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ANNEX

to the report drawn up by Mrs SQUARCIALUPI
on behalf of the Committee on the Environment,
Public Health and Consumer Protection

on waste

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OPINION OF THE COMMITTEE ON TRANSPORT

Draftsman : Mrs M. VON ALEMANN

PE 83.248/fin./Ann.

OPINION
(Rule 101 of the Rules of Procedure)
of the Committee on Transport

Draftsman: Mrs M. von ALEMANN

On 25 January 1984, the Committee on Transport appointed Mrs M. von ALEMANN draftsman.

The committee considered the draft opinion at its meeting of 28 February 1984 and adopted it unanimously at that meeting.

The following took part in the vote: Mr Seefeld, chairman; Dame Shelagh Roberts and Mr Carossino, vice-chairmen; Mrs von Alemann, rapporteur; Mr Albers, Mr Karl Fuchs (deputizing for Mr Baudis), Mr Key, Mr Marshall, Mr Martin, Mr Moorhouse, Mr Moreland (deputizing for Lord Harmar-Nicholls), Mr Ripa di Meana, Mrs Scamaroni and Mr Veronesi (deputizing for Mr Cardia).

I - PURPOSE AND SCOPE OF THE MOTION FOR A RESOLUTION

1. The motion for a resolution tabled by Mrs VAN HEMELDONCK, Mrs WEBER and Mrs LIZIN (Doc. 1-631/83) was drawn up following the accident which occurred at Huy (Belgium) on 30 June 1983. On that day, the driver of a lorry transporting about 100 drums containing toxic substances (nitric acid, chloric acid, perchlorethylene, etc.) lost control of his vehicle in one of the main streets of Huy, killing three people and injuring five.

2. It is unfortunate that the serious problems posed by the transport of dangerous substances should be considered under the pressure created by such incidents. For the experts, such incidents are, in fact, rare and generally occur in exceptional circumstances or are classed together with other road accidents and consequently become routine or regarded as inevitable.

3. For their part, the European Parliament and this committee, have always regarded this problem as an important one.

The report by Mr GATTO (Doc. 1-357/81/rev.) listed a number of possible Community measures for the transport of dangerous substances, but none of them were introduced.

When drafting the opinion for the Committee on the Environment, Public Health and Consumer Protection on the Commission's proposal on the transfrontier shipment of wastes, your draftsman herself proposed some explicit amendments which were adopted by the European Parliament at its sitting of 8 June 1983 (Doc. 1-370/83). These related, in particular, to packaging requirements to cover the eventualities of overturning, damage or crushing and to the routes that vehicles transporting dangerous substances would be required to use (special routes or those avoiding the busiest roads, built-up areas and peak periods).

II - THE LESSONS TO BE LEARNED FROM THE ACCIDENT AT HUY

4. An analysis of the circumstances surrounding an accident frequently shows how many accidents can be prevented or, at least, highlights non-compliance with or gaps in existing legislation.

5. On the basis of the various details which have been given in the press or obtained from the Belgian Ministry of Transport, the following statements can be made about the accident at Huy:

- the probable cause of the accident was a failure of the braking system which was apparently not connected with poor maintenance of the vehicle. Moreover, there was also no specific contravention of the Highway Code;

- the accident occurred in a steeply sloping street in Huy where several similar accidents (brake failure) had already occurred;

- the drums, of which there were about 100, started to fall off the lorry at the first impact, clearly showing that they were inadequately secured;

- the photographs taken immediately after the accident show that the driver's cab suffered relatively little damage, while the structure of the back of the lorry, especially the side framework, was largely destroyed and consequently allowed the drums to escape.

6. The results of the enquiry are not yet known, but the information obtained certainly confirms that the drums were hardly secured at all and that some statutory safety markings were not shown either on the lorry or on the drums; these last two factors, however, have no bearing on the accident.

7. In this case, it therefore seems that on the basis of the information available, the following can be regarded as contributory factors: gaps in the legislative provisions (no ban on passing through built-up areas or using steep hills), their weak points (the ADR rules which apply in Belgium are rather vague despite the length of the provisions; it is stated that vehicles must be 'properly secured'. This also applies to the characteristics of the vehicle body with regard to the carriage of the substances involved in the Huy accident), as well as non-compliance with current rules (inadequate marking of the drums and lorry).

III - ROAD ACCIDENTS INVOLVING THE TRANSPORT OF DANGEROUS GOODS IN THE EUROPEAN COMMUNITY

8. While the rate of such accidents is actually less dramatic than that of ordinary road accidents, the number is nonetheless higher than the figures generally available would indicate.

9. Figures are not compiled in every Member State, far from it. Some Member States treat them as being more or less confidential.

No figures are compiled at Community level, for example, which would enable accidents occurring during the transport of dangerous substances in the various Member States to be evaluated, let alone compared.

