DIRECTIVE 98/91/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 14 December 1998

relating to motor vehicles and their trailers intended for the transport of dangerous goods by road and amending Directive 70/156/EEC relating to the type approval of motor vehicles and their trailers

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 100a thereof,

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

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

Acting in accordance with the procedure laid down in Article 189b of the Treaty [3],

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 [4], which transposes into Community law the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR),

Whereas the internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital must be ensured;

Whereas total harmonisation regarding the technical requirements for vehicles intended for the transport of dangerous goods by road is necessary in order fully to achieve that objective;

Whereas technical barriers to trade regarding the provisions for EC type approval of vehicles intended for the transport of dangerous goods by road should be eliminated in order to allow the market organisation in question to operate smoothly;

Whereas it is therefore necessary in the context of the internal market to harmonise the standards for means of transport of dangerous goods by road;

Whereas it is necessary to harmonise the approval procedures in the Member States;

Whereas this Directive will be one of the separate Directives which must be fulfilled in order to comply with the EC type-approval procedure which has been established by Directive 70/156/EEC [5] and in order to ensure the conformity of vehicles with the requirements of the EC type-approval procedure established by that Directive; whereas, therefore, the provisions of Directive 70/156/EEC relating to vehicles apply to this Directive;

Whereas, in particular, Article 3(4) and Article 4(3) of Directive 70/156/EEC require each separate Directive to have an information document attached to it incorporating the relevant items of Annex I to that Directive and also a type-approval certificate based on Annex VI thereto in order that type approval may be computerised,

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[1] OJ C 29, 30. 1. 1997, p. 17, and OJ C 207, 3. 7. 1998, p. 18.
[2] OJ C 296, 29. 9. 1997, p. 1.
[3] Opinion of the European Parliament of 19 February 1998 (OJ C 80, 16. 3. 1998, p. 209), Council Common Position of 29 June 1998 (OJ C 262, 19. 8. 1998, p. 1) and Decision of the European Parliament of 20 October 1998 (OJ C 341, 9. 11. 1998). Council Decision of 7 December 1998.
[4] OJ L 319, 12. 12. 1994, p. 7. Directive as amended by Directive 96/86/EC (OJ L 335, 24. 12. 1996, p. 43).
[5] Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type approval of motor vehicles and their trailers (OJ L 42, 23. 2. 1970, p. 1). Directive as last amended by Directive 98/14/EC (OJ L 91, 25. 3. 1998, p. 1).

HAVE ADOPTED THIS DIRECTIVE:

Article 1

This Directive shall apply to vehicles of categories 'N' and 'O', as defined in Article 2 and Annex II to Directive 70/156/EEC, intended for the transport of dangerous goods by road within or between Member States.

The scope, definition, classification and requirements relating to such vehicles and the administrative provisions for EC type approval thereof are set out in Annexes I and II respectively to this Directive.

Article 2

For the purposes of this Directive:

— *'dangerous goods'* shall mean substances and articles as defined in Article 2 of Directive 94/55/EC,

— *'transport'* shall mean road transport operation as defined in Article 2 of Directive 94/55/EC.

Article 3

Directive 70/156/EEC shall be amended by the addition of:

(a) the following item to Annex I:

'14. SPECIAL PROVISIONS FOR VEHICLES INTENDED FOR THE TRANSPORT OF DANGEROUS GOODS

14.1. **Electrical equipment according to Directive 94/55/EC**

14.1.1. Protection against overheating of conductors: .....

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14.1.2. Type of circuit breaker: .....

.....

14.1.3. Type and operation of battery master switch: .....

.....

14.1.4. Description and location of safety barrier for tachograph: .....

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14.1.5. Description of permanently energised installations. Indicate the EN standard applied: .....

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14.1.6. Construction and protection of electrical installation situated to the rear of the driver's compartment: .....

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14.2. **Prevention of fire risks**

14.2.1. Type of not readily flammable material in the driver's compartment: .....

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14.2.2. Type of heat shield behind the driver's compartment (if applicable): .....

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14.2.3. Position and heat protection of engine: .....

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14.2.4. Position and heat protection of the exhaust system: .....

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14.2.5. Type and design of the endurance braking systems heat protection: .....

.....

14.2.6. Type, design and position of combustion heaters: .....

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14.3. **Special requirements for bodywork, if any, according to Directive 94/55/EC**

14.3.1. Description of measures to comply with the requirements for Type EX/II and Type EX/III vehicles: .....

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14.3.2. In the case of Type EX/III vehicles, resistance against heat from the outside: .....

.....';

(b) the following item in Part I of Annex IV:

Subject	Directive number	Official Journal reference	Applicability									
			M_1	M_2	M_3	N_1	N_2	N_3	O_1	O_2	O_3	O_4
'56. Vehicles intended for the transport of dangerous goods	98/91/EC	L 11 of 16.1.1999				×	×	×	×	×	×	×'

Article 4

1. Member States may not:

— refuse, in respect of a type of vehicle, to grant EC type approval or to grant national type approval, or

— prohibit the registration, sale or entry into service of base vehicles or complete vehicles as defined in Article 2 of Directive 70/156/EEC

on grounds relating to the transport of dangerous goods if the requirements of the Annexes to this Directive are fulfilled.

2. Member States may not prohibit the registration, sale or entry into service of a vehicle completed from a base vehicle as defined in Article 2 of Directive 70/156/EEC on grounds relating to the base vehicle and to the transport of dangerous goods:

— if for the base vehicle the requirements of the Annexes to this Directive are fulfilled and if the completion of the base vehicle has not invalidated this compliance, or

— if for the completed vehicle the requirements of the Annexes to this Directive are fulfilled.

Article 5

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 16 January 2000 at the latest, and 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 a reference shall be laid down by the Member States.

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

Article 6

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

Article 7

This Directive is addressed to the Member States.

Done at Brussels, 14 December 1998.

For the European Parliament	*For the Council*
The President	*The President*
J. M. GIL-ROBLES	W. MOLTERER

LIST OF ANNEXES

Annex I: Scope, definition, classification, requirements

Annex II: Administrative provisions for EC type approval

Appendix 1: Information document

Appendix 2: EC type-approval certificate

Addendum