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PROPOSAL

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Subject: Proposal for a Directive of the European Parliament and of the Council on the inland transport of dangerous goods

Delegations will find attached a proposal from the Commission, submitted under a covering letter from Mr Jordi AYET PUIGARNAU, Director, to Mr Javier SOLANA, Secretary-General/High Representative.

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COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the inland transport of dangerous goods

{SEC(2006) 1725}

{SEC(2006) 1726}

(presented by the Commission)

EXPLANATORY MEMORANDUM

1) CONTEXT OF THE PROPOSAL

Grounds for and objectives of the proposal

The international transport of dangerous goods is regulated by international agreements. In Europe, there are two instruments of this kind in force for road and rail transport. For the inland waterway mode, a corresponding agreement is currently at the ratification stage. In the EU, the regulations for road and rail have been introduced into Community law via two directives, extending the scope of the rules to national transport and creating a single set of rules for all transport operations within the single market. As the agreement for inland waterway transport is expected to be ratified soon, it would be logical, for harmonisation reasons, to bring it also into Community law. In this context, there is an opportunity to update and harmonise the existing legislation.

The legal basis for the EU to act in this area is Article 71(1)(c) of the Treaty.

General context

The total amount of dangerous goods transport in the Union is about 110 billion tonne-kms / year, of which 58% is by road, 25% by rail and 17% by inland waterway. The trend for road and inland waterway transport has been increasing, but decreasing for rail transport. The share of dangerous goods transport in total freight transport is about 8%.

In order to ensure safety and security for the transport of dangerous goods as well as free and multimodal movement of international transport services, the United Nations (UN) has created and updated a document *Recommendations on the Transport of Dangerous Goods Model Regulations*.

The international agreements regulating international transport of dangerous goods are based on the UN Recommendations, which have been implemented in the inland transport sector in Europe by means of three instruments:

- European Agreement concerning the international carriage of dangerous goods by road (ADR);
- Regulations concerning international carriage of dangerous goods by rail (RID);
- European Agreement concerning the international carriage of dangerous goods by inland waterways (ADN).

Almost all EU countries are signatories of ADR and RID.

ADN is not yet in force. It is in the process of ratification and is expected to be in force in 2009 at the latest. Nine of the EU countries are signatories of ADN. Two other, ADN-based, systems (ADN-R, ADN-D) are currently applied in the areas of the Rhine and Danube, where countries in those areas are signatories. In addition, there are national rules for national transport.

In 1997 the Commission made a proposal for a Directive of the European Parliament and of the Council on the approximation of the laws of the Member States with regard to the transport of dangerous goods by vessels on inland waterways (amended in 1999). However, the proposal was never adopted, because ADN was not duly concluded. The proposal was withdrawn in 2004. For this reason, EU legislation covers only road and rail modes for the land transport of dangerous goods. For those modes, the legislation ensures a high level of transport safety, free provision of transport services and free movement of the means of transport within the territory of the EU. No European rules exist for the transport of dangerous goods by inland waterway.

With ADN soon to enter into force, the development of two different regimes should be avoided: one for international and one for national transport. The rationale for incorporating international road and rail agreements into Community law, namely to extend these rules to national transport as well, is equally valid for inland waterways.

In multimodal transport operations, it is undesirable to maintain separate sets of rules for each mode, which a user of these operations will have to respect. Wherever possible, the rules should be identical, as is the objective of the UN Recommendations.

For historic reasons the existing EU legislation on the transport of dangerous goods is rather complicated. Mode-specific pieces of legislation contain unnecessary inconsistencies. Moreover, some of the provisions are already, or will soon become, obsolete. Two directives can be considered superfluous, since their provisions have been incorporated into ADR, RID and ADN.

Apart from the foregoing issues of substance, a technical problem has been encountered, which is linked to the current structure of the existing directives. Each time a revision of the international agreements takes place, at two-year intervals, the directives require the provision of full translations of the voluminous technical annexes, which has proved extremely difficult, if not impossible to achieve.

If nothing is done, the problems outlined above will remain and be exacerbated: the current complex rules are likely to become more complex with changes in international agreements; obsolete rules will remain and confuse users; the risk of non-compliance will increase. The EU rules may well become less rather than more user-friendly. With increasing use of multimodal concepts, different rules for different transport modes will cause even more practical daily problems for multimodal operations and increase costs unnecessarily. In inland waterway transport, different rules for international and national transport will hamper the development of this mode, which would otherwise, on the basis of statistics, be the preferable mode in many cases.

Existing provisions in the area of the proposal

Community law contains four pieces of legislation in this area:

- (1) Council Directive 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road;
- (2) Council Directive 96/49/EC of 23 July 1996 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail;
- (3) Council Directive 96/35/EC of 3 June 1996 on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway;

- (4) Directive 2000/18/EC of the European Parliament and of the Council of 17 April 2000 on minimum examination requirements for safety advisers for the transport of dangerous goods by road, rail or inland waterway.

Provisions of Directives (3) and (4) are currently included in annexes to Directives (1) and (2), thus rendering the former superfluous for road and rail modes.

The proposal integrates and updates Directives (1) and (2) without essentially changing current provisions for road and rail modes. In contrast, the proposal extends the scope of Community law to inland waterway transport, which is a significant change.

Consistency with the other policies and objectives of the Union

The proposal is linked to existing EU legislation in respect of transport safety, the internal market and environment policies, and supports the objectives of the sustainable development and Lisbon strategies.

2) CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

Consultation of interested parties

Consultation methods, main sectors targeted and general profile of respondents

As a result of the existing EU legislation on dangerous goods transport, there is already a Regulatory Committee available to deal with this subject. The Member States and EFTA countries were consulted via the Committee in several meetings and also between meetings, using the Internet.

Through regular correspondence between the Committee and the European Parliament, the latter was kept informed of the work of the Committee.

Stakeholders, which are industrial associations representing companies involved in the transport of dangerous goods, have the right to attend the Committee meetings as observers. In this way they made their views known during the preparation of the proposal.

In addition, the Central Commission for Navigation on the Rhine was consulted, in view of its importance for transport operations on the Rhine, the share of dangerous goods transport on the Rhine being about 80% of that in Europe.

An open consultation was conducted over the Internet from 21/05/2006 to 31/07/2006. The Commission received 108 responses. The results are available on:
http://ec.europa.eu/dgs/energy_transport/security/consultations/2006_07_31_en.htm.

Summary of responses and how they have been taken into account

Member States' and stakeholders' input has had a crucial impact on the content of the proposal. Common positions were sought as much as possible throughout the consultation process.

In the public consultation a very large majority of respondents were in favour of the policy proposed by the Commission.

Collection and use of expertise

There was no need for external expertise.

Impact assessment

The impact assessment examined three policy options:

- (1) "No policy change, only codification"

The scope and content of the existing EU legislation on dangerous goods transport would be kept in its present format. Transport by inland waterway would not be included in Community law. Only the codification procedure in respect of the existing legislation, which has already tentatively started, would be completed. The codification is likely to make the application of rules, to a limited extent, more user-friendly. However, although these changes would be welcomed by stakeholders, their impact in all areas is believed to be limited.
- (2) "Codification and new legislation for inland waterways"

Codification would be carried out as in option 1, and in addition a new piece of EU legislation would be created to cover dangerous goods transport by inland waterway. Different regional or national rules currently apply to inland waterway transport in the territory of the Union. The new act would be based on the forthcoming international agreement and would cover both international and national transport, thus harmonising the rules within the Union. This would have a positive economic impact for transport operators, because the rules would be simpler, as well as having a positive social impact for transport workers and the environment, as the risk of accidents would be reduced. Moreover, enforcement of the rules would be simpler for the national authorities.
- (3) "Revision of legislation, encompassing inland waterways"

The existing EU legislation on dangerous goods transport would be revised and simplified, the existing directives merged and the scope of the legislation extended to inland waterways transport. Option 3 would include revision and simplification elements in addition to option 2. Firstly, outdated clauses would be eliminated. Their continuing existence would only render an inherently complex matter unnecessarily complicated, resulting in increased risks and costs. Secondly, the rules governing the three land modes — road, rail and inland waterway — would be harmonised as far as possible. A harmonised set of rules would substantially facilitate multimodal transport. These two elements would not be available in options 1 and 2. Complex rules entail inherent risks for safety and the environment. It is therefore recognised that harmonising the rules would have a positive impact in all areas: economic because it reduces costs; social because the rules are more easily applied and therefore provide better safety; and reduced environmental risks for the same reasons. Enforcement by national authorities is made easier by fewer variations in the rules. A harmonised, more user-friendly set of rules should also significantly improve compliance by stakeholders. Clearly, option 3 offers the most positive economic, social, environmental and enforcement impacts.

3) LEGAL ELEMENTS OF THE PROPOSAL

Summary of the proposed action

The proposed new directive updates the existing four directives and four Commission decisions on the transport of dangerous goods, integrating them into one piece of legislation and extending the scope of EU rules to cover not only road and rail transport but also inland waterway transport. The proposal brings the existing rules for international transport into Community law and also extends the application of international rules to national transport.

Legal basis

Article 71(1)(c) of the Treaty.

Subsidiarity principle

The subsidiarity principle applies insofar as the proposal does not fall under the exclusive competence of the Community.

The objectives of the proposal cannot be sufficiently achieved by the Member States for the following reasons.

- EU actions have already been taken and they are operational in the road and rail transport of dangerous goods.
- In the inland waterway transport of dangerous goods, two systems of regional rules are currently in place, regulating transport in the Rhine and Danube areas (ADN-R, ADN-D), and a third system (ADN of the UN) is expected to come into force soon. In addition, various rules exist for national transport in the Rhine and Danube countries and also other countries. Individual Member States' actions cannot achieve in the territory of the Union the same extent of harmonisation and application of rules for inland waterway transport as is the case for road and rail transport.

Community action will better achieve the objectives of the proposal for the following reason.

The objective of creating uniform rules in the territory of the Union for all dangerous goods transport operations, whether national or international and whatever the land transport mode, cannot be achieved without the Community's intervention.

The following qualitative indicators demonstrate that the objectives of the proposal can be better achieved by the Union.

- Multimodal transport will increase;
- Transport operations will become simpler for transport operators and their costs will decrease;
- Risk of accidents for transport workers, citizens and the environment will decrease;
- Transport legislation and enforcement will become simpler for national authorities;
- Community legislation in the area will be simplified.

Reinforcing and extending the application of ADR and RID by including them in Community law governing road and rail transport modes has demonstrated that the EU intervention was justified. When extending the scope to the third land mode, inland waterway, the EU intervention is equally justified.

The proposal therefore complies with the subsidiarity principle.

Proportionality principle

The proposal complies with the proportionality principle for the following reasons.

The question of proportionality in this context is relevant for inland waterway transport only, because EU instruments already exist for road and rail transport of dangerous goods.

For Member States which already apply one of the regional ADNs (ADN-R, ADN-D) or which intend to do so, a very small additional effort is required to extend the scope of the rules to national transport, the more so because ADN already includes special provisions for vessels that carry goods for national transport only. Moreover, for Member States which have very little dangerous goods transport or no transport at all by inland waterway, there are special provisions contained in the proposed directive.

The proposed instrument, a directive, is the most appropriate for two reasons.

- The existing EU instruments in the area, which are to be replaced, are directives;
- For the implementation of the temporary and national provisions set out in the annexes of the proposal'.

Since the proposal harmonises and simplifies rules for the transport of dangerous goods in the Union, the financial and administrative burden will decrease rather than increase for all parties in the Member States. In inland waterway transport, where the ADN rules would be applied to national transport for the first time, there could theoretically be additional costs when adapting vessels, which have previously only operated in national transport, to ADN rules, but in practice this is unlikely.

Choice of instruments

Proposed instrument: a directive.

Other means would not be adequate for the following reasons.

First, the proposed instrument replaces and repeals four existing instruments that are all directives. Secondly, the extension of the scope of the proposed instrument to inland waterways follows similar legislative principles as the existing directives. Although the proposal contains mainly technical provisions, which are based on the UN Recommendations and cannot be changed, there are also exemptions and derogations, which can be implemented in Member States in different ways. Thirdly, the application of the proposal to inland waterway transport depends on the circumstances of each Member State. Thus, the choice of a directive is the most appropriate choice of instrument.

4) BUDGETARY IMPLICATION

The proposal intends to move the necessary translation and publication of the technical annexes of the directive from the Community, in reality from the Commission level, to the Member States, when necessary. They are updated every two years. The Community should therefore be prepared to support financially the national translations. However, the Community saving in terms of translation and publication costs will outweigh the support given to Member States.

5) ADDITIONAL INFORMATION

Simplification

The proposal provides for simplification of legislation and of administrative procedures both for public authorities (EU or national) and for private bodies.

The proposal means a substantial simplification of Community law in the field of dangerous goods transport, although the scope of the legislation would be extended. All three land transport modes would be covered by only one piece of legislation. The new directive would repeal existing Directives 94/55/EC and 96/49/EC, as amended, on the transport of dangerous goods, Directives 96/35/EC and 2000/18/EC on dangerous goods safety advisers, and Commission Decisions 2005/263/EC and 2005/180/EC, as amended, on national derogations from Directives 94/55/EC and 96/49/EC. Finally, the international agreements on dangerous goods transport would only be referred to in the annexes to the directive, not included as at present. This would reduce the Community acquis by about 2000 pages.

A minor issue is that in Council Directive 82/714/EEC laying down technical requirements for inland waterway vessels (undergoing amendment), Article 6 currently allows any craft carrying a certificate issued pursuant to the Regulation for the transport of dangerous substances on the Rhine (ADN-R) to carry dangerous goods throughout the territory of the Community. Given that the directive proposed here foresees the phasing-out of the certificate delivered under the ADN-R, this Article should consequently be repealed.

Simplified Community legislation would simplify the transposition of Community law into national legislation. The enforcement authorities' work, including reporting, would be made simpler and more effective by harmonising the rules governing transport of dangerous goods.

Administrative procedures for all participants in dangerous goods transport, from consignor to consignee, would be easier with simplified and harmonised rules. Documentation of transport operations and vehicles would also be simpler with harmonised rules, as would the training of persons involved and the work of dangerous goods safety advisers.

The proposal is included in the Commission's rolling programme for updating and simplifying the Community acquis, and in its Work and Legislative Programme under the reference 2005/TREN/017 .

Repeal of existing legislation

Adoption of the proposal will lead to the repeal of existing legislation.

Correlation table

The Member States are required to communicate to the Commission the text of national provisions transposing the directive as well as a correlation table between those provisions and this directive.

European Economic Area

The proposed act concerns an EEA matter and should therefore extend to the European Economic Area.

Detailed explanation of the proposal

Article 1: Scope

One of the main points of this article is to indicate when a Member State can be exempted from the application of the directive with regard to inland waterway transport.

Article 2: Definitions

Relevant international agreements, dangerous goods and means of transport are defined.

Article 3: General provisions

General provisions for dangerous goods transport are set out.

Article 4: Third countries

Transport from and to non-EU countries which apply international agreements on dangerous goods transport is allowed.

Article 5: Restrictions for reasons other than safety during transport

A Member State may, within its territory, apply additional provisions for dangerous goods transport, for reasons other than safety.

Article 6: Restrictions for transport safety reasons

A Member State may apply additional provisions for national transport performed by national vehicles. In the event of an accident or incident, a Member State may take emergency measures, where necessary.

Article 7: Derogations

Since international agreements and the annexes to the directive do not take into account all the particularities of national transport, Member States may, under certain conditions, grant derogations from the directive for national transport. In some cases, the derogations have to be adopted by the Commission in accordance with the comitology procedure. Derogations are subject to review at regular intervals and are listed in the annexes to the directive.

Article 8: Transitory provisions

A Member State may maintain certain temporary national provisions that are listed in the annexes to the directive.

Article 9: Adaptations

The amendments necessary to adapt the annexes to scientific and technical progress shall be adopted in accordance with the comitology procedure.

Article 10: Committee

Provision is made for a Regulatory Committee on the transport of dangerous goods, which will assist the Commission in the comitology procedures.

Article 11: Transposition

The target date for the application of the directive is 1 January 2009. On the same date, the biennial updates of the relevant international agreements will enter into force.

Articles 12 and 13: Amendment and Repeals

The new directive will repeal existing Directives 94/55/EC and 96/49/EC, as amended, on the transport of dangerous goods, Directives 96/35/EC and 2000/18/EC on dangerous goods safety advisers, Decisions 2005/263/EC and 2005/180/EC, as amended, on derogations, and Article 6 of Council Directive 82/714/EEC, as amended, on technical requirements for inland waterway vessels.

Articles 14 and 15: Entry into force and Addressees

Entry into force is on the twentieth day following the publication of the directive. The directive is addressed to the Member States.

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the inland transport of dangerous goods

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71 thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Economic and Social Committee²,

Having regard to the opinion of the Committee of the Regions³,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) The transport of dangerous goods by road, rail or inland waterway presents a considerable risk of accidents. Measures must therefore be taken to ensure that such transport is carried out under the best possible conditions of safety.
- (2) Uniform rules concerning the transport of dangerous goods by road and by rail were established by Council Directive 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road⁴ and Council Directive 96/49/EC of 23 July 1996 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail⁵ respectively.
- (3) In order to set up a common regime covering all aspects of the inland transport of dangerous goods, Directives 94/55/EC and 96/49/EC should be replaced with a single Directive which also lays down provisions in relation to inland waterways.

¹ OJ C , , p. .

² OJ C , , p. .

³ OJ C , , p. .

⁴ OJ L 319, 12.12.1994, p. 7. Directive as last amended by Commission Directive 2004/111/EC (OJ L 365, 10.12.2004, p.25).

⁵ OJ L 235, 17.9.1996, p. 25. Directive as last amended by Commission Directive 2004/110/EC (OJ L 365, 10.12.2004, p. 24).

