DIRECTIVE 2000/62/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 10 October 2000

amending Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission [1],

Having regard to the Opinion of the Economic and Social Committee [2],

After consulting the Committee of the Regions,

Acting in accordance with the procedure referred to in Article 251 of the Treaty [3],

Whereas:

(1) Directive 96/49/EC [4] lays down transitional provisions which remained valid until 1 January 1999, to allow the completion of some standardisation work by the European Committee for Standardisation (CEN) on receptacles and tanks; that work has not yet been completed.

(2) The transport equipment covered by the derogation provided for in Article 5(2)(c) of Directive 96/49/EC should be better defined.

(3) In order to allow the Member States to use, for a specified period, rail wagons and tanks that do not comply with a new provision in the Annex to Directive 96/49/EC, there should be a transitional provision to cover rail wagons and tanks constructed on or after 1 January 1997 and used exclusively for national transport.

(4) The deadlines laid down in Article 6(4) of Directive 96/49/EC regarding certain equipment should be put back; identifying the equipment concerned and the latest date for the application of Directive 96/49/EC should be made subject to the procedure laid down in Article 9 thereof.

(5) The derogations provided for in Article 6(9), (11) and (14) of Directive 96/49/EC should be made subject to the procedure laid down in Article 9 thereof.

(6) 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 Commission [5].

(7) The conditions to be fulfilled before a transport operation may be regarded as an ad hoc transport operation should be specified.

(8) Directive 96/49/EC should be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 96/49/EC is hereby amended as follows:

1. in Article 5(2)(c) the terms 'operating temperature of material intended...' shall be replaced by 'operating temperature of materials used for plastic packaging, tanks and their equipment intended...';

2. Article 6 shall be amended as follows:

   (a) paragraph 3 shall be replaced by the following:

   '3. Within its own territory a Member State may authorise the use of wagons constructed before 1 January 1997 which do not comply with this Directive, but were constructed in accordance with national provisions in force on 31 December 1996, provided that those wagons are maintained to the required safety levels.

   Tanks and wagons constructed on or after 1 January 1997 which do not comply with the Annex but were constructed in accordance with the requirements of this Directive that were applicable on the date of their construction may continue to be used for national transport until a date determined in accordance with the procedure laid down in Article 9.';

   (b) in paragraph 4:

   — in the first sentence, '31 December 1998' shall be replaced by '30 June 2001', and in the second sentence, '1 January 1999' shall be replaced by '1 July 2001'.

   — the following subparagraphs shall be added:

   'The dates 30 June 2001 and 1 July 2001 shall be put back for receptacles and tanks for which there are no detailed technical requirements or for which no sufficient references to the appropriate European standards have been added to the Annex.

   The receptacles and tanks referred to in the second subparagraph and the latest date for the application of this Directive as regards those receptacles and tanks shall be determined in accordance with the procedure laid down in Article 9.';

[1] OJ C 181, 26.6.1999, p. 25.
[2] OJ C 329, 17.11.1999, p. 11.
[3] European Parliament Opinion of 29 October 1999 (OJ C 154, 5.6.2000, p. 353), Council Common Position of 27 June 2000 (OJ C 254, 25.8.2000, p. 14) and European Parliament Decision of 21 September 2000.
[4] OJ L 235, 17.9.1996, p. 25. Directive as last amended by Commission Directive 1999/48/EC (OJ L 169, 5.7.1999, p. 58).
[5] OJ L 184, 17.7.1999, p. 23.