

Amended proposal for a Directive of the European Parliament and of the Council amending Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road ⁽¹⁾

(2000/C 274 E/11)

(Text with EEA relevance)

COM(2000) 185 final — 1999/0083(COD)

(Submitted by the Commission pursuant to Article 250(2) of the EC Treaty on 19 April 2000)

⁽¹⁾ OJ C 171, 18.6.1999, p. 17.

INITIAL PROPOSAL

AMENDED PROPOSAL

THE EUROPEAN PARLIAMENT AND THE COUNCIL
OF THE EUROPEAN UNION,

Unchanged

Having regard to the Treaty establishing the European Community, and in particular Article 71(1)(c) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure referred to in Article 251 of the Treaty,

Whereas:

(1) The standardisation work of the European Committee for Standardisation (CEN) on quality assurance in the transport of dangerous goods has not yet been completed and it is therefore necessary to amend the time limit laid down in Article 1 of Directive 94/55/EC ⁽¹⁾, as amended by Commission Directive 96/86/EC ⁽²⁾.

(2) The work of the United Nations Economic Commission for Europe (UNECE) concerning the provisions on the centre of gravity of tank-vehicles laid down in Annex B to the European Agreement concerning the international carriage of dangerous goods by road (ADR) has not yet been completed and it is therefore necessary to amend the time-limit laid down in Article 5(3) of Directive 94/55/EC.

⁽¹⁾ OJ L 319, 12.12.1994, p. 7 and OJ L 275, 28.10.1996, p. 1.

⁽²⁾ OJ L 335, 24.12.1996, p. 43.

INITIAL PROPOSAL

- (3) The standardisation work of the European Committee for Standardisation (CEN) on receptacles and tanks has not yet been completed and it is therefore necessary to amend the time-limits laid down in Article 6(4) of Directive 94/55/EC.
- (4) It is necessary to ensure consistency between the provisions of Directive 94/55/EC and the amendments needed to adapt the annexes thereto to scientific and technical progress.
- (5) The time-limits in Article 6(4) regarding certain equipment must be postponed; the determination of such equipment and the date of application of Directive 94/55/EC should be made subject to the procedures in Article 9 of that Directive.
- (6) The derogations provided for in Article 6(9) of Directive 94/55/EC should be made subject to the procedure provided for in Article 9 of that Directive.
- (7) It is necessary to allow the Member States to adopt long-term derogations with regard to local transport operations and to make authorisation for this purpose subject to the procedure provided for in Article 9 of Directive 94/55/EC.
- (8) It is necessary to specify the conditions to be fulfilled for a transport operation to be regarded as ad hoc transport.

- (9) Directive 94/55/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 94/55/EC is hereby amended as follows:

1. Point (c) of Article 1(2) is replaced by the following:

- ‘(c) quality controls on undertakings where they carry out national transport operations as indicated in paragraph 1 of Annex C.

AMENDED PROPOSAL

- (9) The measures necessary for the implementation of this Directive are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission,⁽¹⁾ and those measures should be adopted in accordance with the regulatory procedure laid down in Article 5 of that Decision.

- (10) Directive 94/55/EC should therefore be amended accordingly,

Unchanged

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

INITIAL PROPOSAL

The scope of the national provisions concerning the requirements set out in this point may not be extended.

The provisions in question shall cease to apply if similar measures are made obligatory under Community provisions.

Not less than two years after the entry into force of a European standard on quality control in the transport of dangerous goods, the Commission shall submit to the Council a report assessing the safety aspects covered by this point together with an appropriate proposal for its continuation or repeal.'

2. Article 5 is amended as follows:

(a) in paragraph 2: the words 'by Marginal 10599 of Annex B' are replaced by 'the provision indicated in point 2 of Annex C';

(b) paragraph 3(b) is amended as follows:

(i) the words 'of Marginal 211 128 of Annex B to this Directive' are replaced by 'of the provision indicated in point 3 of Annex C';

(ii) the date '31 December 1998' is replaced by '30 June 2001'.

3. Article 6 is amended as follows:

AMENDED PROPOSAL

'(c) Member States in which the ambient temperature is regularly lower than -20°C may impose more stringent standards as regards the operating temperature of materials for tanks and their equipment and plastic packagings intended for use in the domestic transport of dangerous goods by road within their territory until provisions on appropriate reference temperatures for defined climatic zones are incorporated in the annexes.'

Unchanged

(a) paragraph 3 is replaced by the following:

'3. Member States may authorise the use in their territory of vehicles constructed before 1 January 1997 which do not comply with these provisions but were constructed in accordance with the national requirements in force on 31 December 1996, provided that such vehicles are maintained to the required safety levels. Tanks and vehicles constructed on or after 1 January 1997 which do not comply with the provisions of Annex B but the construction of which meets the requirements of this Directive that are applicable on the date of their construction may, however, continue to be used for national transport until a date determined in accordance with the procedure laid down in Article 9'.

