical changes to the position set out in Article 1 may be agreed upon without a further decision of the Council.

Article 4

The decisions of the Working Party on the 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 5

This Decision is addressed to the Member States.

Done at Brussels,

For the Council
The President