Commission Implementing Decision (EU) 2020/1241 of 28 August 2020 authorising Member States to adopt certain derogations pursuant to Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods (notified under document C(2020) 5797) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2020/1241

of 28 August 2020

authorising Member States to adopt certain derogations pursuant to Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods

(notified under document C(2020) 5797)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods[(1)], and in particular Article 6(2) and (4) thereof,

Whereas:

(1) Section I.3 of Annex I and Section II.3 of Annex II to Directive 2008/68/EC contain lists of national derogations, allowing specific national circumstances to be taken into account. Several new national derogations and several amendments to authorised derogations were requested by certain Member States.

(2) The Commission has examined or reviewed those derogations and found that the conditions referred to in Article 6(2) and (4) of Directive 2008/68/EC are met. The derogations should therefore be authorised.

(3) As Section I.3 of Annex I and Section II.3 of Annex II to Directive 2008/68/EC have therefore to be adapted, it is appropriate, for reasons of clarity, to replace them in their entirety.

(4) Directive 2008/68/EC should therefore be amended accordingly.

(5) The measures provided for in this Decision are in accordance with the opinion of the Transport of Dangerous Goods Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Member States listed in the Annex are authorised to implement the derogations set out therein regarding the transport of dangerous goods in their territory.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/1241. (See end of Document for details)*

Article 2

Section I.3 of Annex I and Section II.3 of Annex II to Directive 2008/68/EC are amended in accordance with the Annex to this Decision.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 28 August 2020.

For the Commission

Adina-Ioana VĂLEAN

Member of the Commission

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/1241. (See end of Document for details)*

ANNEX

Annexes I and II to Directive 2008/68/EC are amended as follows:

(1) in Annex I, Section I.3 is replaced by the following:

I.3. **National derogations**

Derogations for Member States for the transport of dangerous goods within their territory on the basis of Article 6(2) of Directive 2008/68/EC.

Numbering of derogations: RO–a/bi/bii–MS–nn

RO	= Road
a/bi/bii	= Article 6(2) a/bi/bii
MS	= Abbreviation of Member State
nn	= order number

Based on Article 6(2)(a) of Directive 2008/68/EC
BE Belgium
RO–a–BE–2

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

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 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: *Dérogation 6-97*.

Expiry date: 31 December 2022
RO–a–BE–3

Subject: Adoption of RO–a–HU–2.

Initial reference to the national legislation: *derogation 4-2004*

Expiry date: 31 December 2022
RO–a–BE–4

Subject: exemption of all ADR requirements for the national transport of maximum 1 000 used ionic smoke detectors from private households to the treatment facility in Belgium via the collection points foreseen in the scenario for the selective collection of smoke detectors.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: all requirements

Content of the national legislation: The domestic use of ionic smoke detectors is not submitted to regulatory control from a radiological point of view once the smoke detector is of an approved type. The transport of these smoke detectors to the end-user is also exempted from ADR requirements. (see 1.7.1.4. e)).

Directive 2002/96/EC (on waste electric and electronic equipments) requires the selective collection of used smoke detectors for treatment of the circuit boards and, for the ionic smoke detectors, to take out the radioactive substances. To make this selective collection possible a scenario has been developed to stimulate private households to bring their used smoke detectors to a collection point from which these detectors

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/1241. (See end of Document for details)*

can be carried to a treatment facility sometimes via a second collection point or an intermediate storage place.

At the collection points metal packagings will be made available wherein a maximum of 1 000 smoke detectors can be packed. From these points one such package with the smoke detectors can be transported together with other wastes to an intermediate storage or the treatment facility. The package will be labelled with the word "smoke detector".

Initial reference to the national legislation: *scenario for the selective collection of smoke detectors makes part of the conditions for removal of approved instruments foreseen in Article 3.1.d.2 of the royal decree of 20 July 2001: the general radiation protection regulation.*

Comments: This derogation is necessary to make the selective collection of used ionic smoke detectors possible.

Expiry date: 30 June 2026
DK Denmark
RO–a–DK–2

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

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 7.5.2.2

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

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

Initial reference to the national legislation: *Bekendtgørelse nr. 729 af 15. august 2001 om vejtransport af 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 to the workplace and back again.

When the Danish legislation concerning the transport of dangerous goods is amended, the Danish authorities will allow such transport under 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 set out 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.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/1241. (See end of Document for details)*

5. All other rules concerning the transport of dangerous goods by road must be observed.

Expiry date: 30 June 2026
RO–a–DK–3

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

Reference to Annex I, Section I.1, to Directive 2008/68/EC: Parts and chapters 2, 3, 4.1, 5.1, 5.2, 5.4, 6, 8.1 and 8.2.

Content of the Annex to the Directive: Classification provisions, special provisions, packing provisions, consignment procedures, requirements for the construction and testing of packagings, general requirements concerning transport units and equipment on board and training requirements.

Content of the national legislation: Inner packagings and articles containing waste or residues of dangerous goods of certain classes collected from private households or enterprises for the purpose of disposal may be packed together in certain outer packagings and/or overpacks and carried under special consignment procedures including special packing and marking restrictions. The quantity of dangerous goods per inner packaging, per outer packaging and/or per transport unit is restricted.

Initial reference to the national legislation: *Bekendtgørelse nr. 818 af 28. juni 2011 om vejtransport af farligt gods § 4, stk. 3.*

Comments: It is not possible for waste managers to apply all provisions of Annex I, Section I.1 to Directive 2008/68/EC when wastes with residual amounts of dangerous goods have been collected from private households and enterprises to be carried for disposal. The waste is usually contained in packagings that have been sold in retail.

Expiry date: 1 January 2025
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, Section I.1, to Directive 2008/68/EC: 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 1 000 (comparable with 1.1.3.6.4) shall not be exceeded.

Initial reference to the national legislation: *Gefahrgut-Ausnahmeverordnung – GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350); Ausnahme 28.*

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