INITIAL PROPOSAL

AMENDED PROPOSAL

(a) paragraph 4 is replaced by the following:

'4. Member States may maintain their national provisions in force on 31 December 1996 relating to the construction, use and conditions of carriage of new receptacles within the meaning of the provision indicated in point 4 of Annex C and new tanks which do not comply with Annexes A and B, until references to standards for the construction and use of tanks and receptacles with the same binding force as the provisions of this Directive are added to Annexes A and B, and not later than 30 June 2001. Receptacles and tanks constructed before 1 July 2001 and maintained to the required safety levels may continue to be used under the original conditions.

These dates shall be postponed for some transportable pressure equipment for which there are no detailed technical requirements or for which no sufficient references to the appropriate European standards have been added to the Annex.

The equipment concerned by this postponement and the date from which this Directive will be applicable to it shall be determined in accordance with the procedure provided for in Article 9';

(b) paragraph 9 is replaced by the following:

'9. If Member States intend to adopt provisions that are less strict than those laid down in the Annexes for transport operations confined to their territory and relating only to small quantities of certain dangerous goods, with the exception of substances with average and high radioactivity, they shall notify the Commission thereof.

If Member States intend to lay down provisions different from those contained in the Annexes in respect of local transport limited to their territory, they shall notify the Commission thereof, provided that no stricter provisions are required for transport operations effected by a vehicle registered in another Member State';

(c) in paragraph 10, the words 'of Marginals 2010 and 10 602 of Annexes A and B' are replaced by 'of the provisions indicated in point 5 of Annex C';

(d) paragraph 11 is replaced by the following:

'11. Member States may issue administrative authorisations, valid for their territory only, to carry out *ad hoc* transport operations of dangerous goods which are either prohibited by the Annexes or are effected under conditions different from those provided for by those Annexes, on condition that those *ad hoc* transport operations correspond to exceptional transport operations which are clearly defined and limited in time';

(b) paragraph 4 is replaced by the following:

Unchanged

(c) paragraph 9 is replaced by the following:

Unchanged

(d) in paragraph 10, the words 'of Marginals 2010 and 10 602 of Annexes A and B' are replaced by 'of the provisions indicated in point 5 of Annex C';

(e) paragraph 11 is replaced by the following:

Unchanged

INITIAL PROPOSAL

AMENDED PROPOSAL

(e) in paragraph 12, the words 'Marginals 2010 and 10 602 of Annexes A and B' are replaced by 'the provisions indicated in point 5 of Annex C'.

(f) in paragraph 12, the words 'Marginals 2010 and 10 602 of Annexes A and B' are replaced by 'the provisions indicated in point 5 of Annex C'.

4. In Article 8 the reference 'Annexes A and B' is replaced by 'Annexes A, B and C'.

Unchanged

5. Article 9 is replaced by the following:

'1. The Commission shall be assisted by a committee on the transport of dangerous goods, which shall consist of representatives of the Member States and be chaired by a representative of the Commission.

2. Where reference is made to this paragraph, the regulatory procedure provided for in Article 5 of Decision 1999/468/EC shall apply, subject to the provisions of Article 7(3) and Article 8 thereof.

3. The period provided for in Article 5(6) of Decision 1999/468/EC is set at three months.'

5. Annex C, as shown in the Annex to this Directive, is added.

6. Annex C, as shown in the Annex to this Directive, is added.

*Article 2**Article 2*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 2000. They shall forthwith inform the Commission thereof.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 2001. They shall forthwith inform the Commission thereof.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the essential provisions of national law which they adopt in the field governed by this Directive.

Unchanged

*Article 3**Article 3*

This Directive shall enter into force on the third day following that of its publication in the *Official Journal of the European Communities*.

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*.

Article 4

Unchanged

This Directive is addressed to the Member States.

ANNEX

'ANNEX C

Special provisions relating to certain articles of Directive 94/55/EC

1. The national transport operations covered by Article 1(2)(c) shall be the following:
 - i) Explosive substances and articles in Class 1, where the quantity of explosive substances contained per transport unit exceeds:
 - 1 000 kg for division 1.1, or
 - 3 000 kg for division 1.2, or
 - 5 000 kg for divisions 1.3 and 1.5;
 - ii) the following substances in tanks or in tank containers of a total capacity exceeding 3 000 l:
 - Class 2: gas assigned to the following risk groups: F, T, TF, TC, TO, TFC, TOC;
 - Classes 3, 4.1, 4.2, 4.3, 5.1, 5.2, 6.1, 8: substances not listed under (b) or (c) in those Classes or listed therein but having a hazard code with three or four more significant digits (not including any zero);
 - iii) the following packages of Class 7 (radioactive materials): packages of fissile materials, packages of type B(U), packages of type B(M).
 2. The special provision applicable to Article 5(2) shall be Marginal 10 599 of Annex B.
 3. The special provision applicable to Article 5(3)(b) shall be Marginal 211 128 of Annex B.
 4. The special provision applicable to Article 6(4) shall be Marginal 2211 of Annex 1.
 5. The special provision applicable to Article 6(10) and (12) shall be Marginals 2010 and 10 602 of Annexes A and B.'
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