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(Acts whose publication is obligatory)

COMMISSION DIRECTIVE 1999/47/EC

of 21 May 1999

adapting for the second time to technical progress 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

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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 [1], as last amended by Commission Directive 96/86/EC [2], and in particular Article 8 thereof,

(1) Whereas the Annexes to Directive 94/55/EC contain the ADR as applicable from 1 January 1997, which has since been published in all languages [3];

(2) Whereas the ADR is updated every two years and therefore an amended version is in force as from 1 January 1999 with a transitory period until 30 June 1999;

(3) Whereas in accordance with Article 8, all the necessary modifications for adapting to technical and scientific progress in the field covered by the Directive and aiming at aligning it to the new rules have to be adopted in accordance with the procedure set out in Article 9;

(4) Whereas it is necessary to adapt the sector to the new ADR rules and therefore to amend the Annexes to Directive 94/55/EC;

(5) Whereas the measures provided for in the Directive are in accordance with the opinion of the Committee provided by Article 9 of Directive 94/55/EC;

(6) Whereas the Annexes A and B to the European Agreement concerning the international carriage of dangerous goods by road, usually known as the ADR, as amended, should be attached to Directive 94/55/EC as the Annexes A and B and be applicable not only to cross-frontier transport, but also to transport within the individual Member States,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes to Directive 94/55/EC are modified as follows:

1) In Annex A: the following text [4] is deleted:

'Annex A comprises the provisions of Marginals 2 000 to 3 999 of Annex A to the European Agreement on the international carriage of dangerous goods by road (ADR), as effective on 1 January 1997, 'Member State' being substituted for 'Contracting Party'.

NB: Versions in all the official languages of the Community of the amending text of 1997 to the consolidated text of 1995 of Annex A to the ADR will be published as soon as a text is available in all languages.'

Annex A is modified according to Annex A to this Directive.

2) In Annex B: the following text [4] is deleted:

'Annex B comprises the provisions of Marginals 10 000 to 270 000 of Annex B to the European agreement on the international carriage of dangerous goods by road (ADR), as effective on 1 January 1997, 'Member State' being substituted for 'Contracting Party'.

NB: Versions in all the official languages of the Community of the amending text of 1997 to the consolidated text of 1995 of Annex B to the ADR will be published as soon as a text is available in all languages.'

Annex B is modified according to Annex B to this Directive.

[1] OJ L 319, 12.12.1994, p. 7.
[2] OJ L 335, 24.12.1996, p. 43.
[3] OJ L 275, 28.10.1996, p. 1, OJ L 251, 17.9.1997, p. 1.
[4] Text which appears in Article 1 of Commission Directive 96/86/EC.

Article 2

1) The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 July 1999. They shall forthwith inform the Commission thereof.

When the Member States adopt these measures they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2) Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field governed by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 21 May 1999.

For the Commission

Neil KINNOCK

Member of the Commission

ANNEX A

PART I

DEFINITIONS AND GENERAL PROVISIONS

2000 (1) Insert (as the second indent) the following definition:

'— the term 'package' means the complete product of the packing operation, consisting of the packaging or IBC and its contents prepared for dispatch. The term includes receptacles for gases as defined in marginal 2211 as well as articles which, because of their size, weight or configuration may be carried unpackaged or carried in cradles, crates or handling devices. The term does not apply to unpackaged articles or substances which are carried in bulk in containers or vehicles, nor to substances carried in tanks.'

In the sixth indent for 'ninth' read 'tenth' and for 'Rev.9' read 'Rev.10'.

Add in the end:

'— the term 'IMDG Code' means the International Maritime Dangerous Goods Code, published by the International Maritime Organization (IMO) in London.'

'— the term 'ICAO Technical Instructions' means the Technical Instructions for the Safe Transport of Dangerous Goods by Air, published by the International Civil Air Organisation (ICAO) in Montreal.'

2002 (3) (a) *Note:* 2, amend to read:

'In the case of the application of marginal 10011, the total quantity of dangerous goods carried per transport unit shall be expressed as a value calculated in accordance with the provisions of that marginal applicable to the calculation of the maximum total quantity per transport unit.'

(8) (a) Add a new final subparagraph as follows:

'A mixture or a solution containing one or more substances identified by name or classified under an 'n.o.s.' entry and one or more non-dangerous substances is not subject to the provisions of this Directive if the hazard characteristics of the mixture or solution are such that they do not meet the criteria (including human experience criteria) for any class.'

(15) Add a new paragraph (15) as follows:

'(15) Consignors of dangerous goods governed by this Annex shall ensure that personnel employed in duties related to transport operations receive training in those areas appropriate to their responsibilities (see Annex B, marginal 10 316).'

2003 (4) Amend the first subparagraph to read:

'Appendix A.1: Stability and safety conditions relating to explosive substances and articles and nitrated mixtures of nitrocellulose; and glossary of names in marginal 2101;'

2007 (c) Add at the end:

'In such case, only paragraph (1) of marginal 10 500 is applicable to the marking and labelling of the vehicle itself;'.