10. Figures compiled to date show that there were 233 accidents in France in 1982, killing 40 people and injuring 198, 50 of them seriously.

In Belgium, 89 accidents were recorded in 1981¹, causing 6 deaths and 19 cases of serious injury.

Denmark and Ireland have not carried out any statistical studies on the transport of dangerous substances.

The Netherlands and the Grand Duchy of Luxembourg are considering the possibility of recording the number of accidents, but no figures are available so far.

At present the appropriate departments of the German Ministry of Transport do not have any official statistics on the various cases of accidents involving the transport of dangerous substances.

11. The last five years do not show any particular changes, either improvement or deterioration. It is therefore a question of whether the accident rate is an 'irreducible minimum' or whether current legislation should be improved.

IV - NATIONAL, INTERNATIONAL AND COMMUNITY REGULATIONS

12. The situation with regard to national legislation is very uneven in respect of both preventive measures and penalties.

While some countries, such as France, have specific national legislation and enforce the international rules concerning the international carriage of dangerous substances, others, such as Belgium, have merely regarded the current international legislation ratified by them, the ADR, as being their national legislation.

13. At international level, the key agreement is the ADR (European Agreement concerning the International Carriage of Dangerous Goods by Road), which came into force in 1968. The regulations under the agreement cover the packaging and labelling of dangerous substances as well as the design, equipment and routing of the vehicle carrying the goods concerned, appearing in annexes A and B of the agreement, which is of substantial proportions.

¹The 1982 figures are provisional and show 87 accidents

This agreement has been ratified by 18 European states, including 8 Community Member States, the two exceptions being Ireland and Greece.

14. The agreement's chief merit is its actual existence, of course, but a major accusation which can be levelled against it is its vagueness with regard to the conditions for packaging and securing some product categories. Hauliers are given wide discretion in interpreting the rules, although compliance with them is assumed.

The ADR has also allowed derogations for some states, and there are many bilateral agreements between the signatories to it.

15. At Community level, the existence of the ADR has been the main reason why the Community has not adopted specific regulations. There are, nonetheless, a few directives of limited scope, including the amended Directive 67/548/EEC on the packaging and labelling of dangerous substances.

The Commission may also be criticized for underestimating the problem of the transport of dangerous waste to some extent. There was no mention of the need to use special routes or to avoid built-up areas and peak traffic periods (Art. 8) until the publication of the amended version of these provisions (COM(83) 386 final) and the amendments made by the European Parliament.

The Commission, however, did not adopt a European Parliament amendment to Article 11, which was also very important and prescribed how the packaging should offer the maximum degree of security in the event of an accident.

V - RECOMMENDATIONS FOR COMMUNITY MEASURES ON THE TRANSPORT OF DANGEROUS SUBSTANCES

16. Community measures must clearly fit in with existing international agreements, especially where a European agreement, in this case the ADR, is concerned.

The first and essential step is for Ireland and Greece to ratify the ADR. This is a first stage which would put all the Member States on an equal footing.

17. There are then two ways of achieving the objective: either specific Community legislation to clarify and strengthen the provisions of the ADR, or action by each Member State to modify the ADR in the way required.

18. Amending the ADR would appear to be the simplest and most logical solution; it would require the introduction of new rules at Community level and would not create discrimination.

This solution, however, comes up against an obstacle which should not be underestimated, namely the possibility that a more restrictive version would be arrived at which would consequently cause problems with implementation in some countries, none of them Community Member States. There is therefore the risk of becoming involved in protracted negotiations and failing to achieve definite results.

19. Following ratification of the ADR by all the Member States, the second solution would aim to introduce Community rules which would tighten up the ADR provisions (including annexes A and B) but would also interpret the present derogations more generously.

20. National regulations should be brought into line with the ADR as far as possible.

21. As previously suggested in the GATTO report, the Community should also provide for special training or adequate qualifications for the drivers of vehicles transporting dangerous substances, perhaps in the form of a special licence; this is not provided for by the ADR.

22. Stringent routing rules should also be adopted in the shape of routing restrictions, comprising either the reservation of special routes for the transport of dangerous substances or prohibitions on passing through built-up areas, using specific roads or travelling during certain peak periods.

23. The validity of any legislation also depends on its effective enforcement. There should therefore be heavy penalties for non-compliance and these should be coordinated at Community level.

24. Figures on accidents involving the transport of dangerous substances should be compiled and analyzed at Community level with a view to determining the causes and then proposing measures to prevent the recurrence of such accidents, and biennial reports on this subject should be submitted to the European Parliament.

25. Finally, the draftsman notes with regret that despite three meetings of the Council of Environment Ministers on 16 June, 28 November and 16 December 1983, no decision has yet been taken concerning the directive on the transfrontier shipment of hazardous wastes, the urgent need for which was surely indicated by the tragic-comic peregrinations of the Seveso waste in the first half of 1983.