- (4) The majority of Member States are contracting parties to the European Agreement concerning the International Carriage of Dangerous Goods by Road (“ADR”), the Regulations concerning the International Carriage of Dangerous Goods by Rail (“RID”) and, insofar as is relevant, the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (“ADN”).
- (5) ADR, RID and ADN lay down uniform rules for the safe international transport of dangerous goods. Such rules should also be extended to national transport in order to harmonize across the Community the conditions under which dangerous goods are transported and to ensure the functioning of the common transport market.
- (6) The provisions of this Directive should not apply to the transport of dangerous goods in certain exceptional circumstances linked to the nature of the vehicles or vessels involved, or to the limited nature of the transport undertaken.
- (7) Each Member State should retain the right to exempt from the application of this Directive the transport of dangerous goods by inland waterway if the inland waterways in its territory are not linked, by inland waterway, to the waterways of other Member States, or if no dangerous goods are transported on them .
- (8) Means of transport registered in third countries should be allowed to perform the international transport of dangerous goods within the territories of the Member States subject to compliance with the relevant provisions of the ADR, RID or ADN.
- (9) Each Member State should maintain the right to regulate or prohibit, strictly for reasons other than safety, the national transport of dangerous goods.
- (10) Each Member State should be able to apply more stringent rules to national transport operations performed by vehicles registered or put into circulation within its territory.
- (11) The harmonisation of the conditions applying to the national transport of dangerous goods should not prevent specific national circumstances from being taken into account. This Directive should therefore provide Member States with the possibility of granting certain derogations under certain identified conditions. Such derogations should be listed in this Directive as “additional national provisions”.
- (12) In view of the level of investment required in this sector, Member States should be permitted to retain on a temporary basis certain specific national provisions concerning the construction requirements of the means of transport or equipment, transport through the Channel Tunnel and transport between Member States and States which are parties to the Organisation for Cooperation of Railways (OSJD). Such provisions should be listed in this Directive as “additional transitory provisions”.
- (13) It is necessary to be able rapidly to adapt the Annexes to this Directive to scientific and technical progress including the development of new technologies for tracking and tracing, in particular to take account of new provisions incorporated into the ADR, RID and ADN.
- (14) The Commission should also be able to revise the lists of additional national provisions and to decide upon the application and implementation of emergency measures in the event of accidents or incidents.

- (15) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁶.
- (16) In particular, the Commission should be empowered to adapt the Annexes to scientific and technical progress. Since these are measures of general scope designed to amend or delete non-essential elements of this Directive, or to supplement this Directive by the addition of new non-essential elements, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EEC.
- (17) On the grounds of efficiency, the time-limits which normally apply in the context of the regulatory procedure with scrutiny should be curtailed for the adoption of adaptations to the Annexes to scientific and technical progress.
- (18) Since the objectives of this Directive, namely to ensure the uniform application of harmonized safety rules throughout the Community and a high level of safety for national and international transport operations, cannot be sufficiently achieved by the Member States acting alone and can therefore, by reason of the scale and effects of this Directive be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (19) The provisions of this Directive are without prejudice to the commitment entered into by the Community and its Member States, in accordance with the goals set out under Agenda 21, Chapter 19, at the UNCED Conference in June 1992 in Rio de Janeiro, to strive for the harmonisation of systems for the classification of dangerous substances.
- (20) The provisions of this Directive are without prejudice to the Community legislation governing the safety conditions under which biological agents and genetically modified organisms, regulated under Council Directive 90/269/EEC⁷, Directive 2001/18/EC of the European Parliament and of the Council⁸ and Directive 2000/54/EC of the European Parliament and Council⁹, should be transported.

⁶ OJ L 184, 17.7.1999, p. 23. Decision as last amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

⁷ OJ L 117, 8.05.1990, p. 1. Directive as last amended by Commission Decision 2005/174/EC (OJ No L 59, 5.3.2005, p. 20).

⁸ OJ L 106, 17.4.2001, p. 1. Directive as last amended by Regulation from the European Parliament and from the Council (EC) No 1830/2003 (OJ L 268, 18.10.2003, p. 24).

⁹ OJ L 262, 17.10.2000, p. 21.

- (21) The provisions of this Directive are without prejudice to the application of other Community provisions in the fields of occupational safety and health and environmental protection. In particular the framework directive on occupational safety and health, Directive 89/391/EEC¹⁰, and its daughter directives including Directive 98/24/EC¹¹ on chemical agents and Directive 2004/37/EC¹² on carcinogens and mutagens.
- (22) Article 6 of Council Directive 82/714/EEC of 4 October 1982 laying down technical requirements for inland waterway vessels¹³ provides that vessels carrying a certificate issued pursuant to the Regulation for the transport of dangerous substances on the Rhine (ADNR) may carry dangerous goods throughout the territory of the Community under the conditions stated in that certificate. As a consequence of the adoption of this Directive, Directive 82/714/EEC should be amended in order to delete that provision.
- (23) Directives 94/55/EC and 96/49/EC should therefore be repealed. In the interests of clarity and rationality, it is also necessary to repeal Council Directive 96/35/EC of 3 June 1996 on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway¹⁴, Directive 2000/18/EC of the European Parliament and of the Council of 17 April 2000 on minimum examination requirements for safety advisers for the transport of dangerous goods by road, rail or inland waterway¹⁵, Commission Decision 2005/263/EC of 4 March 2005 authorising Member States to adopt certain derogations pursuant to Directive 94/55/EC with regard to the transport of dangerous goods by road¹⁶, and Commission Decision 2005/180/EC of 4 March 2005 authorising Member States to adopt certain derogations pursuant to Council Directive 96/49/EC with regard to the transport of dangerous goods by rail¹⁷.

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Scope

1. This Directive shall apply to the transport of dangerous goods by road, by rail or by inland waterway within or between Member States, including the activities of loading and unloading, transfer to or from another mode of transport and the stops necessitated by the circumstances of the transport.

¹⁰ OJ L 183, 29.06.1989, p.1

¹¹ OJ L 131, 05.05.1998, p.11.

¹² OJ L 158, 30.04.2004, p.50

¹³ OJ L 301, 28.10.1982, p. 1. Directive as last amended by Directive [../EC] of the European Parliament and of the Council (...).

¹⁴ OJ L 145, 19.6.1996, p.10.

¹⁵ OJ L 118, 19.5.2000, p.41.

¹⁶ OJ L 85, 2.4.2005, p.58. Decision as amended by Decision 2005/903/EC (OJ L 328, 15.12.2005, p.62).

¹⁷ OJ L 61, 8.3.2005, p.41. Decision as amended by Decision 2005/777/EC (OJ L 293, 9.11.2005, p.23).

It shall not apply to the transport of dangerous goods:

- (a) by vehicles, wagons and vessels belonging to or under the responsibility of the armed forces;
 - (b) by seagoing vessels on maritime waterways forming part of inland waterways;
 - (c) by ferries only crossing an inland waterway or harbour; or
 - (d) wholly performed within the perimeter of an enclosed area.
2. Within one year after the entry into force of this Directive, Member States may decide not to apply the provisions of Annex III.1 for one of the following reasons:
- (a) they have no inland waterways;
 - (b) their inland waterways are not linked, by inland waterway, to the waterways of other Member States; or
 - (c) no dangerous goods are transported on their inland waterways.

If a Member State decides not to apply the provisions of Annex III.1, it shall notify that decision to the Commission, which shall inform the other Member States.

3. This Directive shall not affect the Member State's right to lay down specific safety requirements for the national or international transport of dangerous goods within their territories, in so far as they are not covered by this Directive.

Article 2

Definitions

For the purposes of this Directive:

- (1) 'ADR' means the European Agreement concerning the International Carriage of Dangerous Goods by Road, concluded at Geneva on 30 September 1957, as amended;
- (2) 'RID' means the Regulations concerning the International Carriage of Dangerous Goods by Rail, appearing as Appendix C to the Convention concerning international carriage by rail (COTIF) concluded at Vilnius on 3 June 1999, as amended;
- (3) 'ADN' means the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways, concluded at Geneva on 26 May 2000, as amended;
- (4) 'vehicle' means any motor vehicle intended for use on the road, having at least four wheels and a maximum design speed exceeding 25 km/h, and its trailers, with the exception of vehicles which run on rails, agricultural and forestry tractors having a maximum design speed not exceeding 40 km/h and mobile machinery;
- (5) 'wagon' means any rail vehicle without its own means of propulsion that runs on its own wheels on railway tracks and is used for the carriage of goods;
- (6) 'vessel' means any inland waterway or seagoing vessel;

Article 3

General provisions

1. Without prejudice to Article 7, dangerous goods shall not be transported insofar as this is prohibited by Annexes I.1, II.1 and III.1. .
2. Without prejudice to the general rules on market access or the rules generally applicable to the transport of goods, the transport of dangerous goods shall be authorised, subject to compliance with the conditions laid down in Annexes I.1, II.1 and III.1.

Article 4

Third countries

The transport of dangerous goods between Community territory and third countries shall be authorised insofar as it complies with the requirements of ADR, RID or ADN.

Article 5

Restrictions for reasons other than safety during transport

Member States shall maintain the right to regulate or prohibit, strictly for reasons other than safety during transport, the transport of dangerous goods within their territory.

Article 6

Restrictions for transport safety reasons

1. Member States may apply for reasons of transport safety more stringent provisions concerning the national transport of dangerous goods, with the exception of construction requirements, performed by vehicles registered or put into circulation within their territory.
2. If, in the event of an accident or incident within its territory, a Member State considers that the safety provisions applicable have been found to be insufficient to limit the hazards involved in the transport operation and if there is an urgent need to take action, that Member State shall, at the planning stage, notify the Commission of the measures which it proposes to take.

Acting in accordance with the procedure referred to in Article 10(2), the Commission shall decide whether to authorise the implementation of the measures in question and the duration of that authorisation.

Article 7

Derogations

1. Member States may authorise the use of languages other than those provided for in the Annexes for transport operations performed solely within their territory.
2. (a) Provided that safety is not compromised, Member States may request derogations from Annexes I.1, II.1 or III.1 for the transport of dangerous goods within their territory for the transport of small quantities of certain dangerous goods, with the exception of substances having a medium or high level of radioactivity, provided that the conditions for such transport are no more stringent than the conditions set out in those Annexes.

(b) Provided that safety is not compromised, Member States may also request derogations from Annexes I.1, II.1 or III.1 for the transport of dangerous goods within their territory for:
 - b1) local transport over short distances, or
 - b2) local transport by rail on particular designated routes, forming part of a defined industrial process and being tightly controlled under clearly specified conditions.

The Commission shall examine in each case whether the conditions laid down in the first and second subparagraphs of this paragraph have been met and shall decide, in accordance with the procedure referred to in Article 10(2), whether to authorise the derogation and to add it to the list of additional national provisions in Annexes I.3, II.3 or III.3.

3. Derogations shall be valid for a period of 5 years from the date of authorisation.

Derogations shall be applied without discrimination.
4. If a Member State requests the extension of an authorisation of a derogation, the Commission shall review the derogation in question.

If no amendment to Annexes I.1, II.1 or III.1 affecting the subject matter of the derogation has been adopted, the Commission shall renew the authorisation for a further period of 5 years.

If an amendment to Annexes I.1, II.1 or III.1 affecting the subject matter of the derogation has been adopted, the Commission, acting in accordance with the procedure referred to in Article 10(2), may:

- (a) declare the derogation obsolete and remove it from the relevant Annex;
- (b) reduce the scope of the authorisation and amend the relevant Annex accordingly;
- (c) renew the authorisation for a further period of 5 years.

5. Within its territory each Member State may issue individual authorisations to carry out transport operations of dangerous goods which are prohibited by this Directive or to carry out such operations under conditions different from those laid down in this Directive, on condition that these transport operations are clearly defined and limited in time.

Article 8

Transitory provisions

Within their territory, Member States may maintain the provisions listed in Annexes I.2., II.2. and III.2.

Member States which maintain such provisions shall inform the Commission thereof. The Commission shall inform the other Member States.

Article 9

Adaptations

The amendments necessary to adapt the Annexes to scientific and technical progress, including the use of technologies for tracking and tracing, in the fields covered by this Directive, in particular to take account of amendments to the ADR, RID and ADN, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10 (3).

Article 10

Committee

1. The Commission shall be assisted by a Committee on the transport of dangerous goods.
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply having regard to the provisions of Article 8 thereof.

The period referred to in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply having regard to the provisions of Article 8 thereof.

The time-limits provided for in Article 5a(3)(c), (4)(b) and (4)(e) of Decision 1999/468/EC shall be set at one month, one month and two months respectively.

Article 11

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2008 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

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 main provisions of national law which they adopt in the field covered by this Directive.

Article 12

Amendment

Article 6 of Directive 82/714/EEC is deleted.

Article 13

Repeals

1. Directives 94/55/EC, 96/49/EC, 96/35/EC, and 2000/18/EC are repealed.

Certificates issued under provisions of the repealed Directives shall remain valid until their expiry date

2. Decisions 2005/263/EC and 2005/180/EC are repealed.

Article 14

Entry into force

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

Article 15

Addressees

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEXES

I

Transport by road

I.1. ADR

Annexes A and B to the European Agreement on the International Carriage of Dangerous Goods by road (ADR), as applicable with effect from 1 January 2009, it being understood that "contracting party" is replaced by "Member State" as appropriate.

I.2. Additional transitory provisions

1. Member States may maintain derogations adopted on the basis of Article 4 of Directive 94/55/EC until 31 December 2010 or until Annex I.1 is amended to reflect the UN Recommendations on the Transport of Dangerous Goods referred to in that article if this is earlier.
2. Within its territory each Member State may authorise the use of tanks and vehicles constructed before 1 January 1997 which do not comply with this Directive but were constructed in accordance with the national requirements in force on 31 December 1996, provided that such tanks and vehicles are maintained to the required safety levels.

Tanks and vehicles constructed on or after 1 January 1997 which do not comply with this Directive but were constructed in accordance with the requirements of Directive 94/55/EC in force on the date of their construction may continue to be used for national transport.

3. Within its territory each Member State may authorise the use of pressure drums, bundles of cylinders and tanks constructed before 1 July 2007 and other receptacles constructed before 1 July 2003 which do not comply with this Directive but were constructed in accordance with the requirements applicable on the date of their construction but not later than 1 July 2005 for pressure drums, bundles of cylinders and tanks, and not later than 1 July 2001 for other receptacles, provided that such equipment is maintained to the required safety levels.
4. Within its territory each Member State in which the ambient temperature is regularly lower than - 20 °C may impose more stringent standards as regards the operating temperature of materials used for plastic packaging, tanks and their equipment intended for use in the national transport of dangerous goods by road until provisions on the appropriate reference temperatures for given climatic zones are incorporated into Annex I.1 to this Directive.
5. Within its territory each Member State may maintain national provisions other than those laid down in this Directive with regard to the reference temperature for the transport of liquefied gases or mixtures of liquefied gases, until provisions relating to appropriate reference temperatures for designated climatic areas are incorporated into European standards and referred to in Annex I.1 to this Directive.

6. Within its territory each Member State may maintain the provisions of its national legislation in force on 31 December 1996 relating to the display or placement of an emergency action code or hazard card in place of the hazard identification number laid down in Annex I.1 to this Directive.

I.3. Additional national provisions

Derogations for Member States for the transport of dangerous goods within their territory on the basis of Article 7(2).

Numbering of derogations: RO-a/b1/b2-MS-nn

RO= Road

a/b1/b2= Article 7 (2) a/b1/b2

MS= Abbreviation of Member State

Nn= order number

Based on Article 7(2) point a

BE Belgium

RO-a-BE-1

Subject: Class 1 – Small quantities.

Reference to Annex I.1. to this Directive: 1.1.3.6

Content of the Annex to the Directive: subsection 1.1.3.6 limits to 20 kg the quantity of mining explosives which can be transported in an ordinary vehicle.

Content of the national legislation: Operators of depots remote from supply points may be authorised to transport 25 kg of dynamite or powerful explosives and 300 detonators at the most in ordinary motor vehicles, subject to conditions to be set by the explosives service.

Initial reference to the national legislation: Article 111 of Royal Decree of 23 September 1958 on explosives, as amended by Royal Decree of 14 May 2000.

RO-a-BE-2

Subject: Transport of uncleaned empty containers having contained products of different classes.

Reference to Annex I.1. to this Directive: 5.4.1.1.6

Content of the national legislation: Indication on the transport document "uncleaned empty packages having contained products of different classes".

Initial reference to the national legislation: Derogation 6-97.

Comments: Derogation registered by the European Commission as No 21 (under Art. 6.10).

RO-a-BE-3

Subject: Adoption of RO-a-UK-4.

Initial reference to the national legislation:

DE Germany

RO-a-DE-1

Subject: Mixed packing and mixed loading of car parts with classification 1.4G together with certain dangerous goods (n4).

Reference to Annex I.1. to this Directive: 4.1.10 and 7.5.2.1

Content of the Annex to the Directive: Provisions on mixed packing and mixed loading.

Content of the national legislation: UN 0431 and UN 0503 may be loaded together with certain dangerous goods (products related to car manufacturing) in certain amounts, listed in the exemption. The value 1000 (comparable with 1.1.3.6.4) shall not be exceeded.

Initial reference to the national legislation: Gefahrgut-Ausnahmereverordnung - GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350), geändert durch Artikel 2 der Verordnung vom 28.4.2003 (BGBl. I S. 595); Ausnahme 28.

Comments: The exemption is needed to provide fast delivery of safety car parts depending on the local demand. Due to the wide variety of the product range storage of these products by local garages is not common.

RO-a-DE-2

Subject: Exemption from requirement to carry a transport document and a shippers declaration for certain quantities of dangerous goods as defined in 1.1.3.6 (n1).

Reference to Annex I.1. to this Directive: 5.4.1.1.1 and 5.4.1.1.6

Content of the Annex to the Directive: contents of the transport document.

Content of the national legislation: For all classes except Class 7: no transport document is needed, if the quantity of the goods transported does not exceed the quantities given in 1.1.3.6.

Initial reference to the national legislation: Gefahrgut-Ausnahmereverordnung - GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350), geändert durch Artikel 2 der Verordnung vom 28.4.2003 (BGBl. I S. 595); Ausnahme 18.