2011 For '1997' read '1999' (twice). For '1996' read '1998'.

PART II

LIST OF SUBSTANCES AND SPECIAL PROVISIONS FOR THE VARIOUS CLASSES

CLASS 1

EXPLOSIVE SUBSTANCES AND ARTICLES

2101 4º Insert a new *Note*: 3. to identification number 0143 to read as follows:

'*Note: 3.* The competent authority may authorise these mixtures to be classified under Class 3 on the basis of a Series 2 test and a Series 6(c) test on at least three packages as prepared for carriage (see marginal 2300 (9)).'

Renumber existing Notes 3 to 5 as 4 to 6 respectively.

Renumber the Note to identification No 0150 as Note 1. and add a Note 2. to read as follows:

'*Note: 2.* The competent authority may authorise these mixtures to be classified in Class 4.1 on the basis of a Series 6(c) test on at least three packages as prepared for carriage.'

Delete the word 'commercial' from the name in:

5º Identification number 0059

17º Identification number 0439

39º Identification number 0440

47º Identification number 0441

2102 Amend the last sentence of paragraph (14), to read as follows:

'Such unpackaged articles may be fixed to cradles or contained in crates or other suitable handing, storage or launching devices in such a way that they will not become loose during normal conditions of carriage.'

Insert a new paragraph (15), to read as follows:

'(15) Where such large explosive articles are, as part of their operational safety and suitability tests, subjected to test regimes that meet the intentions of this Directive and such tests have been successfully undertaken, the competent authority may approve such articles to be carried under this Directive.'

Renumber existing paragraphs (15) and (16) as (16) and (17) respectively.

2105 (1) Before the last sentence, insert a new sentence as follows:

'In the case of unpackaged articles the marking shall be displayed on the article, on its cradle or on its handling, storage or launching device.'

(3) Delete the text 'containing one or several corrosive substances according to criteria for Class 8.'

Delete the footnote reference '([1])' after '0018' and '0019' and add it after '0015' and '0016'.

2115 (2) Insert 'inscriptions and' before 'danger labels'.

CLASS 2

GASES

2201 1º A Delete *Note* 3.

1º O Delete *Note* to identification No 1014.

1º TO Move '2451 *NITROGEN TRIFLUORIDE, COMPRESSED*' from 1º TO to 1º O.

2201 *(cont.)*

2º A Insert before No 1078:

'3337 *REFRIGERANT GAS R 404A* (Pentafluoroethane, 1,1,1-trifluoroethane and 1,1,1,2-tetrafluoroethane zeotropic mixture with approximately 44% pentafluoroethane and 52% 1,1,1-trifluoroethane)

3338 *REFRIGERANT GAS R 407A* (Difluoromethane, pentafluoroethane, and 1,1,1,2-tetrafluoroethane zeotropic mixture with approximately 20% difluoromethane and 40% pentafluoroethane)

3339 *REFRIGERANT GAS R 407B* (Difluoromethane, pentafluoroethane, and 1,1,1,2-tetrafluoroethane zeotropic mixture with approximately 10% difluoromethane and 70% pentafluoroethane)

3340 *REFRIGERANT GAS R 407C* (Difluoromethane, pentafluoroethane, and 1,1,1,2-tetrafluoroethane zeotropic mixture with approximately 23% difluoromethane and 25% pentafluoroethane)'.

2º F No 1965:

Insert after *MIXTURE A:*

'*MIXTURE A01* have a vapour pressure at 70 °C not exceeding 1,6 MPa (16 bar) and a density at 50 °C not lower than 0,516 kg/l;

MIXTURE A02 have a vapour pressure at 70 °C not exceeding 1,6 MPa (16 bar) and a density at 50 °C not lower than 0,505 kg/l;'.

Insert before *MIXTURE B:*

'*MIXTURE B1* have a vapour pressure at 70 °C not exceeding 2,3 MPa (23 bar) and a density at 50 °C not lower than 0,474 kg/l;

MIXTURE B2 have a vapour pressure at 70 °C not exceeding 2,6 MPa (26 bar) and a density at 50 °C not lower than 0,463 kg/l.'

Amend *Note* 1. to read:

'In the case of the foregoing mixtures, the use of the following names customary in the trade is permitted for describing these substances: for mixtures A, A01, A02 and A0: *BUTANE*, for mixture C: *PROPANE*.'

Insert after No 1965:

'3354 *INSECTICIDE GAS, FLAMMABLE, N.O.S.*'

2º TF Insert before No 3160:

'3355 *INSECTICIDE GAS, TOXIC, FLAMMABLE, N.O.S.*'

6º A After No 3164, add a new *Note* to read as follows:

'*Note:* Articles intended to function as shock absorbers are not subject to the provisions of this Directive provided each article:

(a) has a gas space capacity not exceeding 1 litre and a charge pressure not exceeding 50 bar;

(b) has a minimum burst pressure of four times the charge pressure at 20 °C;

(c) is manufactured from material which will not fragment upon rupture;

(d) when subjected to fire, is protected from rupture by means of a fire-degradable seal or a pressure relief device to relieve internal pressure; and

(e) is manufactured in accordance with a quality assurance standard acceptable to the competent authority.'