Commission Implementing Decision (EU) 2019/1094 of 17 June 2019 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(2019) 4303) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2019/1094

of 17 June 2019

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(2019) 4303)

(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 Articles 6(2) and (4) thereof,

Whereas:

(1) Annex I, Section I.3 and Annex II, Section II.3 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) These derogations should be authorised.

(3) As Annex I, Section I.3 and Annex II, Section II.3 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 Committee on transport of dangerous goods set up by Directive 2008/68/EC,

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.

These derogations shall be applied without discrimination.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2019/1094. (See end of Document for details)*

Article 2

Annex I, Section I.3 and Annex II, Section II.3 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, 17 June 2019.

For the Commission

Violeta BULC

Member of the Commission

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2019/1094. (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
AT Austria
RO-a-AT-1

Subject: Small quantities of all classes except 1, 6.2 and 7

Reference to Annex I, Section I.1 to Directive 2008/68/EC: 3.4

Content of the Annex to the Directive: Transport of dangerous goods packed in limited quantities

Content of the national legislation: Up to 30 kg or l of dangerous goods not belonging to transport category 0 or 1 in LQ inner packagings or in packages in line with ADR or being robust articles may be packed together in X tested boxes.

End-users are allowed to fetch them from the shop and to bring them back, retailers to carry them to end-users or between their own shops.

The limit per transport unit is 333 kg or l, the permitted perimeter 100 km.

The boxes have to be marked uniformly and accompanied by a simplified transport document.

Only a few loading and handling provisions apply.

Initial reference to the national legislation: -

Comments:

Expiry date: 30 June 2022
BE Belgium
RO–a–BE–1

Subject: Class 1 — Small quantities.

Reference to Annex I, Section I.1, to Directive 2008/68/EC: 1.1.3.6

Content of the Annex to the Directive: 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

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2019/1094. (See end of Document for details)*

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 de l'arrêté royal 23 septembre 1958 sur les produits explosifs*.

Expiry date: 30 June 2020
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–UK–4.

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 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 others 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

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2019/1094. (See end of Document for details)*

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 2020
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.

Expiry date: 30 June 2021
RO–a–DE–2

Subject: Exemption from the 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, Section I.1, to Directive 2008/68/EC: 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-Ausnahmeverordnung — GGAV 2002 vom 6.11.2002 (BGBl. I S. 4350); 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 Commission as No 22 (under Article 6(10) of Directive 94/55/EC).

Expiry date: 30 June 2021
RO–a–DE–3

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