Comments: The information provided by the marking and labelling of packages is considered sufficient for national transport, as a transport document is not always appropriate where local distribution is involved.

Derogation registered by the European Commission as No 22 (under Art 6.10).

RO-a-DE-3

Subject: Transportation of measurement standards and fuel pumps (empty, non-cleaned).

Reference to Annex I.1. to this Directive: Provisions for UN numbers 1202, 1203 und 1223

Content of the Annex to the Directive: Packaging, marking, documents, transport and handling instructions, instructions for vehicle crews.

Content of the national legislation: Specification of applicable regulations and ancillary provisions for applying the derogation; up to 1000 l: comparable with empty, non-cleaned packagings; above 1000 l: Compliance with certain regulations for tanks; transportation empty and non-cleaned only.

Initial reference to the national legislation: Gefahrgut-Ausnahmeverordnung - GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350), geändert durch Artikel 2 der Verordnung vom 28.4.2003 (BGBl. I S. 595); Ausnahme 24.

Comments: List No. 7, 38, 38a.

RO-a-DE-4

Subject: Exemption of small quantities of certain goods for private use.

Reference to Annex I.1. to this Directive: Table in Chapter 3.2 for certain UN numbers in Classes 1 to 9.

Content of the Annex to the Directive: Transport authorisation and provisions.

Content of the national legislation: Classes 1 to 9; Exemption for very small quantities of various goods in packagings and quantities for private use; a maximum of 50 kg per transport unit; application of the general packing requirements for internal packaging.

Initial reference to the national legislation: Gefahrgut-Ausnahmeverordnung - GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350), geändert durch Artikel 2 der Verordnung vom 28.4.2003 (BGBl. I S. 595); Ausnahme 3.

Comments: Derogation limited to 31.12.2004. List No. 14*.

RO-a-DE-5

Subject: Combined packaging authorisation.

Reference to Annex I.1. to this Directive: 4.1.10.4 MP2

Content of the Annex to the Directive: Prohibition of combined packaging.

Content of the national legislation: Classes 1.4S, 2, 3 and 6.1; authorisation of combined packaging of objects in Class 1.4S (cartridges for small weapons), aerosols (Class 2) and cleaning and treatment materials in Classes 3 and 6.1 (UN numbers listed) as sets to be sold in combined packaging in packaging group II and in small quantities.

Initial reference to the national legislation: Gefahrgut-Ausnahmereverordnung - GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350), geändert durch Artikel 2 der Verordnung vom 28.4.2003 (BGBl. I S. 595); Ausnahme 21.

Comments: List No. 30*, 30a, 30b, 30c, 30d, 30e, 30f, 30g.

DK Denmark

RO-a-DK-1

Subject: Road transport of packagings containing wastes or residues of dangerous substances collected from households and certain enterprises for the purpose of disposal.

Reference to Annex I.1. to this Directive: Part 2, 4.1.4, 4.1.10, 5.2, 5.4 and 8.2

Content of the Annex to the Directive:

Principles for classification. Mixed packing provisions. Marking and labelling provisions. Transport document.

Content of the national legislation: Inner packagings containing waste or residues of chemicals collected from households and certain enterprises may be packed together in certain UN-approved outer packagings. The contents of each inner packaging must not exceed 5 kg or 5 litre. Derogations from the provisions concerning classification, marking and labelling, documentation and training.

Initial reference to the national legislation: Bekendtgørelse nr. 729 of 15. august 2001 om vejtransport of farligt gods § 4, stk. 3.

Comments: It is not possible to carry out an accurate classification and apply all ADR provisions when wastes or residual amounts of chemicals are collected from households and certain enterprises for the purpose of disposal. The waste is typically contained in packagings which have been sold in retail sale.

RO-a-DK-2

Subject: Road transport containing packagings of explosive substances and packagings of detonators on the same vehicle.

Reference to Annex I.1. to this Directive: 7.5.2.2

Content of the Annex to the Directive: Mixed packing provisions.

Content of the national legislation: The rules in ADR must be observed when transporting dangerous goods by road.

Initial reference to the national legislation: Bekendtgørelse nr. 729 of 15. august 2001 om vejtransport of farligt gods § 4, stk. 1.

Comments: There is a practical need for being able to pack explosive substances together with detonators on the same vehicle when transporting such goods from where they are stored and to the workplace and back again.

When the Danish legislation concerning transport of dangerous goods is amended, the Danish authorities will allow such transport on the following conditions:

- (1) Not more than 25 kg explosive substances under group D are being transported.
- (2) Not more than 200 pieces of detonators under group B are being transported.
- (3) Detonators and explosive substances must be packed separately in UN-certified packaging in accordance with the rules in Directive 2000/61/EC amending Directive 94/55/EC.
- (4) The distance between packaging that contains detonators and packaging that contains explosive substances must be at least 1 metre. This distance has to be observed even after a sudden application of the brakes. Packaging containing explosive substances and packaging containing detonators must be placed in a way that makes it possible quickly to remove them from the vehicle.
- (5) All other rules concerning transport of dangerous goods by road must be observed.

FI Finland

RO-a-FI-1

Subject: Transport of dangerous goods in certain amounts in buses and the low active radioactive materials in small quantities for health care and research

Reference to Annex I.1. to this Directive: 4.1, 5.4

Content of the Annex to the Directive: Packaging provisions, documentation.

Content of the national legislation: Transport of dangerous goods in certain amounts under the limit of 1.1.3.6 with a maximum net mass of not more than 200 kg in buses is allowed without using the transport document and without fulfilling all the packaging requirements. When transporting the low active radioactive materials in max 50 kg for health care and research, the vehicle need not be marked and equipped according to ADR.

Initial reference to the national legislation: Liikenne- ja viestintäministeriön asetus vaarallisten aineiden kuljetuksesta tiellä (277/2002; 313/2003, 312/2005).

RO-a-FI-2

Subject: Description of empty tanks in the transport document.

Reference to Annex I.1. to this Directive: 5.4.1.1.6

Content of the Annex to the Directive: Special provisions for empty uncleaned packagings, vehicles, containers, tanks, battery-vehicles and MEGCs.

Content of the national legislation: In the case of empty, uncleaned tank vehicles in which two or more substances with UN numbers 1202, 1203 and 1223 have been carried, the description in the transport documents may be completed by words “Last load” together with the name of the product having the lowest flashpoint; “Empty tank vehicle, 3, last load: UN 1203 Motor spirit, II”.

Initial reference to the national legislation: Liikenne- ja viestintäministeriön asetus vaarallisten aineiden kuljetuksesta tiellä (277/2002; 313/2003).

RO–a–FI–3

Subject: Labelling and marking of the transport unit for explosives.

Reference to Annex I.1. to this Directive: 5.3.2.1.1

Content of the Annex to the Directive: General orange-coloured plate marking provisions.

Content of the national legislation: Transport units transporting (normally in vans) small amounts of explosives (maximum 1 000 kg (net)) to quarries and working sites may be labelled at the front and at the rear, using the placard in model No 1.

Initial reference to the national legislation: Liikenne- ja viestintäministeriön asetus vaarallisten aineiden kuljetuksesta tiellä (277/2002; 313/2003).

FR France

RO–a–FR–1

Subject: Transport of portable and mobile gamma radiography equipment (18).

Reference to Annex I.1. to this Directive: Annexes A and B

Content of the Annex to the Directive:

Content of the national legislation: The transport of gamma radiography equipment by users in special vehicles is exempted but subject to specific rules.

Initial reference to the national legislation: Arrêté du 1^{er} juin 2001 relatif au transport de marchandises dangereuses par route (Decree of 1 June 2001 on the transport of hazardous goods by road, «ADR-Decree») - Article 28.

RO–a–FR–2

Subject: Transport of waste arising from care activities involving infectious risks and treated as anatomical parts covered by UN 3291 with a mass less than or equal to 15 kg.

Reference to Annex I.1. to this Directive: Annexes A and B

Content of the national legislation: Exemption from the requirements of the ADR for the transport of waste arising from care activities involving infectious risks and treated as anatomical parts covered by UN 3291 with a mass less than or equal to 15 kg.

Initial reference to the national legislation: Arrêté du 1^{er} juin 2001 relatif au transport de marchandises dangereuses par route (Decree of 1 June 2001 on the transport of hazardous goods by road, «ADR-Decree») - Article 12.

RO-a-FR-3

Subject: Transport of hazardous substances in public passenger transport vehicles (18).

Reference to Annex I.1. to this Directive: 8.3.1

Content of the Annex to the Directive: Transport of passengers and hazardous substances.

Content of the national legislation: Transport of hazardous substances authorised in public transport vehicles as hand luggage: only the provisions relating to the packaging, marking and labelling of parcels set out in 4.1, 5.2 and 3.4 apply.

Initial reference to the national legislation: Arrêté du 1^{er} juin 2001 relatif au transport de marchandises dangereuses par route (Decree of 1 June 2001 on the transport of hazardous goods by road, «ADR-Decree») - Article 21.

Comments: In hand luggage it is allowed to have only dangerous goods for personal or own professional use. Portable gas receptacles allowed for patients with respiratory problems in the necessary amount for one journey.

RO-a-FR-4

Subject: Own-account transport of small quantities of hazardous materials (18).

Reference to Annex I.1. to this Directive: 5.4.1.

Content of the Annex to the Directive: Obligation to have a transport document.

Content of the national legislation: Own-account transport of small quantities of hazardous materials not exceeding the limits set in 1.1.3.6. is not subject to the obligation to have a transport document provided for in 5.4.1.

Initial reference to the national legislation: Arrêté du 1^{er} juin 2001 relatif au transport de marchandises dangereuses par route (Decree of 1 June 2001 on the transport of hazardous goods by road, «ADR-Decree») - Article 23-2.

IE Ireland

RO-a-IE-1

Subject: Exemption from the requirement of 5.4.0 of the ADR for a transport document for the carriage of pesticides of ADR Class 3, listed under 2.2.3.3 as FT2 pesticides (f.p. < 23°C) and ADR Class 6.1, listed under 2.2.61.3 as T6 pesticides, liquid (flash point not less than 23°C), where the quantities of dangerous goods being carried do not exceed the quantities set out in 1.1.3.6 of the ADR.

Reference to Annex I.1. to this Directive: 5.4

Content of the Annex to the Directive: Requirement for transport document.

Content of the national legislation: Transport document is not required for the carriage of pesticides of ADR Classes 3 and 6.1, where the quantity of dangerous goods being carried does not exceed the quantities set out in 1.1.3.6 of the ADR.

Initial reference to the national legislation: Regulation 82(9) of the 'Carriage of Dangerous Goods by Road Regulations 2004'.

Comments: Unnecessary, onerous requirement for local transport and delivery of such pesticides.

RO-a-IE-2

Subject: Exemption from some of the provisions of the ADR on the packaging, marking and labelling of the carriage of small quantities (below the limits in 1.1.3.6) of time expired pyrotechnic articles of classification codes 1.3G, 1.4G and 1.4S of Class 1 of the ADR, bearing the respective substance identification numbers UN0092, UN0093, UN0403 or UN0404, to the nearest military barracks for disposal.

Reference to Annex I.1. to this Directive: 1.1.3.6, 4.1, 5.2 and 6.1

Content of the Annex to the Directive: Disposal of out of date pyrotechnics.

Content of the national legislation: The provisions of the ADR on the packaging, marking and labelling of the carriage of expired pyrotechnic articles bearing the respective UN numbers UN 0092, UN 0093, UN 0403, UN 0404 to the nearest military barracks do not apply provided the general packaging provisions of the ADR are complied with and additional information is included in the transport document. It applies only to the local transport, to the nearest military barracks, of small quantities of these time expired pyrotechnics for safe disposal.

Initial reference to the national legislation: Regulation 82(10) of the 'Carriage of Dangerous Goods by Road Regulations 2004'.

Comments: The carriage of small quantities of 'time expired' marine emergency flares, especially from pleasure boat owners and ship chandlers, to military barracks for their safe disposal has created difficulties, particularly in relation to packaging requirements. The derogation is for small quantities (below those specified in 1.1.3.6) on local transport.

RO-a-IE-3

Subject: Exemption from the requirements of Chapters 6.7 and 6.8, in relation to the transport by road of nominally empty uncleaned storage tanks (for storage at fixed locations) for the purpose of cleaning, repair, testing or scrapping.

Reference to Annex I.1. to this Directive: 6.7 and 6.8

Content of the Annex to the Directive: Requirements for the design, construction, inspection and testing of tanks.

Content of the national legislation: [Proposed] Exemption from the requirements of Chapters 6.7 and 6.8 of the ADR for the carriage by road of nominally empty uncleaned storage tanks (for storage at fixed premises) for the purpose of cleaning, repair, testing or scrapping, provided (a) as much of the pipe work which was connected to the tank as it was reasonably practicable to remove from it has been removed; (b) a suitable pressure relief valve, which shall remain operational during the carriage, is fitted to the tank; and (c) subject to (b) above all openings in the tank and in any pipe work attached thereto have been sealed to prevent the escape of any dangerous goods, insofar as it is reasonably practicable to do so.

Initial reference to the national legislation: Proposed amendment to ‘Carriage of Dangerous Goods by Road Regulations, 2004’.

Comments: These tanks are used for storage of substances at fixed premises and not for the transport of goods. They would contain very small quantities of dangerous goods while they (the tanks) were being transported to different premises for cleaning, repair, etc.

Previously under Art. 6.10.

RO-a-IE-4

Subject: Exemption from the requirements of Chapters 5.3, 5.4, Part 7 and Annex B of the ADR, in relation to the carriage of gas cylinders of dispensing agents (for beverages) where they are carried on the same vehicle as the beverages (for which they are to be used).

Reference to Annex I.1. to this Directive: Chapters 5.3, 5.4, Part 7 and Annex B

Content of the Annex to the Directive: The marking of the vehicles, the documentation to be carried and the provisions concerning transport equipment and transport operations.

Content of the national legislation: [Proposed] Exemption from the requirements of Chapters 5.3, 5.4, Part 7 and Annex B of the ADR for cylinders of gases, used as dispensing agents for beverages, where these cylinders of gases are carried on the same vehicle as the beverages (for which they are to be used).

Initial reference to the national legislation: Proposed amendment to ‘Carriage of Dangerous Goods by Road Regulations, 2004’.

Comments: The main activity consists of the distribution of packages of beverages, which are not substances of ADR, together with small quantities of small cylinders of associated dispensing gases.

Previously under Art. 6.10.

RO-a-IE-5

Subject: Exemption, for national transport within Ireland, from the construction and testing requirements for receptacles, and their use provisions, contained in Chapters 6.2 and 4.1 of the ADR, for cylinders and pressure drums of gases of Class 2 that have undergone a multimodal transport journey, including maritime carriage, where (i) these cylinders and pressure drums are constructed, tested and used in accordance with the IMDG Code, (ii) these cylinders and pressure drums are not refilled in Ireland but returned nominally empty to the country of origin of the multimodal transport journey, and (iii) these cylinders and pressure drums are distributed locally in small quantities.

Reference to Annex I.1. to this Directive: 1.1.4.2, 4.1 and 6.2

Content of the Annex to the Directive: Provisions relating to multimodal transport journey, including maritime carriage, use of cylinders and pressure drums for gases of ADR Class 2, and construction and testing of these cylinders and pressure drums for gases of ADR Class 2.

Content of the national legislation: [Proposed] The provisions of Chapters 4.1 and 6.2 do not apply to cylinders and pressure drums of gases of Class 2, provided (i) these cylinders and pressure drums are constructed and tested in accordance with the IMDG Code, (ii) these cylinders and pressure drums are used in accordance with the IMDG Code, (iii) these cylinders and pressure drums were transported to the consignor by means of multimodal transport, including maritime carriage, (iv) the transport of these cylinders and pressure drums to the final user consists only of a single transport journey, completed within the same day, from the consignee of the multimodal transport operation [referred to in subparagraph (iii) above], (v) these cylinders and pressure drums are not refilled within the State and are returned nominally empty to the country of origin of the multimodal transport operation [referred to in subparagraph (iii) above], and (vi) these cylinders and pressure drums are distributed locally within the State in small quantities.

Initial reference to the national legislation: Proposed amendment to ‘Carriage of Dangerous Goods by Road Regulations, 2004’.

Comments: The gases contained in these cylinders and pressure drums are of a specification, required by the final users, which results in the need to import them from outside the ADR area. Following use, these nominally empty cylinders and pressure drums are required to be returned to the country of origin, for refilling with the specially specified gases - they are not to be refilled within Ireland or indeed within any part of the ADR area. Though not in compliance with ADR, they are in compliance with and accepted for the IMDG Code. The multimodal transport, beginning from outside the ADR area, is intended to finish at the importer's premises, from where it is intended to distribute these cylinders and pressure drums to the final user locally within Ireland in small quantities. This carriage, within Ireland, would come within the amended Article 6(9) of amended Directive 94/55/EC.

LT Lithuania

RO–a–LT–1

Subject: Adoption of RO–a–UK–6.

Initial reference to the national legislation: Lietuvos Respublikos Vyriausybės 2000 m. kovo 23 d. nutarimas Nr. 337 “Dėl pavojingų krovinių vežimo kelių transportu Lietuvos Respublikoje” (Government resolution No. 337 on the Transport of Dangerous Goods by Road in the Republic of Lithuania, adopted on 23 March 2000).

UK United Kingdom

RO–a–UK–1

Subject: Carriage of certain low-hazard radioactives such as clocks, watches, smoke detectors, compass dials (E1).

Reference to Annex I.1. to this Directive: Most requirements of ADR

Content of the Annex to the Directive: Requirements concerning the carriage of Class 7 material.

Content of the national legislation: Total exemption from the provisions of the national regulations for certain commercial products containing limited quantities of radioactive material. (A luminous device intended to be worn by a person; in any one vehicle or railway vehicle no more than 500 smoke detectors for domestic use with an individual activity not exceeding 40 kBq; or in any one vehicle or railway vehicle no more than five gaseous tritium light devices with an individual activity not exceeding 10 GBq).

