DIRECTIVE 2000/61/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 10 October 2000

amending Council Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road

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 laid down in Article 251 of the Treaty [3],

Whereas:

(1) The standardisation work of the European Committee for Standardisation (CEN) on quality control in the transport of dangerous goods has not yet been completed; the Commission cannot therefore make a report on the subject at present; it is therefore necessary to amend the deadline laid down in the fourth subparagraph of Article 1(2) of Directive 94/55/EC [4].

(2) The work of the United Nations Economic Commission for Europe (UNECE) on the provisions concerning the centres of gravity of tank-vehicles laid down in Annex B to the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) has not yet been completed; it is therefore necessary to amend the deadline laid down in Article 5(3)(b) of Directive 94/55/EC.

(3) A provision should be included to allow certain Member States, because of their climatic conditions, to apply stricter standards relating to certain equipment used in transport.

(4) The standardisation work of the CEN on receptacles and tanks has not yet been completed; it is therefore necessary to amend the deadlines laid down in Article 6(4) of Directive 94/55/EC.

(5) It is necessary to ensure consistency between the provisions of Directive 94/55/EC and the amendments required to adapt the annexes thereto to scientific and technical progress.

(6) The deadlines laid down in Article 6(4) of Directive 94/55/EC regarding certain equipment should be put back; identifying the equipment concerned and the latest date for the application of Directive 94/55/EC should be made subject to the procedure laid down in Article 9 thereof.

(7) The derogation provided for in Article 6(9) of Directive 94/55/EC should be made subject to the procedure laid down in Article 9 thereof.

(8) Member States should be allowed to adopt derogations with regard to local transport operations and authorisation for that purpose should be made subject to the procedure laid down in Article 9 of Directive 94/55/EC.

(9) 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].

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

(11) Directive 94/55/EC should be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

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

1. in Article 1(2), point (c) shall be replaced by the following:

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

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

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

At the latest two years after the entry into force of a European standard on quality control in the transport of dangerous goods, the Commission shall submit to the European Parliament and the Council a report assessing the safety aspects covered by this point together with an appropriate proposal for its continuation or repeal';

[1] OJ C 171, 18.6.1999, p. 17.
[2] OJ C 329, 17.11.1999, p. 10.
[3] European Parliament Opinion of 18 January 2000 (not yet published in the Official Journal), Council Common Position of 26 June 2000 (OJ C 245, 25.8.2000, p. 7) and European Parliament Decision of 26 September 2000.
[4] OJ L 319, 12.12.1994, p. 7. Directive as last amended by Commission Directive 1999/47/EC (OJ L 169, 5.7.1999, p. 1).
[5] OJ L 184, 17.7.1999, p. 23.

2. Article 5 shall be amended as follows:

(a) In paragraph 2, 'by Marginal 10 599 of Annex B' shall be replaced by 'by the special provision referred to in paragraph 2 of Annex C'.

(b) In paragraph 3:

— subparagraph (b) shall be replaced by the following:

'(b) Member States may, however, maintain their specific national provisions on the centres of gravity of tank-vehicles registered within their territories until the amendment, if any, of the special provision referred to in paragraph 3 of Annex C, but not, in any event, after 30 June 2001 in the case of tank-vehicles covered by the special provision referred to in paragraph 3 of Annex C, in accordance with the amended version of the ADR applicable as from 1 July 2001 and not, in any event, after 30 June 2005 in the case of other tank-vehicles.';

— the following subparagraph shall be added:

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

3. Article 6 shall be amended as follows:

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

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

Tanks and vehicles constructed on or after 1 January 1997 which do not comply with Annex B 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) paragraph 4 shall be replaced by the following:

'4. Each Member State may maintain its national provisions in force on 31 December 1996 relating to the construction, use and conditions of carriage of new receptacles within the meaning of the special provision referred to in paragraph 4 of Annex C and new tanks which do not comply with Annexes A and B, until references to standards for the construction and use of tanks and receptacles with the same binding force as the provisions of this Directive are added to Annexes A and B and in any event no later than 30 June 2001. Receptacles and tanks constructed before 1 July 2001 and maintained to the required safety levels may continue to be used under the original conditions.

These dates shall be 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 Annexes A and B.

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.';

(c) at the end of paragraph 6 the following shall be added:

'..., except that in the case of plastic packaging not exceeding twenty litres in capacity, that date may be put back to 30 June 2001 at the latest'

(d) paragraph 9 shall be replaced by the following:

'9. Provided they give the Commission advance notification no later than 31 December 2002 or until two years after the last date of application of amended versions of Annexes A and B to this Directive, Member States may adopt provisions that are less stringent than those in the Annexes for the transport within their territory only of small quantities of certain dangerous goods, with the exception of substances having a medium or high level of radioactivity.

Provided they give the Commission advance notification no later than 31 December 2002 or until two years after the last date of application of amended versions of Annexes A and B to this Directive, Member States may adopt provisions different from those contained in the Annexes in respect of local transport limited to their territory.

The derogations provided for in the first and second subparagraphs shall be applied without discrimination.

Notwithstanding the above, Member States may, provided they give the Commission advance notification, at any time adopt provisions similar to provisions adopted by other Member States with reference to this paragraph.

The Commission shall examine whether the conditions laid down in this paragraph have been met and shall decide, in accordance with the procedure laid down in Article 9, whether the Member States concerned may adopt these derogations.';

(e) in the second subparagraph of paragraph 10, 'of Marginals 2 010 and 10 602 of Annexes A and B' shall be replaced by 'of the special provisions referred to in paragraph 5 of Annex C';