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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the delegation of power under Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods

1. INTRODUCTION

Directive 2008/68/EC[1] of the European Parliament and of the Council ('the Directive') establishes a framework for the carriage of dangerous good by road, rail and inland waterways in the European Union. The Directive adopted the specific international legislation and made it mandatory also for national transport operations carried out in the EU Member States. The international legislation is adopted and updated under the aegis of the United Nations Economic Commission for Europe (UNECE) and the Intergovernmental Organisation for International Carriage by Rail (OTIF).

More specifically, the international legislation consists of:

- the Agreement concerning the International Carriage of Dangerous Goods by Road[2] (ADR) and the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways[3] (ADN), both adopted under the aegis of UNECE; and
- the Regulation concerning the International Carriage of Dangerous Goods by Rail[4] (RID), adopted under the aegis of OTIF.

These international instruments are usually updated every second year in line with technical and scientific progress. At the same time, a complex interinstitutional cooperation mechanism ensures that the instruments remain harmonised with one another. This facilitates the performance of intermodal operations.

The Directive endorses these international instruments in its annexes. This provides clarity and legal certainty for economic operators and national authorities regarding the single set of rules for both the international and national transport of dangerous goods. To be effective, the annexes to the Directive are amended regularly (in principle every two years), so that they keep pace with updates to the international instruments.

Regulation (EU) 2019/1243[5] of the European Parliament and of the Council amended the Directive to change the process by which its annexes are amended. The amended wording of Article 8(1) of the Directive reads as follows:

The Commission is empowered to adopt delegated acts in accordance with Article 8a amending the Annexes in order to take account of amendments to the ADR, RID and ADN, in particular those relating to scientific and technical progress, including the use of technologies for tracking and tracing.

In connection with this empowerment, under the Directive's Article 8a(2) the Commission is required to report to Parliament and the Council on the delegation of powers conferred on it by the Directive, ensuring transparency and accountability in the exercise of its delegated powers.

2. EXERCISE OF THE POWER TO ADOPT DELEGATED ACTS

2.1. Delegated acts adopted

Since the entry into force of Article 8(1) of the Directive in its current form, the Commission has exercised the power to adopt delegated acts referred to in Article 8 on three occasions, by adopting Commission Delegated Directives (EU) 2020/1833[6], (EU) 2022/2407[7] and (EU) 2025/149[8]. The purpose of these Commission Delegated Directives is to update the annexes to the Directive in line with scientific and technical progress, by taking into account the amendments to the ADR, RID and ADN.

2.2. Consultation of the Member States

[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), ELI: http://data.europa.eu/eli/dir/2008/68/oj.

[2] The full text is available on the UNECE website.

[3] The full text is available on the UNECE website.

[4] The full text is available on the OTIF website,

[5] Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019 adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union (OJ L 198, 25.7.2019, p. 241), ELI: http://data.europa.eu/eli/reg/2019/1243/oj.

[6] OJ L 408, 4.12.2020, p. 1, ELI: http://data.europa.eu/eli/dir_del/2020/1833/oj.

[7] OJ L 317, 9.12.2022, p. 64, ELI: http://data.europa.eu/eli/dir_del/2022/2407/oj.

[8] OJ L, 2025/149, 24.1.2025, ELI: http://data.europa.eu/eli/dir_del/2025/149/oj.

EU Member State experts were involved in preparing the adoption of these Commission Delegated Directives in three stages.

Firstly, as Contracting Parties and Contracting States to the ADR, ADN and RID, the Member States were involved in the technical process of drafting, presenting, debating and voting on the amendments to the international agreements.

Secondly, as members of the EU Council, the Member States were consulted on the adoption of the Council Decisions establishing the position to be taken on the final text of the amended ADR, ADN and RID to be adopted by UNECE and OTIF. This second stage was meant to confirm that the amendments to the ADR, ADN and RID were appropriate, with a view to their being adopted in the EU *acquis* as annexes to the Directive.

Thirdly, in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[9], the Commission consulted the Member State experts appointed to the Expert Group on Transport of Dangerous Goods on the Commission's proposals to amend the annexes to the Directive by adopting Commission Delegated Directives.

3. CONCLUSIONS

The delegated powers granted to the Commission under Article 8(1) of the Directive are likely to be used again: at the end of 2026, they will be required for the Commission to adopt a new Commission delegated directive to update the Directive's annexes in line with scientific and technical progress. This will align the annexes with the 2027 editions of the ADR, ADN and RID.

In accordance with Article 8a(2) of the Directive, the Commission will again prepare a report on delegated powers before the end of the next five-year period.

The Commission invites the European Parliament and the Council to take note of this report.

9 OJ L 123, 12.5.2016, p. 1.