Initial reference to the national legislation: The Radioactive Material (Road Transport) Regulations 2002 Regulation 5(4)(d). The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004: Regulation 3(10).

Comments: This derogation is a short-term measure, which will no longer be required when similar amendments to the IAEA regulations have been incorporated into ADR.

RO–a–UK–2

Subject: Exemption from the requirement to carry a transport document for certain quantities of dangerous goods (other than Class 7) as defined in 1.1.3.6 (E2).

Reference to Annex I.1. to the Directive: 1.1.3.6.2 and 1.1.3.6.3

Content of the Annex to the Directive: Exemptions from certain requirements for certain quantities per transport unit.

Content of the national legislation: Transport document is not required for limited quantities, except where these form part of a larger load.

Initial reference to the national legislation: The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004: Regulation 3(7)(a).

Comments: This exemption is suited to national transport, where a transport document is not always appropriate in cases where local distribution is involved.

RO-a-UK-3

Subject: Exemption from the requirement for vehicles carrying low-level radioactive material to carry fire-fighting equipment (E4).

Reference to Annex I.1. to this Directive: 8.1.4

Content of the Annex to the Directive: Requirement for vehicles to carry fire-fighting appliances.

Content of national legislation: Removes requirement to carry fire extinguishers when carrying only excepted packages (UN 2908, 2909, 2910 and 2911).

Restricts the requirement where only a small number of packages are carried.

Initial reference to national legislation: The Radioactive Material (Road Transport) Regulations 2002 Regulation 5 (4) (d).

Comments: Carriage of fire-fighting equipment is in practice irrelevant to the transport of UN 2908, 2909, 2910, UN 2911, which may often be carried in small vehicles.

RO-a-UK-4

Subject: Distribution of goods in inner packagings to retailers or users (excluding those of classes 1, 4.2, 6.2 and 7) from local distribution depots to retailers or users and from retailers to end users (N1).

Reference to Annex I.1. to this Directive: 6.1.

Content of the Annex to the Directive: Requirements for the construction and testing of packagings.

Content of national legislation: Packagings are not required to have been allocated an RID/ADR or UN mark or to be otherwise marked if they contain goods as set out in Schedule 3.

Initial reference to national legislation: The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004: Regulation 7(4) and Regulation 36 Authorisation Number 13.

Comments: ADR requirements are inappropriate for the final stages of carriage from a distribution depot to a retailer or user or from a retailer to an end user. The purpose of this derogation is to allow the inner receptacles of goods for retail distribution to be carried on the final leg of a local distribution journey without an outer packaging.

RO-a-UK-5

Subject: To allow different "maximum total quantity per transport unit" for Class 1 goods in categories 1 and 2 of table in 1.1.3.6.3 (N10).

Reference to Annex I.1. to this Directive: 1.1.3.6.3 and 1.1.3.6.4

Content of the Annex to the Directive: Exemptions related to quantities carried per transport unit.

Content of the national legislation: Lays down rules regarding exemptions for limited quantities and mixed loading of explosives.

Initial reference to the national legislation: Carriage of Explosives by Road Regulations 1996, reg. 13 and Schedule 5; reg. 14 and Schedule 4.

Comments: To allow different quantity limits for Class 1 goods, viz "50" for Category 1 and "500" for category 2. For the purpose of calculating mixed loads, the multiplication factors to read "20" for Transport Category 1 and "2" for Transport Category 2. Previously a derogation under Art. 6.10.

RO-a-UK-6

Subject: Increase of maximum net mass of explosive articles permissible in EX/II vehicles (N13).

Reference to Annex I.1. to this Directive: 7.5.5.2

Content of the Annex to the Directive: Limitations on quantities carried for explosive substances and articles.

Content of the national legislation: Limitations on quantities carried for explosive substances and articles.

Initial reference to the national legislation: Carriage of Explosives by Road Regulations 1996, reg. 13, Schedule 3.

Comments: UK Regulations allow a maximum net mass of 5,000 kg in Type II vehicles for Compatibility Groups 1.1C, 1.1D, 1.1E and 1.1J.

Many articles of Class 1.1C, 1.1D, 1.1E and 1.1J being moved in Europe are large or bulky and exceed about 2.5 m in length. They are primarily explosive articles for military use. The limitations on the construction for EX/III vehicles (which are required to be closed vehicles) make it very difficult to load and unload such articles. Some articles would require specialist loading and unloading equipment at both ends of the journey. In practice, this equipment rarely exists. There are few EX/III vehicles in use in the UK and it would be extremely onerous on industry to require further specialist EX/III vehicles to be constructed to carry this type of explosive.

In the UK military explosives are mostly carried by commercial carriers and are thus unable to take advantages of the exemption for military vehicles in the Framework Directive. To overcome this problem, the UK has always permitted the carriage of up to 5,000 kg of such articles on EX/II vehicles. The present limit is not always sufficient because an article may contain more than 1,000 kg of explosive.

Since 1950 there have been only two incidents (both in the 1950s) involving blasting explosives with a weight above 5,000 kg. The incidents were caused by a tyre fire and a hot exhaust system setting fire to the sheeting. The fires could have occurred with a smaller load. There were no fatalities or injuries.

There is empirical evidence to suggest that correctly packaged explosive articles would be unlikely to be initiated due to impact, e.g. from vehicle collisions. Evidence from military reports and from trials data on missile impact tests shows that it needs an impact velocity in excess of that created by the 12 metre drop test to bring about initiation of cartridges.

Present safety standards would not be affected.

RO-a-UK-7

Subject: Exemption from supervision requirements for small quantities of certain Class 1 goods (N12).

Reference to Annex I.1. to this Directive: 8.4 and 8.5 S1(6)

Content of the Annex to the Directive: Supervision requirements for vehicles carrying certain quantities of dangerous goods.

Content of the national legislation: Provides for safe parking and supervision facilities but does not require that certain Class 1 loads be supervised at all times as required in ADR Chapter 8.5 S1(6).

Initial reference to the national legislation: Carriage of Dangerous Goods by Road Regulations 1996, reg. 24.

Comments: ADR supervision requirements are not always feasible in a national context.

RO-a-UK-8

Subject: Easing of restrictions on transporting mixed loads of explosives, and explosives with other dangerous goods, in wagons, vehicles and containers (N4/5/6).

Reference to Annex I.1. to this Directive: 7.5.2.1 and 7.5.2.2

Content of the Annex to the Directive: Restrictions on certain types of mixed loading.

Content of the national legislation: National legislation is less restrictive regarding mixed loading of explosives, providing such carriage can be accomplished without risk.

Initial reference to the national legislation: Carriage of Dangerous Goods by Road Regulations 1996, reg. 18.

Comments: The UK wishes to permit some variations on the mixing rules for explosives with other explosives and for explosives with other dangerous goods. Any variation will have a quantity limitation on one or more constituent parts of the load and would only be permitted provided that "all reasonably practicable measures have been taken to prevent the explosives being brought into contact with, or otherwise endangering or being endangered by, any such goods."

Examples of variations the UK may want to permit are:

1. Explosives allocated on classification to UN Numbers 0029, 0030, 0042, 0065, 0081, 0082, 0104, 0241, 0255, 0267, 0283, 0289, 0290, 0331, 0332, 0360 or 0361 may be carried in the same vehicle with dangerous goods allocated on classification the UN Number 1942. The quantity of UN 1942 permitted to be carried shall be limited by deeming it to be an explosive of 1.1D;
2. Explosives allocated on classification to UN Numbers 0191, 0197, 0312, 0336, 0403, 0431 or 0453 may be carried in the same vehicle with dangerous goods (except flammable gases, infectious substances and toxic substances) in transport category 2 or dangerous goods in transport category 3, or any combination of them, provided the total mass or volume of dangerous goods in transport category 2 does not exceed 500 kg or l and the total net mass of such explosives does not exceed 500 kg;
3. Explosives of 1.4G may be carried with flammable liquids and flammable gases in transport category 2 or non-flammable, non-toxic gases in transport category 3, or in any combination of them in the same vehicle, provided the total mass or volume of dangerous goods when added together does not exceed 200 kg or l and the total net mass of explosives does not exceed 20 kg;
4. Explosive articles allocated on classification to UN Numbers 0106, 0107 or 0257 may be carried with explosive articles in Compatibility Group D, E or F for which they are components. The total quantity of explosives of UN Numbers 0106, 0107 or 0257 shall not exceed 20 kg.

RO-a-UK-9

Subject: Alternative to display of orange plates for small consignments of radioactive material in small vehicles.

Reference to Annex I.1. to this Directive: 5.3.2

Content of the Annex to the Directive: Requirement for orange plates to be displayed on small vehicles carrying radioactive material.

Content of the national legislation: Permits any derogation approved under this process. The derogation requested is:

1. Vehicles must either:
 - (a) be placarded according to the applicable provisions of ADR paragraph 5.3.2; or
 - (b) in the case of vehicles of less than 3500 kg weight, carrying fewer than ten packages containing non-fissile or fissile excepted radioactive material and where the sum of the transport indexes of these packages does not exceed 3, they may alternatively carry a notice conforming to the requirements of paragraph 2 below.
2. For the purposes of paragraph 1 above, the notice to be displayed in a vehicle while it is carrying radioactive material shall conform to the following:
 - (a) It shall be not less than 12 cm square. All lettering on the notice shall be black, bold and legible. All lettering shall also be embossed or stamped. The capital letters in the word "RADIOACTIVE" shall be not less than 12 mm high and all other capital letters shall be not less than 5 mm high.
 - (b) It shall be fireproof to the extent that the words on the notice shall remain legible after exposure to a fire involving the vehicle.
 - (c) It shall be securely posted in the vehicle in a position where it is plainly visible to the driver but does not obstruct his view of the road, and shall be exhibited only when the vehicle is carrying radioactive material.
 - (d) It shall be in an agreed form and shall state the name, address and telephone number for use in emergencies.

Initial reference to the national legislation: The Radioactive Material (Road Transport) Regulations 2002 Regulation 5 (4) (d).

Comments: The derogation is required for limited movements of small quantities of radioactive material, primarily single patient doses of radioactive materials between local hospital facilities, where small vehicles are used and the ability to affix even small orange placards is limited. Experience has shown that for these vehicles the fixing of orange placards is problematic and they are difficult to retain under normal conditions of transport. The vehicles will be marked with placards identifying the contents in accordance with ADR 5.3.1.5.2 (and normally 5.3.1.7.4) clearly identifying the hazard. In addition, a fireproof notice carrying relevant emergency information will be attached in a clearly visible location. In practice, more safety information will be available than under the requirements of ADR 5.3.2.

Based on article 7(2) point b1

BE Belgium

RO-b1-BE-1

Subject: Transport in close proximity of industrial sites including transport on public road.

Reference to Annex I.1. to this Directive: Annexes A and B.

Content of the Annex to the Directive: Annexes A and B.

Content of the national legislation: The derogations concern the documentation, labelling and marking of packages and the driver's certificate.

Initial reference to the national legislation: Derogations 2-89, 4-97 and 2-2000.

Comments: Dangerous goods are transferred between premises

- derogation 2-89 : crossing the public highway (chemicals in packages);
- derogation 4-97 : distance of 2 km (ingots of pig-iron at a temperature of 600° C);
- derogation 2-2000 : distance approx. 500 m (IBC, PG II, III Classes 3, 5.1, 6.1, 8 and 9).

RO-b1-BE-2

Subject: Movement of storage tanks not intended as transport equipment.

Reference to Annex I.1. to this Directive: 1.1.3.2. (f)

Content of the national legislation: Movements of nominally storage tanks for cleaning/repair purposes allowed.

Initial reference to the national legislation: Exemption 6-82, 2-85.

Comments: Derogation registered by the European Commission as No 7 (under Art. 6(10)).

RO-b1-BE-3

Subject: Training of drivers.

Local transport of UN 1202, 1203 and 1223 in packages and in tanks (in Belgium, radius of 75 km from the location of the registered office).

Reference to Annex I.1. to this Directive: 8.2

Content of the Annex to the Directive:

Structure of the training:

- 1) Training packages
- 2) Training tank
- 2) Special training C1 1
- 2) Special training C1 7

Content of the national legislation: Definitions – certificate – issue – duplicates – validity and extension – organisation of courses and examination – derogations – penalties – final provisions.

Initial reference to the national legislation: To be specified in forthcoming regulation.

Comments: It is proposed to give an initial course followed by an examination limited to the transport of UN 1202, 1203 and 1223 in packages and in tanks in a radius of 75 km from the location of the registered office – the length of training must meet the requirements of the ADR - after 5 years the driver must follow a refresher course and pass an examination – the certificate will stipulate "national transport of UN 1202, 1203 and 1223 pursuant to Article 6(9) of Directive 94/55".

RO-b1-BE-4

Subject: Transport of dangerous goods in tanks for elimination by incineration.

Reference to Annex I.1. to this Directive: 3.2

Content of the national legislation: By derogation from the table in chapter 3.2 it is permitted to use a tank-container with tank-code L4BH instead of tank-code L4DH for the carriage of water reactive liquid, toxic, III, n.o.s. under certain conditions.

Initial reference to the national legislation: Derogation 01 – 2002.

Comments: This regulation may only be used for the carriage of hazardous waste on a short distance.

RO-b1-BE-5

Subject: Carriage of waste to waste disposal plants.

Reference to Annex I.1. to this Directive: 5.2, 5.4, 6.1 (old regulation : A5, 2X14, 2X12)

Content of the Annex to the Directive: Classification, marking and requirements concerning the packaging.

Content of the national legislation: Instead of classifying wastes according to ADR, wastes are assigned to different groups (flammable solvents, paints, acids, batteries, etc.) to avoid dangerous reactions within one group. The requirements for construction of packagings are less restrictive.

Initial reference to the national legislation: Arrête royal relatif au transport de marchandises dangereuses par route.

Comments: This regulation may be used for the carriage of small quantities of waste to disposal plants.

RO-b1-BE-6

Subject: Adoption of RO-b1-SE-5.

Initial reference to the national legislation:

RO-b1-BE-7

Subject: Adoption of RO-b1-SE-6.

Initial reference to the national legislation:

RO-b1-BE-8

Subject: Adoption of RO-b1-UK-2.

Initial reference to the national legislation:

DE Germany

RO-b1-DE-1

Subject: Waiving of certain indications in the transport document (n2).

Reference to Annex I.1. to this Directive: 5.4.1.1.1

Content of the Annex to the Directive: Contents of the transport document.

Content of the national legislation: For all classes except classes 1 (except 1.4S), 5.2 and 7:

No indication needed in the transport document

- a) for the consignee in case of local distribution (except for full load and for transport with certain routings);
- b) for the amount and types of packagings, if 1.1.3.6 is not applied and if the vehicle is in conformity with all provisions of Annex A and B;
- c) for empty uncleaned tanks the transport document of the last load is sufficient.

Initial reference to the national legislation: Gefahrgut-Ausnahmeverordnung - GGAV 2002 vom 06.11.2002 (BGBl. I S. 4350), geändert durch Artikel 2 der Verordnung vom 28.04.2003 (BGBl. I S. 595); Ausnahme 18.

Comments: Applying all provisions would not be practicable in the kind of traffic concerned. Derogation is registered by the European Commission as No. 22. (under Art. 6(10)).

RO-b1-DE-2

Subject: Transportation of Class 9 PCB-contaminated materials in bulk.

Reference to Annex I.1. to this Directive: 7.3.1

Content of the Annex to the Directive: Transportation in bulk.

Content of the national legislation: Authorisation for transportation in bulk in vehicle swap bodies or containers sealed to be impermeable to fluids or dust.

Initial reference to the national legislation: Gefahrgut-Ausnahmeverordnung - GGAV 2002 vom 06.11.2002 (BGBl. I S. 4350), geändert durch Artikel 2 der Verordnung vom 28.04.2003 (BGBl. I S. 595); Ausnahme 11.

Comments: Derogation 11 limited to 31.12.2004; as from 2005, same provisions in ADR and RID.

See also Multilateral Agreement M137.

List No 4*.

RO-b1-DE-3

Subject: Transportation of packaged hazardous waste.

Reference to Annex I.1. to this Directive: Parts 1 to 5

Content of the Annex to the Directive: Classification, packaging and marking.

Content of the national legislation: Classes 2 to 6.1, 8 and 9: Combined packaging and transportation of hazardous waste in packs and IBCs; waste must be packaged in internal packagings (as collected) and categorised in specific waste groups (avoidance of dangerous reactions within a waste group); use of special written instructions relating to the waste groups and as a waybill; collection of domestic and laboratory waste, etc.

Initial reference to the national legislation: Gefahrgut-Ausnahmeverordnung - GGAV 2002 vom 06.11.2002 (BGBl. I S. 4350), geändert durch Artikel 2 der Verordnung vom 28.04.2003 (BGBl. I S. 595); Ausnahme 20.

Comments: List No 6*.

DK Denmark

RO-b1-DK-1

Subject: UN 1202, 1203, 1223 and Class 2 – no transport document.

Reference to Annex I.1. to this Directive: 5.4.1.

Content of the Annex to the Directive: Transport document needed.

Content of the national legislation: When transporting mineral oil products in Class 3, UN 1202, 1203 and 1223 and gases in Class 2 in connection with distribution (goods to be delivered to two or more recipients and collection of returned goods in similar situations), a transport document is not required provided the instructions in writing, besides the information requested in ADR, contain information about the UN-No., name and class.

Initial reference to the national legislation: Bekendtgørelse nr. 729 af 15/08/2001 om vejtransport af farligt gods.

Comments: The reason for having the above mentioned national derogation is that the development of electronic equipment makes it possible for e.g. the oil companies using such equipment to transmit continuously to the vehicles information about the customers. As this information is not available at the beginning of the transport operation and will be forwarded to the vehicle during the transport journey, it is not possible – before the transport begins – to draw up the transport documents. These kinds of transport are restricted to limited areas. Currently a derogation for Denmark for a similar provision under Article 6(10).

EL Greece

RO-b1-EL-1

Subject: Derogation on safety requirements for fixed tanks (tank-vehicles), registered before 31/12/2001, for the local transport or small quantities of some categories of dangerous goods.

Reference to Annex I.1. to this Directive: 1.6.3.6, 6.8.2.4.2, 6.8.2.4.3, 6.8.2.4.4, 6.8.2.4.5, 6.8.2.1.17-6.8.2.1.22, 6.8.2.1.28, 6.8.2.2, 6.8.2.2.1, 6.8.2.2.2.

Content of the Annex to the Directive: Requirements for construction, equipment, type approval, inspections and tests, and marking of fixed tanks (tank-vehicles), demountable tanks and tank containers and tank swap bodies, with shells made of metallic materials, and battery-vehicles and multiple element gas containers (MEGCs).

Content of the national legislation: Transitional provision: Fixed tanks (tank-vehicles), demountable tanks and tank containers first registered in Greece between 01/01/1985 and 31/12/2001 may still be in use until 31/12/2010. This transitional provision concerns vehicles for the transport of the following dangerous materials (UN: 1202, 1268, 1223, 1863, 2614, 1212, 1203, 1170, 1090, 1193, 1245, 1294, 1208, 1230, 3262, 3257). It is intended to cover small quantities or local transport for vehicles registered at the above referenced period. This transitional provision will be in force for tank vehicles adapted according to:

1. ADR paragraphs for inspection and tests: 6.8.2.4.2, 6.8.2.4.3, 6.8.2.4.4, 6.8.2.4.5, (ADR 1999: 211.151, 211.152, 211.153, 211.154).

2. Minimum shell thickness 3 mm for tanks with shells compartment capacity up to 3500 lt, and at least 4 mm thickness of mild steel for tanks with compartments with capacity up to 6000 lt, regardless the type or thickness of the partitions.
3. If the material used is aluminium or another metal, tanks should fulfil the requirements for thickness and other technical specifications deriving from technical drawings approved by the local authority of the country where they were previously registered. In the absence of technical drawings, tanks should fulfil the requirements of paragraph 6.8.2.1.17 (211.127).
4. Tanks should fulfil the requirements of marginal paragraphs 211.128, 6.8.2.1.28 (211.129), paragraph 6.8.2.2 with sub-paragraphs 6.8.2.2.1 and 6.8.2.2.2 (211.130, 211.131).

More precisely, tank-vehicles with mass less than 4 t used for local transport of gas oil only (UN 1202), first registered before 31/12/2002, whose shell thickness is less than 3mm, they are permitted to be in use only if they are transformed according to the marginal 211.127 (5)b4 (6.8.2.1.20).

Initial reference to the national legislation: Τεχνικές Προδιαγραφές κατασκευής, εξοπλισμού και ελέγχων των δεξαμενών μεταφοράς συγκεκριμένων κατηγοριών επικινδύνων εμπορευμάτων για σταθερές δεξαμενές (οχήματα-δεξαμενές), αποσυναρμολογούμενες δεξαμενές που βρίσκονται σε κυκλοφορία. (Requirements for construction, equipment, inspections and tests of fixed tanks (tank-vehicles) and demountable tanks in circulation, for some categories of dangerous goods.)

RO-b1-EL-2

Subject: Derogation on base vehicle construction requirements, regarding vehicles intended for the local transport of dangerous goods first registered before 31 December 2001.

Reference to Annex I.1. to this Directive: ADR 2001: 9.2, 9.2.3.2, 9.2.3.3.

Content of the Annex to the Directive: Requirements concerning the construction of Base Vehicles.

Content of the national legislation: The derogation applies to vehicles intended for the local transport of dangerous goods (categories UN 1202, 1268, 1223, 1863, 2614, 1212, 1203, 1170, 1090, 1193, 1245, 1294, 1208, 1230, 3262 and 3257) which were first registered before 31 December 2001.

The above-mentioned vehicles shall comply with the requirements of Chapter 9 (paragraphs 9.2.1 to 9.2.6) of Annex B to the Directive 94/55/EC with the following deviations.

Compliance with the requirements of paragraph 9.2.3.2 is necessarily only if the vehicle has been equipped with an anti-lock braking system by the manufacturer, it must be fitted with an endurance braking system as defined in paragraph 9.2.3.3.1., but not necessarily complying with paragraphs 9.2.3.3.2. and 9.2.3.3.3.

The electrical supply to the tachograph shall be provided via a safety barrier connected directly to the battery (marginal 220 514) and the electrical equipment of the mechanism for lifting a bogie axle shall be installed where it has first been installed by the vehicle manufacturer and must be protected in an appropriate sealed housing (marginal 220 517).

Specifically, tank-vehicles with a maximum mass of less than 4 tonnes intended for local transport of diesel-heating oil (UN: 1202) shall comply with the requirements of paragraphs 9.2.2.3, 9.2.2.6, 9.2.4.3 and 9.2.4.5. but not necessarily with the other ones.

Initial reference to the national legislation: Τεχνικές Προδιαγραφές ήδη κυκλοφορούντων οχημάτων που διενεργούν εθνικές μεταφορές ορισμένων κατηγοριών επικινδύνων εμπορευμάτων. (Technical requirements of vehicles already in use, intended for local transport of certain dangerous goods categories.)

Comments: The number of the above-mentioned vehicles is small, when compared with the total number of vehicles already registered and in addition they are intended for local transport only. The form of the derogation requested, the size of the vehicle fleet in question and the type of goods transported do not create a road safety problem.

ES Spain

RO-b1-ES-1

Subject: Special equipment for distribution of anhydrous ammonia.

Reference to Annex I.1. to this Directive: 6.8.2.2.2.

Content of the Annex to the Directive: In order to avoid any loss of contents in the event of damage to the external fittings (pipes, lateral shut-off devices), the internal stop valve and its seating must be protected against the danger of being wrenched off by external stresses or be so designed as to resist such stresses. The filling and discharge devices (including flanges or threaded plugs) and protective caps (if any) must be capable of being secured against any unintended opening.

Content of the national legislation: Tanks used for agricultural purposes for the distribution and application of anhydrous ammonia which were brought into service before 1 January 1992 may be equipped with external, instead of internal, safety fittings, provided they offer protection at least equivalent to the protection provided by the wall of the tank.

Initial reference to the national legislation: Real Decreto 2115/1998. Anejo 1. Apartado 3.

Comments: Before 1 January 1992 a type of tank equipped with external safety fittings was used exclusively in agriculture to apply anhydrous ammonia directly onto the land. Various tanks of this kind are still in use today. They are rarely driven, laden, on the road, but are used solely for fertiliser-spreading on large farms.

FI Finland

RO–b1–FI–1

Subject: Modification of information in the transport document for explosive substances.

Reference to Annex I.1. to this Directive: 5.4.1.2.1 (a)

Content of the Annex to the Directive: Special provisions for Class 1.

Content of the national legislation: In the transport document, it is permissible to use the number of detonators (1 000 detonators correspond to 1 kg explosives) instead of the actual net mass of explosive substances.

Initial reference to the national legislation: Liikenne- ja viestintäministeriön asetus vaarallisten aineiden kuljetuksesta tiellä (277/2002; 313/2003).

Comments: The information is considered sufficient for national transport. This derogation is used mainly for the blasting industry in respect of small amounts in local transport. Derogation is registered by the European Commission as No 31.

FR France

RO–b1–FR–1

Subject: Utilisation of maritime document as transport document for short-distance trips following unloading of vessel.

Reference to Annex I.1. to this Directive: 5.4.1

Content of the Annex to the Directive: Information to appear in the document used as transport document for hazardous goods.

Content of the national legislation: The maritime document is used as transport document within a radius of 15 km.

Initial reference to the national legislation: Arrêté du 1^{er} juin 2001 relatif au transport de marchandises dangereuses par route (Decree of 1 June 2001 on the transport of hazardous goods by road, «ADR-Decree») - Article 23-4.

RO–b1–FR–2

Subject: Transport of Class 1 articles together with hazardous materials in other classes (91).

Reference to Annex I.1. to this Directive: 7.5.2.1.

Content of the Annex to the Directive: Prohibition as regards loading of parcels with different hazard labels together.

Content of the national legislation: Possibility of transporting simple or assembled detonators and goods not in Class 1 together, subject to certain conditions and for distances less than or equal to 200 km in France.

Initial reference to the national legislation: Arrêté du 1^{er} juin 2001 relatif au transport de marchandises dangereuses par route (Decree of 1 June 2001 on the transport of hazardous goods by road, «ADR-Decree») - Article 26.

RO-b1-FR-3

Subject: Transport of fixed LPG storage tanks (18).

Reference to Annex I.1. to this Directive: Annexes A and B.

Content of the national legislation: The transport of fixed LPG storage tanks is subject to specific rules. Applicable only to short distances.

Initial reference to the national legislation: Arrêté du 1^{er} juin 2001 relatif au transport de marchandises dangereuses par route (Decree of 1 June 2001 on the transport of hazardous goods by road, «ADR-Decree») - Article 30.

RO-b1-FR-4

Subject: Specific conditions relating to driver training and the approval of vehicles used for agricultural transport (short distances).

Reference to Annex I.1. to this Directive: 6.8.3.2; 8.2.1 and 8.2.2

Content of the Annex to the Directive: Tank equipment and driver training.

Content of the national legislation:

Specific provisions concerning the approval of vehicles.

Special training for drivers.

Initial reference to the national legislation: Arrêté du 1^{er} juin 2001 relatif au transport de marchandises dangereuses par route (Decree of 1 June 2001 on the transport of hazardous goods by road, «ADR-Decree») - Article 29-2 - Annex D4.

IE Ireland

RO-b1-IE-1

Subject: Exemption from the requirement of 5.4.1.1.1, to have (i) the names and addresses of the consignees, (ii) the number and description of the packages, and (iii) the total quantity of dangerous goods in the transport document, where kerosene, diesel fuel or liquefied petroleum gas bearing the respective substance identification numbers UN 1223, UN 1202 and UN 1965 are being carried to the end user.

Reference to Annex I.1. to this Directive: 5.4

Content of the Annex to the Directive: Documentation.

Content of the national legislation: Where kerosene, diesel fuel or liquefied petroleum gas, bearing the respective substance identification numbers UN 1223, UN 1202 and UN 1965 as specified in Appendix B.5 of Annex B to the ADR, are being carried to the end user, it is not necessary to include the name and address of the consignee, the number and description of the packages, Intermediate Bulk Containers or receptacles, or the total quantity being carried, on the transport unit.

Initial reference to the national legislation: Regulation 82(2) of the ‘Carriage of Dangerous Goods by Road Regulations, 2004’.

Comments: In the case of delivery of home heating oil to domestic customers, it is a common practice to ‘top up’ the customer’s storage tank – hence the actual delivery is unknown and also the number of customers (in any one run) is also unknown at the time the loaded tanker begins its journey. In the case of delivery of cylinders of LPG to households, it is a common practice to replace empty cylinders with full ones – hence the number of customers and their individual consignments are unknown at the beginning of the transport operation.

RO–b1–IE–2

Subject: Exemption to allow the transport document, required in 5.4.1.1.1, to be that for the last load in the case of the transport of empty uncleaned tanks.

Reference to Annex I.1. to this Directive: 5.4

Content of the Annex to the Directive: Documentation.

Content of the national legislation: In the case of the carriage of empty uncleaned tanks, the transport document for the last load is sufficient.

Initial reference to the national legislation: Regulation 82(3) of the ‘Carriage of Dangerous Goods by Road Regulations, 2004’.

Comments: Particularly in the case of delivery of petrol and/or diesel fuel to petrol stations, the road tanker returns directly to the oil depot (to be loaded up again for the next deliveries) immediately after delivery of the last load.

RO–b1–IE–3

Subject: Exemption to allow the loading and unloading of dangerous goods, to which the special provision CV1 in 7.5.11 or S1 in 8.5 is assigned, in a public place without special permission from the competent authorities.

Reference to Annex I.1. to this Directive: 7.5 and 8.5

Content of the Annex to the Directive: Additional provisions concerning loading, unloading and handling.

Content of the national legislation: Loading and unloading of dangerous goods in a public place is permitted without special permission from the competent authority, in derogation from the requirements of 7.5.11 or 8.5.

Initial reference to the national legislation: Regulation 82(5) of the ‘Carriage of Dangerous Goods by Road Regulations, 2004’.

Comments: For national transport within the state, this provision places a very onerous burden on the competent authorities.

RO–b1–IE–4

Subject: Exemption to permit the transport of Emulsion Explosive Matrix, with substance identification number UN 3375, in tanks.

Reference to Annex I.1. to this Directive: 4.3

Content of the Annex to the Directive: Use of tanks, etc.

Content of the national legislation: The carriage of Emulsion Explosive Matrix, bearing the substance identification number UN 3375, is permitted in tanks.

Initial reference to the national legislation: Regulation 82(6) of the ‘Carriage of Dangerous Goods by Road Regulations, 2004’.

Comments: The matrix, although classified as a solid, is not in a powdery or granular form.

RO–b1–IE–5

Subject: Exemption from the ‘mixed loading prohibition’ of 7.5.2.1 for articles of Compatibility Group B and substances and articles of Compatibility Group D on same vehicle with dangerous goods, in tanks, of Classes 3, 5.1 and 8.

Reference to Annex I.1. to this Directive: 7.5

Content of the Annex to the Directive: Provisions concerning loading, unloading and handling.

Content of the national legislation: Packages containing articles of Compatibility Group B of ADR Class 1 and packages containing substances and articles of Compatibility Group D of ADR Class 1 may be carried on the same vehicle with dangerous goods of ADR Classes 3, 5.1 or 8 provided (a) the said packages of ADR Class 1 are carried in separate containers/compartments of a design approved, and under the conditions required, by the competent authority, and (b) the said substances of ADR Classes 3, 5.1 or 8 are carried in vessels meeting the requirements of the competent authority as regards their design, construction, testing, examination, operation and use.

Initial reference to the national legislation: Regulation 82(7) of the ‘Carriage of Dangerous Goods by Road Regulations, 2004’.

Comments: To permit, under conditions approved by the competent authority, the loading of articles and substances of Class 1 Compatibility Groups B and D on the same vehicle with dangerous goods, in tanks, of Classes 3, 5.1 and 8 – i.e. ‘Pump Trucks’.

RO-b1-IE-6

Subject: Exemption from requirement in 4.3.4.2.2, which requires flexible filling and discharge pipes that are not permanently connected to the shell of a tank-vehicle to be empty during transport.

Reference to Annex I.1. to this Directive: 4.3

Content of the Annex to the Directive: Use of tank-vehicles.

Content of the national legislation: Flexible hose reels (including fixed pipelines associated with them) attached to tank-vehicles engaged in the retail distribution of petroleum products with substance identification numbers UN 1202, UN 1223, UN 1011 and UN 1978 are not required to be empty during carriage by road, provided adequate measures are taken to prevent any loss of contents.

Initial reference to the national legislation: Regulation 82(8) of the ‘Carriage of Dangerous Goods by Road Regulations, 2004’.

Comments: Flexible hoses fitted to home delivery tank-vehicles must remain full at all times even during transport. The discharge system is known as a ‘wet-line’ system that requires the tank-vehicle’s meter and hose to be primed so as to ensure the customer receives the correct quantity of product.

RO-b1-IE-7

Subject: Exemption from some requirements of Chapters 5.4.0, 5.4.1.1.1 and 7.5.11 of the ADR for the transport in bulk of Ammonium Nitrate Fertilizer UN 2067 from ports to consignees.

Reference to Annex I.1. to this Directive: 5.4.0, 5.4.1.1.1 and 7.5.11

Content of the Annex to the Directive: The requirement for a separate transport document, with the correct total quantity for the particular load included, for each transport journey; and the requirement for the vehicle to be cleaned before and after the journey.

Content of the national legislation: Proposed derogation to allow modifications to ADR requirements on the transport document and vehicle cleaning; to take account of the practicalities of bulk transport from port to consignee.

Initial reference to the national legislation: Proposed amendment to ‘Carriage of Dangerous Goods by Road Regulations, 2004’.

Comments: The ADR provisions require (a) a separate transport document, containing the total mass of dangerous goods carried for the particular load, and (b) the Special Provision ‘CV24’ on cleaning for each and every load being transported between the port and the consignee during the unloading of a bulk ship. As the transport is local and as it concerns the unloading of a bulk ship, involving multiple transport loads [on the same or consecutive days] of the same substance between the bulk ship and the consignee, a single transport document, with an approximate total mass of each load, should suffice and it should not be necessary to require the Special Provision ‘CV24’.

LT Lithuania

RO–b1–LT–1

Subject: Adoption of RO–b1–EL–1.

Initial reference to national legislation: Lietuvos Respublikos Vyriausybės 2000 m. kovo 23 d. nutarimas Nr. 337 “Dėl pavojingų krovinių vežimo kelių transportu Lietuvos Respublikoje” (Government resolution No. 337 on the Transport of Dangerous Goods by Road in the Republic of Lithuania, adopted on 23 March 2000).

RO–b1–LT–2

Subject: Adoption of RO–b1–EL–2.

Initial reference to the national legislation: Lietuvos Respublikos Vyriausybės 2000 m. kovo 23 d. nutarimas Nr. 337 “Dėl pavojingų krovinių vežimo kelių transportu Lietuvos Respublikoje” (Government resolution No. 337 on the Transport of Dangerous Goods by Road in the Republic of Lithuania, adopted on 23 March 2000).

NL The Netherlands

RO–b1–NL–1

Subject: Scheme for the transport of domestic hazardous waste 2002.

Reference to Annex I.1. to this Directive: 1.1.3.6; 3.3; 4.1.4; 4.1.6; 4.1.8; 4.1.10; 5.2.2; 5.4.0; 5.4.1; 5.4.3; 7.5.4; 7.5.7; 8.1.2.1, subsections a) and b); 8.1.5, subsection c); 8.3.6.

Content of the Annex to the Directive:

1.1.3.6: Exemptions in connection with the transported quantities per transport unit.

3.3: Special provisions applicable to specified substances or objects.

4.1.4: List with packing instructions; **4.1.6:** Special packaging requirements for Class 2 goods; **4.1.8:** Special packaging requirements for infectious substances; **4.1.10:** Special requirements for collective packaging.

5.2.2: Labelling of transport packages; **5.4.0:** Any goods transported under the ADR scheme must be accompanied by the documentation prescribed in this chapter, where applicable, unless an exemption has been granted under points 1.1.3.1. to 1.1.3.5; **5.4.1:** Transit document for dangerous goods along with related information; **5.4.3:** written instructions.

7.5.4: Precautions with regard to food, other articles of consumption and animal feedingstuffs; **7.5.7:** Handling and stowage.

8.1.2.1: In addition to the documentation required by law, the following documents must be carried on board the transport unit: **a.** the transit documents referred to in 5.4.1. and covering all the dangerous goods transported and, where applicable, the container loading certificate as stipulated in point 5.4.2; **b.** the written instructions as set out in point 5.4.3, relating to all the

dangerous goods transported; **8.1.5:** Each transport unit carrying dangerous goods must be fitted with: **c.** the equipment needed to permit the carrying-out of the supplementary and special measures as indicated in the written instructions referred to in point 5.4.3. **8.3.6:** Leaving the engine running during loading and unloading.

The following sections of the ADR shall not apply:

- a. 1.1.3.6;
- b. 3.3;
- c. 4.1.4; 4.1.6; 4.1.8; 4.1.10;
- d. 5.2.2; 5.4.0; 5.4.1; 5.4.3;
- e. 7.5.4; 7.5.7;
- f. 8.1.2.1. subsections a) and b); 8.1.5. subsection c); 8.3.6.

Initial reference to the national legislation: Artikel 3 van de Regeling vervoer huishoudelijk gevaarlijk afval 2002.

Comments: The scheme has been designed in such a way as to enable private citizens to present ‘small chemical waste’ at a single location. This applies to residual substances such as dye waste, for instance. The danger level is minimised by the choice of means of transport, involving, *inter alia*, the use of special transport elements and ‘no smoking’ notices clearly visible to members of the public.

In view of the limited quantities offered and the specialised nature of the packaging, this article excludes a number of sections of the ADR. Supplementary rules are laid down elsewhere in the scheme.

RO-b1-NL-2

Subject: Scheme for transport of domestic hazardous waste 2002.

Reference to Annex I.1. to this Directive: 1.1.3.6.

Content of the Annex to the Directive: Exemptions in connection with the transported quantities per transport unit.

Content of the national legislation:

The attendant's certificate of professional competence and the note referred to in Article 16(1)(b) are both on board the vehicle. The vehicle attendant holds the ‘transport of hazardous waste’ qualification issued by the CCV (Drivers' Certification Board).

Initial reference to the national legislation: Artikel 10, onderdeel a, en 16, onderdeel b, van de Regeling vervoer huishoudelijkgevaarlijk afval 2002.

Comments: Because of the wide range of domestic hazardous waste involved, the transport operator must have a certificate of professional competence, notwithstanding the small quantities of waste presented. An additional requirement is for the transport operator to have been issued with a qualification for the transport of hazardous waste.

One of the reasons for this is to ensure that the transport operator does not, for instance, pack acids and bases together and knows how to respond properly to incidents.

RO-b1-NL-3

Subject: Scheme for the transport of domestic hazardous waste 2002.

Reference to Annex I.1. to this Directive: 1.1.3.6.

Content of the Annex to the Directive: Exemptions in connection with the transported quantities per transport unit.

Content of the national legislation:

The following are present on board the vehicle: b. written instructions and information compiled in accordance with the annex to the act setting up the scheme.

Initial reference to the national legislation: Artikel 10b van de Regeling vervoer huishoudelijk gevaarlijk afval 2002.

Comments: As the scheme excludes exemption from section 1.1.3.6. of the ADR scheme, written instructions must also accompany small quantities. This is deemed necessary because of the wide range of hazardous waste presented and the fact that those presenting the waste (private citizens) are unfamiliar with the danger level involved.

RO-b1-NL-4

Subject: Scheme for the transport of domestic hazardous waste 2002.

Reference to Annex I.1. to this Directive: 6.1

Content of the Annex to the Directive: Provisions on the construction and testing of packaging.

Content of the national legislation:

1. The domestic hazardous waste is to be presented only in hermetically sealed packaging that is appropriate for the substance in question, and:
 - (a) for objects coming under category 6.2: packaging guaranteed not to cause injury upon presentation;
 - (b) for domestic hazardous waste of industrial origin: a box having a capacity of not more than 60 litres, in which the waste substances are separated according to danger category (kga-box).

2. The packaging is free, on the outside, from domestic hazardous waste.
3. The name of the substance is indicated on the packaging.
4. For each collection, only one box within the meaning of point 1, subsection b, will be accepted.

Initial reference to the national legislation: Artikel 6 van de Regeling vervoer huishoudelijk gevaarlijke afval 2002.

Comments: This article results from Article 3 in which particular sections of the ADR are declared non-applicable. Under this scheme, there is no need for approved packaging as provided for in section 6.1. of the ADR. This is because of the limited quantities of dangerous substances involved. Instead, a number of rules are laid down in the article, including a requirement to the effect that the hazardous substances be delivered in sealed containers so as to prevent seepage from the packaging.

RO-b1-NL-5

Subject: Scheme for the transport of domestic hazardous waste 2002.

Reference to Annex I.1. to this Directive: 6.1

Content of the Annex to the Directive: Provisions on the construction and testing of packaging.

Content of the national legislation:

The vehicle has a load compartment that is separated from the driver's compartment by a solid thick wall or, alternatively, a load compartment that is not an integral part of the vehicle.

Initial reference to the national legislation: Artikel 7, tweede lid, van de Regeling vervoer huishoudelijk gevaarlijk afval 2002.

Comments: Under this scheme, it is not necessary to have an approved packaging as stipulated in section 6.1. of the ADR. This is because of the limited quantities of dangerous substances involved. Accordingly, this article contains an additional requirement designed to prevent toxic fumes from leaking into the driver's compartment.

RO-b1-NL-6

Subject: Scheme for the transport of domestic hazardous waste 2002.

Reference to Annex I.1. to this Directive: 6.1

Content of the Annex to the Directive: Provisions on the construction and testing of packaging.

Content of the national legislation:

The load compartment of a closed vehicle has an air extractor at the top, which is kept permanently on, and is fitted with apertures underneath.

Initial reference to the national legislation: Artikel 8, eerste lid, van de Regeling vervoer huishoudelijk gevaarlijk afval 2002.

Comments: Under this scheme, it is not necessary to have an approved packaging as stipulated in section 6.1. of the ADR. This is because of the limited quantities of dangerous substances involved. Accordingly, this article contains an additional requirement designed to prevent the accumulation of toxic fumes in the load compartment.

RO-b1-NL-7

Subject: Scheme for the transport of domestic hazardous waste 2002.

Reference to Annex I.1. to this Directive: 6.1.

Content of the Annex to the Directive: Provisions on the construction and testing of packaging.

Content of the national legislation:

1. The vehicle is fitted with units which, during transport:
 - (a) are protected against accidental displacement; and
 - (b) are sealed with a lid and protected against accidental opening.
2. Point 1, subsection b, is not applicable during transit for collection purposes or when the vehicle is stationary on its collection rounds.
3. A sufficiently large clearance zone should be set aside in the vehicle so as to enable the domestic hazardous waste to be sorted and deposited in the different units.

Initial reference to the national legislation: Artikel 9, eerste, tweede en derde lid, van de Regeling vervoer huishoudelijk gevaarlijk afval 2002.

Comments: Under this scheme, it is not necessary to have an approved packaging as stipulated in section 6.1. of the ADR. This is because of the limited quantities of dangerous substances involved. This article seeks to provide a single guarantee through the use of units for storing the packagings, thereby ensuring an appropriate method of storage for each category of dangerous goods.

RO-b1-NL-8

Subject: Scheme for transport of domestic hazardous waste 2002.

Reference to Annex I.1. to this Directive: 6.1

Content of the Annex to the Directive: Provisions on the construction and testing of packaging.

Content of the national legislation:

1. Domestic hazardous waste is exclusively transported in elements.
2. There is a separate element for substances and objects in each class.
3. With regard to Class 8 substances and objects, there are separate elements for acids, bases and batteries.
4. Spray cans may be placed in closable cardboard boxes provided that these boxes are transported in accordance with Article 9(1).
5. If Class 2 fire extinguishers have been collected, they may be placed in the same element as spray cans not packed in cardboard boxes.
6. By derogation from Article 9(1), no lid is required for the transport of batteries, provided that they are placed in the element in such a way that all of the batteries' openings are closed off and face upward.

Initial reference to the national legislation: Artikel 14 van de Regeling vervoer huishoudelijk gevaarlijke afval 2002.

Comments: This article results from Article 3 in which particular sections of the ADR are declared non-applicable. Under this scheme, there is no need for approved packaging as provided for in section 6.1. of the ADR. This article lays down requirements for the elements in which domestic hazardous waste is temporarily stored.

RO-b1-NL-9

Subject: Scheme for transport of domestic hazardous waste 2002.

Reference to Annex I.1. to this Directive: 6.1.

Content of the Annex to the Directive: Provisions on the construction and testing of packaging.

Content of the national legislation:

1. The elements, or boxes intended for transport of spray cans, should be clearly marked as follows:
 - (a) for Class 2 sprays collected in cardboard boxes: the word 'SPUITBUSSEN' [spray cans];

- (b) for Class 2 fire extinguishers and spray cans: label No 2.2;
- (c) for Class 3 fire extinguishers and spray cans: label No 3;
- (d) for Class 4.1. paint waste: label No 4.1;
- (e) for Class 6.1. noxious substances: label No 6.1;
- (f) for Class 6.2. objects: label No 6.2;
- (g) for Class 8 caustic substances and objects: label No 8; and furthermore:
- (h) for alkaline substances: the word 'BASEN' [bases];
- (i) for acidic substances: the word 'ZUREN' [acids];
- (j) for batteries: the word 'ACCU'S' [batteries].

2. The same labels and texts are visibly displayed on the closable spaces within the vehicle where the elements may be placed.

Initial reference to the national legislation: Artikel 15 van de Regeling vervoer huishoudelijk gevaarlijke afval 2002.

Comments: This article results from Article 3 in which particular sections of the ADR are declared non-applicable. Under this scheme, there is no need for approved packaging as provided for in section 6.1. of the ADR. This article lays down requirements for the identification of elements in which domestic hazardous waste is temporarily stored.

RO-b1-NL-10

Subject: Scheme for transport of domestic hazardous waste 2002.

Reference to Annex I.1. to this Directive: 7.5.4.

Content of the Annex to the Directive: Precautions with regard to food, other articles of consumption and animal feedingstuffs.

Content of the national legislation:

1. The transport of food for humans and animal feedingstuffs at the same time as domestic hazardous waste is prohibited.
2. The vehicle must be stationary during collection.
3. An amber flashing light must be operated on the vehicle while it is moving or stationary for collection.
4. During collection at a fixed location, indicated for this purpose, the engine must be switched off and, by derogation from point 3, the flashing light may be switched off.

Initial reference to the national legislation: Artikel 13 van de Regeling vervoer huishoudelijk gevaarlijk afval 2002.

Comments: The prohibition in section 7.5.4. of the ADR is extended here because, given the wide range of substances presented, there is virtually always a Class 6.1. substance present.

RO-b1-NL-11

Subject: Scheme for the transport of domestic hazardous waste 2002.

Reference to Annex I.1. to this Directive: 7.5.9.

Content of the Annex to the Directive: Ban on smoking.

Content of the national legislation: ‘No smoking’ notices must be clearly displayed on the sides and at the rear of the vehicle.

Initial reference to the national legislation: Artikel 9, vierde lid, van de Regeling vervoer huishoudelijk gevaarlijk afval 2002.

Comments: Because the scheme covers the presentation of dangerous substances by private citizens, Article 9.4. stipulates that a ‘no smoking’ notice must be clearly displayed.

RO-b1-NL-12

Subject: Scheme for transport of domestic hazardous waste 2002.

Reference to Annex I.1. to this Directive: 8.1.5.

Content of the Annex to the Directive: Equipment of various types.

Every transport unit carrying hazardous goods must be fitted with:

- (a) at least one stop block for each vehicle of a size appropriate to the vehicle's weight and the diameter of the wheels;
- (b) the equipment necessary to carry out the general measures indicated in the safety instructions referred to in 5.4.3, in particular:
 - two separate upright warning signals (e.g. reflective cones, emergency warning triangles, or flashing amber lights that are independent of the vehicle's electrical installation);
 - a good quality safety jacket or safety clothing (e.g. as described in European standard EN 471) for every crew member;
 - a hand-held torch (see also 8.3.4) for every crew member;
 - protective breathing equipment in accordance with additional requirement S7 (see chapter 8.5) if this additional provision is applicable in accordance with the indication in column 19 of table A of chapter 3.2;

- (c) the equipment necessary to carry out the additional and special measures as indicated in the written instructions referred to in 5.4.3.

Content of the national legislation: A safety kit is carried on board within reach for each member of crew, comprising the following:

- (a) fully sealing safety goggles;
- (b) protective breathing mask;
- (c) acid-resistant, acid-proof overalls or apron;
- (d) synthetic-rubber gloves;
- (e) acid-proof, acid-resistant boots or safety shoes; and
- (f) an eye rinse bottle with distilled water.

Initial reference to the national legislation: Artikel 11 van de Regeling vervoer huishoudelijk gevaarlijk afval 2002.

Comments: Because of the wide range of hazardous substances presented, extra requirements are imposed on mandatory safety equipment over and above those of section 8.1.5. of the ADR.

SE Sweden

RO-b1-SE-1

Subject: Carriage of hazardous waste to hazardous waste disposal plants.

Reference to Annex I.1. to this Directive: 2, 5.2 and 6.1.

Content of the Annex to the Directive: Classification, marking and labelling, and requirements for the construction and testing of packaging.

Content of the national legislation: The legislation consists of simplified classification criteria, less restrictive requirements for the construction and testing of packaging, and modified labelling and marking requirements.

Instead of classifying hazardous waste according to ADR, it is assigned to different waste groups. Each waste group contains substances that can, in accordance with ADR, be packed together (mixed packing).

Each package must be marked with the relevant waste group code instead of the UN number.

Initial reference to national legislation: Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.

Comments: These regulations may only be used for the carriage of hazardous waste from public recycling sites to hazardous waste disposal plants.

RO–b1–SE–2

Subject: The name and address of the consignor in the transport document.

Reference to Annex I.1. to this Directive: 5.4.1.1.

Content of the Annex to the Directive: General information required in the transport document.

Content of the national legislation: National legislation states that the name and address of the consignor is not required if empty, uncleaned packaging is returned as part of a distribution system.

Initial reference to the national legislation: Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.

Comments: Empty uncleaned packaging being returned will in most cases still contain small quantities of dangerous goods.

This derogation is mainly used by industries when returning empty uncleaned gas receptacles in exchange for full ones.

RO–b1–SE–3

Subject: Transport of dangerous goods in the close proximity of industrial site(s), including transport on public roads between various parts of the site(s).

Reference to Annex I.1. to this Directive: Annexes A and B.

Content of the Annex to the Directive: Requirements for the transport of dangerous goods on public roads.

Content of the national legislation: Transport in the close proximity of industrial site(s), including transport on public roads between various parts of the site(s). The derogations concern the labelling and marking of packages, transport documents, driver's certificate and certificate of approval according to part 9.

Initial reference to the national legislation: Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.

Comments: There are several situations in which dangerous goods are transferred between premises situated on opposite sides of a public road. This form of transport does not constitute carriage of dangerous goods on a private road and should therefore be associated with the relevant requirements. Compare also with the Directive 96/49/EC, Article 6 paragraph 14.

RO-b1-SE-4

Subject: Transport of dangerous goods that have been seized by the authorities.

Reference to Annex I.1. to this Directive: Annex A and B.

Content of the Annex to the Directive: Requirements for the transport of dangerous goods by road.

Content of the national legislation: Deviations from the regulations may be permitted if they are motivated by reasons of labour protection, unloading risks, submission of evidence etc.

Deviations from the regulations are only permitted if satisfactory safety levels are met during normal conditions of carriage.

Initial reference to the national legislation: Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.

Comments: These derogations may only be applied by authorities seizing dangerous goods.

This derogation is intended for local transport e.g. of goods that have been seized by the police such as explosives or stolen property. The problem with these types of goods is that you can never be sure of classifications. In addition the goods are often not packed, marked or labelled in accordance with ADR. There are several hundred such transportations carried out by the police every year.

In the case of smuggled liquor, this must be transported from the place where it is seized to an evidence storage facility and then on to a facility for destruction, the latter two may be quite far apart from each other. The deviations permitted are: a) each package does not need to be labelled, and b) approved packages do not need to be used. However each pallet containing such packages must be correctly labelled. All other requirements must be fulfilled. There are approximately 20 such transportations each year.

RO-b1-SE-5

Subject: Transport of dangerous goods in and in close proximity to ports.

Reference to Annex I.1. to this Directive: 8.1.2, 8.1.5, 9.1.2

Content of the Annex to the Directive: Documents to be carried on the transport unit; every transport unit carrying dangerous goods must be equipped with the specified equipment; vehicle approval.

Content of the national legislation:

Documents (except for the driver's certificate) need not be carried on the transport unit.

A transport unit need not be equipped with the equipment specified in 8.1.5.

Tractors need not have a certificate of approval.

Initial reference to the national legislation: Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.

Comments: Compare Directive 96/49/EC, Article 6 paragraph 14.

RO-b1-SE-6

Subject: Inspectors' ADR training certificate.

Reference to Annex I.1. to this Directive: 8.2.1

Content of the Annex to the Directive: Drivers of vehicles must attend training courses.

Content of the national legislation: Inspectors who perform the yearly technical inspection of the vehicle do not need to attend the training courses mentioned in 8.2 or hold the ADR training certificate.

Initial reference to the national legislation: Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.

Comments: In some cases, vehicles being tested in the technical inspection may be carrying dangerous goods as load, e.g. uncleaned, empty tanks.
The requirements in 1.3 and 8.2.3 are still applicable.

RO-b1-SE-7

Subject: Local distribution of UN 1202, 1203 and 1223 in tankers.

Reference to Annex I.1. to this Directive: 5.4.1.1.6, 5.4.1.4.1

Content of the Annex to the Directive: For empty uncleaned tanks and tank-containers the description shall be in accordance with 5.4.1.1.6. The name and address of multiple consignees may be entered in other documents.

Content of the national legislation: For empty, uncleaned tanks or tank-containers the description in the transport document according to 5.4.1.1.6 is not needed if the amount of the substance in the loading plan is marked with 0. The name and address of the consignees are not required in any document on board the vehicle.

Initial reference to the national legislation: Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.

RO-b1-SE-8

Subject: Transport of empty uncleaned storage tanks not intended as transport equipment.

Reference to Annex I.1. to this Directive: 5.4.1.1.1, 6.8, 8.2.2.8.1

Content of the Annex to the Directive: Transport document, requirements for the construction, testing etc. of tanks, and driver's certificate.

Content of the national legislation: Substances of UN 1202, 1203, 1223 and 1965 can be transported in storage tanks not intended as transport equipment. The tanks must be emptied.

The transport unit must be marked like a tanker vehicle with the relevant substance. The driver must have a certificate in accordance with 8.2.2.7.1.

Initial reference to the national legislation: Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.

Comments: This derogation is applied when storage tanks must be moved, for instance for repair or maintenance purposes.

The reason for this derogation is to avoid the risk and environmental impact associated with the cleaning of empty tanks prior to transport.

This derogation applies to small quantities. Often this type of transport is local, but in rare cases such transport can be over 300 km in low-populated Northern Sweden.

Transport conditions: Equipment mounted on the storage tank must not be placed such a way that it is susceptible to damage during transport. Documents showing that the storage tank is approved for the relevant substance must accompany the vehicle. The bindings and fastenings used to secure the storage tank to the vehicle must be able to hold a tank weighing twice as much as the storage tank being transported. Flammables cannot be carried as load on the same vehicle as the tank.

RO-b1-SE-9

Subject: Local transport in relation to agriculture sites or construction sites.

Reference to Annex I.1. to this Directive: 5.4, 6.8 and 9.1.2

Content of the Annex to the Directive: Transport document; Construction of tanks; Certificate of approval.

Content of the national legislation: Local transport in relation to agriculture sites or construction sites need not fulfil some regulations:

- The dangerous goods declaration is not required.
- Older tanks/containers not constructed according to chapter 6.8 but according to older national legislation and fitted on crew wagons may still be used.
- Older tankers, not fulfilling the requirements in 6.7 or 6.8, intended for the transport of substances of UN 1268, 1999, 3256 and 3257, with or without road surface coating equipment, may still be used for local transport and in close proximity to road work places.
- Certificate of approval for crew wagons and tankers with or without road surface coating equipment are not required.

Initial reference to the national legislation: Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.

Comments: A crew wagon is a kind of caravan for a work crew with a crew room and fitted with a non-approved tank/container for diesel fuel intended for the operation of forestry tractors.

RO–b1–SE–10

Subject: Tank transport of explosives.

Reference to Annex I.1. to this Directive: 4.1.4

Content of the Annex to the Directive: Explosives may only be packed in packagings in accordance with 4.1.4.

Content of the national legislation: The competent national authority will approve vehicles intended for tank transport of explosives. Tank transport is permissible only for those explosives listed in the regulation or by special authorisation from the competent authority.

A vehicle loaded with explosives in tanks must be marked and labelled in accordance with 5.3.2.1.1, 5.3.1.1.2. and 5.3.1.4. Only one vehicle in the transport unit may contain dangerous goods.

Initial reference to the national legislation: Appendix S - Specific regulations for the domestic transport of dangerous goods by road issued in accordance with the Transport of Dangerous Goods Act and the Swedish regulation SÄIFS 1993:4.

Comments: This is only applicable for domestic transport and the transport is mostly of a local nature. The regulations in question were in force before Sweden joined the European Union. Only two companies perform transport with explosives in tank-vehicles. In the near future transition to emulsions is expected.
Old derogation No 84.

RO–b1–SE–11

Subject: Driver's licence

Reference to Annex I.1. to this Directive: 8.2

Content of the Annex to the Directive: Requirements concerning the training of the vehicle crew.

Content of the national legislation: Driver training is not permitted with any vehicle referred to in 8.2.1.1.

Initial reference to the national legislation: Appendix S - Specific regulations for the domestic transport of dangerous goods by road issued in accordance with the Transport of Dangerous Goods Act.

Comments: Local transport.

RO–b1–SE–12

Subject: Carriage of UN 0335 FIREWORKS.

Reference to Annex I.1. to this Directive: Annex B, section 7.2.4, V2 (1)

Content of the Annex to the Directive: Provisions for the use of EX/II and EX/III vehicles.

Content of the national legislation: When carrying UN 0335 FIREWORKS, Special Provision V2 (1) in 7.2.4 is only applicable for a net explosive content of more than 3000 kg (4000 kg with trailer), provided the fireworks have been assigned to UN 0335 according to the default fireworks classification table in 2.1.3.5.5 of the fourteenth revised edition of the UN Recommendations on the Transport of Dangerous Goods.

Such assignment shall be made with the agreement of the competent authority. A verification of the assignment shall be carried on the transport unit.

Initial reference to the national legislation: Appendix S – Specific regulations for the domestic transport of dangerous goods by road issued in accordance with the Transport of Dangerous Goods Act.

Comments: The carriage of fireworks is limited in time to two short periods of the year, the turn of the year and the turn of the month April/May. The carriage from consignors to terminals can be effected by the present fleet of EX-approved vehicles without great problems. However, the distribution both of fireworks from terminals to shopping areas and of the surplus back to the terminal is limited due to lack of EX-approved vehicles. The carriers are not interested in investing in such approvals because they cannot recover their expenses. This places the whole existence of consignors of fireworks in jeopardy because they cannot get their products on the market.

When using this derogation, the classification of the fireworks must be made on the basis of the default list in the UN Recommendations, in order to get the most up-to-date classification possible.

A similar type of exception exists for UN 0336 FIREWORKS incorporated in Special Provision 651, section 3.3.1 of ADR 2005.

UK United Kingdom

RO–b1–UK–1

Subject: Crossing of public roads by vehicles carrying dangerous goods (N8).

Reference to Annex I.1. to this Directive: Annexes A and B

Content of the Annex to the Directive: Requirements for the carriage of dangerous goods on public roads.

Content of the national legislation: Disapplication of the dangerous goods regulations to carriage within private premises separated by a road. For Class 7 this derogation does not apply to any provisions of the Radioactive Material (Road Transport) Regulations 2002.

Initial reference to the national legislation: Carriage of Dangerous Goods by Road Regulations 1996, reg.3 Schedule 2 (3)(b); Carriage of Explosives by Road Regulations 1996, reg. 3(3)(b).

Comments: A situation can easily occur where goods are transferred between private premises situated on both sides of a road. This does not constitute carriage of dangerous goods on a public road in the normal sense of the term, and none of the provisions of the dangerous goods regulations should apply in such a case.

RO-b1-UK-2

Subject: Exemption from prohibition on driver or driver's assistant opening packages of dangerous goods in a local distribution chain from a local distribution depot to a retailer or end user and from the retailer to the end user (except for Class 7) (N11).

Reference to Annex I.1. to this Directive: 8.3.3

Content of the Annex to the Directive: Prohibition on driver on driver's assistant opening packages of dangerous goods.

Content of the national legislation: Prohibition of opening packages is qualified by the proviso "Unless authorised to do so by the operator of the vehicle".

Initial reference to the national legislation: Carriage of Dangerous Goods by Road Regulations 1996, reg.12 (3).

Comments: If taken literally, the prohibition in the Annex as worded can create serious problems for retail distribution.

RO-b1-UK-3

Subject: Alternative carriage provisions for wooden casks containing UN 3065 of Packing Group III

Reference to Annex I.1. to this Directive: Chapters 1.4, 4.1, 5.2 and 5.3.

Content of the Annex to the Directive: Packaging and labelling requirements.

Content of the national legislation: Permits the carriage of alcoholic beverages of more than 24%, but not more than 70% alcohol by volume (Packing Group III) in non – UN approved wooden casks without danger labels, subject to more stringent loading and vehicle requirements.

Initial reference to the national legislation: The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004: Regulation 7 (13) and (14).

Comments: This is a high-value product subject to government excise duty which must be moved between the distillery and bonded warehouses in secure sealed vehicles bearing government duty seals. The relaxation on packaging and labelling is taken into account in the additional requirements to ensure safety.

II

Transport by rail

II.1. RID

Regulation concerning the International Carriage of Dangerous Goods by Rail (RID), appearing in Appendix C to the Convention concerning International Carriage by Rail (COTIF), as applicable with effect from 1 January 2009.

II.2. Additional transitory provisions

1. Member States may maintain derogations adopted on the basis of Article 4 of Directive 96/49/EC until 31 December 2010 or until Annex II. 1 is amended to reflect the UN Recommendations on the Transport of Dangerous Goods referred to in that article if this is earlier.
2. Within its territory each Member State may authorise the use of wagons and tank wagons of gauge 1520mm constructed before 1 July 2005 which do not comply with this Directive but were constructed in accordance with national provisions in force on 30 June 2005, provided that those wagons are maintained to the required safety levels.
3. Within its territory each Member State may authorise the use of tanks and wagons constructed before 1 January 1997 which do not comply with this Directive but were constructed in accordance with the national requirements in force on 31 December 1996, provided that such tanks and wagons are maintained to the required safety levels.

Tanks and wagons constructed on or after 1 January 1997 which do not comply with this Directive but were constructed in accordance with the requirements of Directive 96/49/EC that was applicable on the date of their construction may continue to be used for national transport

4. Within its territory each Member State may authorise the use of pressure drums, bundles of cylinders and tanks constructed before 1 July 2007 and other receptacles constructed before 1 July 2003 which do not comply with this Directive but were constructed in accordance with the national requirements applicable on the date of their construction but not later than 1 July 2005 for pressure drums, bundles of cylinders and tanks, and not later than 1 July 2001 for other receptacles, provided that such equipments are maintained to the required safety levels.
5. Within its territory each Member State in which the ambient temperature is regularly lower than - 20 °C may impose more stringent standards as regards the operating temperature of materials used for plastic packaging, tanks and their equipment intended for use in the national transport of dangerous goods by rail until provisions on the appropriate reference temperatures for given climatic zones are incorporated into Annex II.1 to this Directive.

6. Within its territory each Member State may maintain national provisions other than those laid down in this Directive with regard to the reference temperature for the transport of liquefied gases or mixtures of liquefied gases, until provisions relating to appropriate reference temperatures for designated climatic areas are incorporated into European standards and referred to in Annex II.1 to this Directive.
7. Within its territory each Member State may maintain the provisions of its national legislation in force on 31 December 1996 relating to the display or placement of an emergency action code or hazard card in place of the hazard identification number, laid down in Annex II.1 to this Directive.
8. For transport via the Channel Tunnel, France and the United Kingdom may impose more stringent provisions than those provided for in this Directive.
9. This Directive shall not affect a Member State's right to adopt regulations for its territory on the transport of dangerous goods by rail from and to those contracting parties of the Organisation for cooperation of railways (OSJD) that are not contracting parties to the COTIF. Such regulations shall apply only to the transport of dangerous goods by rail by means of wagons authorised in a State which is not a contracting party to the COTIF. By means of appropriate measures and obligations the Member States concerned shall guarantee the maintenance of a level of safety equivalent to that provided for in the RID.

II.3. Additional national provisions

Derogations for Member States for the transport of dangerous goods within their territory on the basis of Article 7 (2).

Numbering of derogations: RA-a/b1/b2-MS-nn

RA= Rail

a/b1/b2= Article 7(2) a/b1/b2

MS= Abbreviation of Member State

Nn= order number

Based on Article 7(2) point a

DE Germany

RA-a-DE-1

Subject: Exemption of small quantities of certain goods for private use.

Reference to Annex II.1. to this Directive: Table in Chapter 3.2 for certain UN numbers in Classes 1 to 9.

Content of the Annex to the Directive: Transport authorisation and provisions.

Content of the national legislation: Classes 1 to 9; Exemption for very small quantities of various goods in packagings and quantities for private use; a maximum of 50 kg per transport unit; application of the general packing requirements for internal packaging.

Initial reference to the national legislation: Gefahrgut-Ausnahmereverordnung - GGAV 2002 vom 06.11.2002 (BGBl. I S. 4350), geändert durch Artikel 2 der Verordnung vom 28.04.2003 (BGBl. I S. 595); Ausnahme 3.

Comments: Derogation limited to 31.12.2004.

List No. 14*.

RA-a-DE-2

Subject: Combined packaging authorisation.

Reference to Annex II.1. to this Directive: 4.1.10.4 MP2

Content of the Annex to the Directive: Prohibition of combined packaging.

Content of the national legislation: Class 1.4S, 2, 3 and 6.1; authorisation of combined packaging of objects in Class 1.4S (cartridges for small weapons), aerosols (Class 2) and cleaning and treatment materials in Class 3 and 6.1 (UN numbers listed) as sets to be sold in combined packaging in packaging group II and in small quantities.

Initial reference to the national legislation: Gefahrgut-Ausnahmereverordnung - GGAV 2002 vom 06.11.2002 (BGBl. I S. 4350), geändert durch Artikel 2 der Verordnung vom 28.04.2003 (BGBl. I S. 595); Ausnahme 21.

Comments: List No. 30*, 30a, 30b, 30c, 30d, 30e, 30f, 30g.

FR France

RA-a-FR-1

Subject: Transport of registered luggage in passenger trains.

Reference to Annex II.1. to this Directive: 7.7

Content of the Annex to the Directive: RID materials and objects excluded from transport as luggage.

Content of the national legislation: RID materials and objects which may be carried as express parcels can be carried as luggage in passenger trains.

Initial reference to the national legislation: Arrêté du 5 juin 2001 relatif au transport de marchandises dangereuses par chemin de fer (Decree of 5 June 2001 on the transport of hazardous goods by rail, «RID-Decree») - Article 18.

RA-a-FR-2

Subject: Parcels of hazardous materials kept by passengers in trains.

Reference to Annex II.1. to this Directive: 7.7

Content of the Annex to the Directive: RID materials and objects excluded from transport as hand luggage.

Content of the national legislation: The transport as hand luggage of parcels of hazardous materials intended for the personal or professional use of passengers is authorised subject to certain conditions: only the provisions relating to the packaging, marking and labelling of parcels set out in 4.1, 5.2 and 3.4 apply.

Initial reference to the national legislation: Arrêté du 5 juin 2001 relatif au transport de marchandises dangereuses par chemin de fer (Decree of 5 June 2001 on the transport of hazardous goods by rail, «RID-Decree») - Article 19.

Comments: Portable gas receptacles allowed for patients with respiratory problems in the necessary amount for one journey.

RA-a-FR-3

Subject: Transport for the needs of the rail carrier.

Reference to Annex II.1. to this Directive: 5.4.1

Content of the Annex to the Directive: Information concerning hazardous materials to be indicated on the consignment note.

Content of the national legislation: Transport for the needs of the rail carrier of quantities not exceeding the limits set in 1.1.3.6 is not subject to the load declaration obligation.

Initial reference to the national legislation: Arrêté du 5 juin 2001 relatif au transport de marchandises dangereuses par chemin de fer (Decree of 5 June 2001 on the transport of hazardous goods by rail, «RID-Decree») - Article 20.2.

RA-a-FR-4

Subject: Exemption from the labelling of certain mail wagons.

Reference to Annex II.1. to this Directive: 5.3.1

Content of the Annex to the Directive: Obligation to affix labels on the walls of wagons.

Content of the national legislation: Only mail wagons carrying over 3 tonnes of a material in the same class (other than 1, 6.2 or 7) must be labelled.

Initial reference to the national legislation: Arrêté du 5 juin 2001 relatif au transport de marchandises dangereuses par chemin de fer (Decree of 5 June 2001 on the transport of hazardous goods by rail, «RID-Decree») - Article 21.1.

RA-a-FR-5

Subject: Exemption from the labelling of wagons carrying small containers.

Reference to Annex II.1. to this Directive: 5.3.1

Content of the Annex to the Directive: Obligation to affix labels on the walls of wagons.

Content of the national legislation: If the labels affixed on the small containers are clearly visible, the wagons do not have to be labelled.

Initial reference to the national legislation: Arrêté du 5 juin 2001 relatif au transport de marchandises dangereuses par chemin de fer (Decree of 5 June 2001 on the transport of hazardous goods by rail, «RID-Decree») - Article 21.2.

RA-a-FR-6

Subject: Exemption from the labelling of wagons carrying road vehicles loaded with parcels.

Reference to Annex II.1. to this Directive: 5.3.1

Content of the Annex to the Directive: Obligation to affix labels on the walls of wagons.

Content of the national legislation: If the road vehicles have labels corresponding to the parcels which they contain, the wagons do not have to be labelled.

Initial reference to the national legislation: Arrêté du 5 juin 2001 relatif au transport de marchandises dangereuses par chemin de fer (Decree of 5 June 2001 on the transport of hazardous goods by rail, «RID-Decree») - Article 21.3.

SE Sweden

RA-a-SE-1

Subject: A railway carriage carrying dangerous goods, as express goods, need not be marked with labels.

Reference to Annex II.1. to this Directive: 5.3.1

Content of the Annex to the Directive: Railway carriages carrying dangerous goods must display labels.

Content of the national legislation: A railway carriage carrying dangerous goods, as express goods, need not be marked with labels.

Initial reference to the national legislation: Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.

Comments: There are quantity limits in RID for goods designated as express goods. Therefore it is a small quantity issue.

UK United Kingdom

RA-a-UK-1

Subject: Carriage of certain low-hazard radioactives such as clocks, watches, smoke detectors, compass dials.

Reference to Annex II.1. to this Directive: Most requirements of RID

Content of the Annex to the Directive: Requirements concerning the carriage of Class 7 material.

Content of the national legislation: Total exemption from the provisions of the national regulations for certain commercial products containing limited quantities of radioactive material.

Initial reference to the national legislation: Packaging, Labelling and Carriage of Radioactive Material by Rail Regulations 1996, reg 2(6) (as amended by Schedule 5 of the Carriage of Dangerous Goods (Amendment) Regulations 1999).

Comments: This derogation is a short-term measure, which will no longer be required when similar amendments to the IAEA regulations are incorporated into RID.

RA-a-UK-2

Subject: Easing of restrictions on transporting mixed loads of explosives, and explosives with other dangerous goods, in wagons, vehicles and containers (N4/5/6).

Reference to Annex II.1. to this Directive: 7.5.2.1 and 7.5.2.2

Content of the Annex to the Directive: Restrictions on certain types of mixed loading.

Content of the national legislation: National legislation is less restrictive regarding mixed loading of explosives, providing such carriage can be accomplished without risk.

Initial reference to the national legislation: Packaging, Labelling and Carriage of Radioactive Material by Rail Regulations 1996, reg 2(6) (as amended by Schedule 5 of the Carriage of Dangerous Goods (Amendment) Regulations 1999).

Comments: The UK wishes to permit some variations on the mixing rules for explosives with other explosives and for explosives with other dangerous goods. Any variation will have a quantity limitation on one or more constituent parts of the load and would only be permitted provided that "all reasonably practicable measures have been taken to prevent the explosives being brought into contact with, or otherwise endangering or being endangered by, any such goods.

Examples of variations the UK may want to permit are:

1. Explosives allocated on classification to UN Numbers 0029, 0030, 0042, 0065, 0081, 0082, 0104, 0241, 0255, 0267, 0283, 0289, 0290, 0331, 0332, 0360 or 0361 may be carried in the same vehicle with the dangerous goods allocated on classification the

UN Number 1942. The quantity of UN 1942 permitted to be carried shall be limited by deeming it to be an explosive of 1.1D;

2. Explosives allocated on classification to UN Numbers 0191, 0197, 0312, 0336, 0403, 0431 or 0453 may be carried in the same vehicle with dangerous goods (except flammable gases, infectious substances and toxic substances) in transport category 2 or dangerous goods in transport category 3, or any combination of them, provided the total mass or volume of dangerous goods in transport category 2 does not exceed 500 kg or l and the total net mass of such explosives does not exceed 500 kg;
3. Explosives of 1.4G may be carried with flammable liquids and flammable gases in transport category 2 or non-flammable, non-toxic gases in transport category 3, or in any combination of them in the same vehicle, provided the total mass or volume of dangerous goods when added together does not exceed 200 kg or l and the total net mass of explosives does not exceed 20 kg;
4. Explosive articles allocated on classification to UN Numbers 0106, 0107 or 0257 may be carried with explosive articles in Compatibility Group D, E or F for which they are components. The total quantity of explosives of UN Numbers 0106, 0107 or 0257 shall not exceed 20 kg.

RA-a-UK-3

Subject: To allow different “maximum total quantity per transport unit” for Class 1 goods in categories 1 and 2 of table in 1.1.3.1.

Reference to Annex II.1. to this Directive: 1.1.3.1

Content of the Annex to the Directive: Exemptions related to the nature of the transport operation.

Content of the national legislation: To lay down rules regarding exemptions for limited quantities and mixed loading of explosives.

Initial reference to the national legislation: The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004: Regulation 3(7)(b).

Comments: To allow different limited quantity limits and mixed loading multiplication factors for Class 1 goods, namely “50” for Category 1 and “500” for Category 2. For the purpose of calculating mixed loads, the multiplication factors are to read “20” for Transport Category 1 and “2” for Transport Category 2.

RA-a-UK-4

Subject: Adoption of RA-a-FR-6.

Reference to Annex II.1. to this Directive: 5.3.1.3.2.

Content of the Annex to the Directive: Relaxation of placarding requirement for piggyback carriage.

Content of the national legislation: The placarding requirement does not apply in cases where the vehicle placards are clearly visible.

Initial reference to the national legislation: The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004: Regulation 7(12).

Comments: This has always been a UK national provision.

Based on Article 7 (2) point b1

DE Germany

RA-b1-DE-1

Subject: Transportation of Class 9 PCB-contaminated materials in bulk.

Reference to Annex II.1. to this Directive: 7.3.1.

Content of the Annex to the Directive: Transportation in bulk.

Content of the national legislation: Authorisation for transportation in bulk in vehicle swap bodies or containers sealed to be impermeable to fluids or dust.

Initial reference to the national legislation: Gefahrgut-Ausnahmeverordnung - GGAV 2002 vom 06.11.2002 (BGBl. I S. 4350), geändert durch Artikel 2 der Verordnung vom 28.04.2003 (BGBl. I S. 595); Ausnahme 11.

Comments: Derogation 11 limited to 31.12.2004; as from 2005, same provisions in ADR and RID.

See also Multilateral Agreement M137.

List No 4*.

RA-b1-DE-2

Subject: Transportation of packaged hazardous waste.

Reference to Annex II.1. to this Directive: Parts 1 to 5

Content of the Annex to the Directive: Classification, packaging and marking.

Content of the national legislation: Classes 2 to 6.1, 8 and 9: Combined packaging and transportation of hazardous waste in packs and IBCs; waste must be packaged in internal packagings (as collected) and categorised in specific waste groups (avoidance of dangerous reactions within a waste group); use of special written instructions relating to the waste groups and as a waybill; collection of domestic and laboratory waste, etc.

Initial reference to the national legislation: Gefahrgut-Ausnahmeverordnung - GGAV 2002 vom 06.11.2002 (BGBl. I S. 4350), geändert durch Artikel 2 der Verordnung vom 28.04.2003 (BGBl. I S. 595); Ausnahme 20.

Comments: List No. 6*.

SE Sweden

RA-b1-SE-1

Subject: Carriage of hazardous waste to hazardous waste disposal plants.

Reference to Annex II.1. to this Directive: Part 2, Chapter 5.2, and 6.1

Content of the Annex to the Directive: Classification, marking and labelling, and requirements for the construction and testing of packaging.

Content of the national legislation: The legislation consists of simplified classification criteria, less restrictive requirements for the construction and testing of packaging, and modified labelling and marking requirements. Instead of classifying hazardous waste according to RID, it is assigned to different waste groups. Each waste group contains substances that can, in accordance with RID, be packed together (mixed packing). Each package must be marked with the relevant waste group code instead of the UN number.

Initial reference to the national legislation: Särskilda bestämmelser om vissa inrikes transporter av farligt gods på väg och i terräng.

Comments: These regulations may only be used for the carriage of hazardous waste from public recycling sites to hazardous waste disposal plants.

III

Transport by inland waterway

III.1. ADN

Annexed Regulations to the European Agreement concerning the International Carriage of dangerous Goods by Inland Waterways (ADN), as applicable with effect from 1 January 2009, as well as Articles 3(f), 3(h), 8(1), 8(3), 17 and 18 of ADN, it being understood that "Contracting Party" is replaced by "Member State" as appropriate.

III.2. Additional transitory provisions

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III.3. Additional national provisions

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LEGISLATIVE FINANCIAL STATEMENT

1. NAME OF THE PROPOSAL:

Directive of the European parliament and of the council relating to the inland transport of dangerous goods

2. ABM / ABB FRAMEWORK

Policy area: *Energy and transport*

Activity: *Security and protection of energy and transport users*

3. BUDGET LINES

3.1. Budget lines (operational lines and related technical and administrative assistance lines (ex- B.A lines)) including headings:

Transport security 06 0701 00

3.2. Duration of the action and of the financial impact:

Indefinite, starting in 2008

3.3. Budgetary characteristics:

Budget line	Type of expenditure		New	EFTA contribution	Contributions from applicant countries	Heading in financial perspective
<i>06 0701 00</i>	Non-comp	Diff ¹⁸	NO	NO	NO	No [1A]

¹⁸ Non-differentiated appropriations hereafter referred to as NDA

4. SUMMARY OF RESOURCES

4.1. Financial Resources

4.1.1. Summary of commitment appropriations (CA) and payment appropriations (PA)

(Year n = 2006)

EUR million (to 3 decimal places)

Expenditure type	Section no.		Year n	n + 1	n + 2	n + 3	n + 4	n + 5 and later	Total
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Operational expenditure¹⁹

Commitment Appropriations (CA)	8.1.	a			0.5		0.5		1.0
Payment Appropriations (PA)		b			0.5		0.5		1.0

Administrative expenditure within reference amount²⁰

Technical & administrative assistance (NDA)	8.2.4.	c							
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TOTAL REFERENCE AMOUNT

Commitment Appropriations		a+c			0.5		0.5		1.0
Payment Appropriations		b+c			0.5		0.5		1.0

Administrative expenditure not included in reference amount²¹

Human resources and associated expenditure (NDA)	8.2.5.	d							
Administrative costs, other than human resources and associated costs, not included in reference amount (NDA)	8.2.6.	e							

Total indicative financial cost of intervention

TOTAL CA including cost of Human Resources		a+c +d +e							
TOTAL PA including cost of Human Resources		b+c +d +e							

¹⁹ Expenditure that does not fall under Chapter xx 01 of the Title xx concerned.

²⁰ Expenditure within article xx 01 04 of Title xx.

²¹ Expenditure within chapter xx 01 other than articles xx 01 04 or xx 01 05.

Co-financing details

EUR million (to 3 decimal places)

Co-financing body		Year n	n + 1	n + 2	n + 3	n + 4	n + 5 and later	Total
.....	f							
TOTAL CA including co-financing	a+c +d +e +f							

4.1.2. Compatibility with Financial Programming

- Proposal is compatible with existing financial programming.
- Proposal will entail reprogramming of the relevant heading in the financial perspective.
- Proposal may require application of the provisions of the Interinstitutional Agreement²² (i.e. flexibility instrument or revision of the financial perspective).

4.1.3. Financial impact on Revenue

- Proposal has no financial implications on revenue
- Proposal has financial impact – the effect on revenue is as follows:

EUR million (to one decimal place)

		Prior to action [Year n-1]	Situation following action					
Budget line	Revenue		[Year n]	[n+1]	[n+2]	[n+3]	[n+4]	[n+5] 23
	a) Revenue in absolute terms							
	b) Change in revenue	Δ						

²² See points 19 and 24 of the Interinstitutional agreement.

²³ Additional columns should be added if necessary i.e. if the duration of the action exceeds 6 years

4.2. Human Resources FTE (including officials, temporary and external staff) – see detail under point 8.2.1.

Annual requirements	Year n	n + 1	n + 2	n + 3	n + 4	n + 5 and later
Total number of human resources						

5. CHARACTERISTICS AND OBJECTIVES

5.1. Need to be met in the short or long term

The financial part of the proposal and this statement concerns only translations of the international agreements, which are annexes to the proposed directive, into Community languages. The proposal has no other budgetary implications to the EU.

A particular problem in connection with the dangerous goods Framework Directives 94/55/EC and 96/49/EC is posed in their annexes, where it is stated: “N.B. Versions in all the official languages of the Community will be published as soon as a consolidated / amended text (of ADR / RID) has been prepared and translations have been completed”. The Legal Service takes this to mean that ADR and RID have to be translated and published by the Commission in all the official Community languages before the directives have full legal force. ADR / RID (and ADN) contain about 1000 pages each and they are amended every two years, the amendments themselves being 150-200 pages per document and per two-year cycle. In particular after the latest enlargement, the Commission has not managed to carry out this amount of translation. As from 2003 (cycles covering 2003, 2004, 2005 and the next one, 2007, already in the pipeline), only amending Commission Directives have been translated and published but their Annexes have not. The Member States thus have Community law underpinning their national legislative measures, but the Community has not had the power to request national measures or to launch, when necessary, infringement procedures. ADR, RID and ADN are available only in English and French, with RID also in German. Every biennial cycle, Member States themselves translate for their national legislation consolidated versions of the agreements that they are applying. Member States normally do not use the Commission translations for this purpose, whose value is therefore not evident.

5.2. Value-added of Community involvement and coherence of the proposal with other financial instruments and possible synergy

With the new proposal for a directive, the intention is to give up translations at the Community level and leave translation and publication in national languages to the Member States. The Commission should therefore support financially the national translations, bearing in mind that the Commission's saving in terms of translation and publication costs will outweigh the financial support to Member States. The first budget year when the necessary appropriations should be available is 2009, and this is needed every two years.

5.3. Objectives, expected results and related indicators of the proposal in the context of the ABM framework

Commission strategic objective: Safety

DG's general objective: Safety and security

DG's Operational objective: Reinforce the security in transport

The proposed directive will simplify and harmonise EU rules in the transport of dangerous goods and therewith improve the safety and security of transport.

The financial part of the proposal will render the transposition of the directive possible, by making the national translations of the annexed international agreements available in all Community languages.

5.4. Method of Implementation (indicative)

Centralised Management

directly by the Commission

indirectly by delegation to:

executive Agencies

bodies set up by the Communities as referred to in art. 185 of the Financial Regulation

national public-sector bodies/bodies with public-service mission

Shared or decentralised management

with Member states

with Third countries

Joint management with international organisations (please specify)

Relevant comments:

6. MONITORING AND EVALUATION

6.1. Monitoring system

The Commission will receive the outputs and pay on the basis of them.

6.2. Evaluation

6.2.1. Ex-ante evaluation

An Impact assessment was carried out, where the preferred option was the proposed legislative action, simplification and harmonisation of EU rules in the field of dangerous goods transport. This was supported also in all consultations. The financial part of the proposal is a necessary prerequisite for the completion of the simplification.

6.2.2. Measures taken following an intermediate/ex-post evaluation (lessons learned from similar experiences in the past)

An evaluation of the policy area was conducted by external consultants in 2004-05: "Evaluation of the EU policy on the transport of dangerous goods since 1994", as indicated in the Impact assessment point 1.3.1. The evaluation supported the idea laid down in the proposal.

6.2.3. Terms and frequency of future evaluation

A corresponding evaluation as in 6.2.2 to be carried out in 2015.

7. ANTI-FRAUD MEASURES

Since the Commission will pay only having received the outputs (national translations of international agreements), the quality of which can be verified, there is no risk of fraud.

8. DETAILS OF RESOURCES

8.1. Objectives of the proposal in terms of their financial cost (Year n = 2006)

Commitment appropriations in EUR million (to 3 decimal places)

(Headings of Objectives, actions and outputs should be provided)	Type of output	Av. cost	Year n		Year n+1		Year n+2		Year n+3		Year n+4		Year n+5 and later		TOTAL	
			No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost
OPERATIONAL OBJECTIVE No.1 ²⁴ Reinforce the security in transport																
Action 1 Proposal for a dangerous goods directive																
Output 1	Translations	0.01					50	0.5			50	0.5			100	1.0
Sub-total Objective 1		0.01					50	0.5			50	0.5			100	1.0
TOTAL COST		0.01					50	0.5			50	0.5			100	1.0

²⁴

As described under Section 5.3

8.2. Administrative Expenditure

8.2.1. Number and type of human resources

Types of post		Staff to be assigned to management of the action using existing and/or additional resources (number of posts/FTEs)					
		Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5
Officials or temporary staff ²⁵ (XX 01 01)	A*/AD						
	B*, C*/AST						
Staff financed ²⁶ by art. XX 01 02							
Other staff ²⁷ financed by art. XX 01 04/05							
TOTAL							

8.2.2. Description of tasks deriving from the action

8.2.3. Sources of human resources (statutory)

- Posts currently allocated to the management of the programme to be replaced or extended
- Posts pre-allocated within the APS/PDB exercise for year n
- Posts to be requested in the next APS/PDB procedure
- Posts to be redeployed using existing resources within the managing service (internal redeployment)
- Posts required for year n although not foreseen in the APS/PDB exercise of the year in question

²⁵ Cost of which is NOT covered by the reference amount

²⁶ Cost of which is NOT covered by the reference amount

²⁷ Cost of which is included within the reference amount

8.2.4. *Other Administrative expenditure included in reference amount (XX 01 04/05 – Expenditure on administrative management)*

EUR million (to 3 decimal places)

Budget line (number and heading)	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later	TOTAL
1 Technical and administrative assistance (including related staff costs)							
Executive agencies ²⁸							
Other technical and administrative assistance							
- <i>intra muros</i>							
- <i>extra muros</i>							
Total Technical and administrative assistance							

8.2.5. *Financial cost of human resources and associated costs not included in the reference amount*

EUR million (to 3 decimal places)

Type of human resources	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later
Officials and temporary staff (XX 01 01)						
Staff financed by Art XX 01 02 (auxiliary, END, contract staff, etc.) (specify budget line)						
Total cost of Human Resources and associated costs (NOT in reference amount)						

²⁸ Reference should be made to the specific legislative financial statement for the Executive Agency(ies) concerned.

Calculation– *Officials and Temporary agents*

Calculation– *Staff financed under art. XX 01 02*

8.2.6. *Other administrative expenditure not included in reference amount*

EUR million (to 3 decimal places)

	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later	TOTAL
XX 01 02 11 01 – Missions							
XX 01 02 11 02 – Meetings & Conferences							
XX 01 02 11 03 – Committees ²⁹							
XX 01 02 11 04 – Studies & consultations							
XX 01 02 11 05 - Information systems							
2 Total Other Management Expenditure (XX 01 02 11)							
3 Other expenditure of an administrative nature (specify including reference to budget line)							
Total Administrative expenditure, other than human resources and associated costs (NOT included in reference amount)							

Calculation - *Other administrative expenditure not included in reference amount*

²⁹ Specify the type of committee and the group to which it belongs.

