



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a
EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE
RELATING TO MOTOR VEHICLES AND THEIR TRAILERS
WITH REGARD TO THE TRANSPORT OF
DANGEROUS GOODS BY ROAD
AND AMENDING
DIRECTIVE 70/156/EEC
IN RESPECT OF THE TYPE-APPROVAL
OF
MOTOR VEHICLES AND THEIR TRAILERS

(presented by the Commission)

EXPLANATORY MEMORANDUM

A. Objective of the proposal

The objective of this proposal for a Directive is to establish the technical requirements for motor vehicles and their trailers intended for the transport of dangerous goods by road. The Directive will contribute to ensuring that the technical conditions exist to ensure that the dangerous goods is safeguarded during their transport.

The establishment of a European system of type-approval for vehicles used for the transport of dangerous goods by road will offer significant advantages to manufacturers who will then be subject to one set of rules for the construction of vehicles. These vehicles will be accepted throughout the Union. In addition, costs will come down as the internal market for these vehicles is realised. This situation has obvious benefits also for operators and users.

B. Legal basis

The draft proposal lays down requirements on the basis of Article 100A of the Treaty and provides for total harmonisation of the relevant technical provisions of vehicles intended for the transport of dangerous goods by road. This approach is consistent with the general approach followed in the motor vehicle sector as established in the framework Directive regulating the type-approval of motor vehicles⁽¹⁾ in the European Union (Council Directive 70/156/EEC⁽²⁾ of 6 February 1970, as last amended by Directive 95/54/EC⁽³⁾).

The text is relevant for the EEA Treaty

(1) It will be recalled that at the current time, whole vehicle type-approval is only possible for cars, since it is only for this product sector that all the "separate" directives have been adopted and implemented. Whole vehicle type-approval is currently mandatory for new types of cars from 1 January 1996 in the Union.

By contrast, for all other vehicle categories, certain separate directives still have to be adopted before a whole vehicle type-approval can be envisaged. In the case of vehicles used for the transport of dangerous goods one key directive is missing, namely, a directive on the technical construction characteristics and the fitting out of those vehicles. This draft directive, which is based on article 100A of the Treaty, addresses this gap.

(2) OJ No. L 42, 23. 2. 1970, p. 1

(3) OJ No. L 266, 08. 11. 1995, p. 1

C. Background

All Member States except Ireland are Contracting Parties to the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR Agreement)⁽⁴⁾.

Directive 94/55/EC⁽⁵⁾ has transposed into Community law the provisions of the ADR-Agreement which stipulates, inter alia, requirements regarding the construction of vehicles transporting dangerous goods by road. This Directive will be applied on a mandatory basis from January 1997 for the construction of vehicles to be used in national transport of dangerous goods by road and for the transport of such goods between Member States. However, this Directive does not ensure that the construction characteristics of the vehicle used to transport the dangerous goods will be accepted by other Member States. In order for this to be accomplished, a separate Directive, within the European system of type-approval, needs to be accepted so as to provide free circulation of the vehicles within the Community on the basis of harmonised construction characteristics. This Directive achieves this aim.

It is therefore a companion Directive to Council Directive 94/55/EC and lays down special provisions for

- the suitable design and construction of the base vehicle intended for the transportation of dangerous goods; and
- technical specifications regarding
 - electrical equipment,
 - braking system, (e.g. ABS and endurance braking system)
 - fire risk prevention, and
 - speed limitation

These provisions are based on the provisions of Council Directive 94/55/EC (a direct reference is made in this Directive). Compliance with all the relevant technical requirements of this Directive will ensure free circulation for the vehicles concerned within the internal market of the EU. Thus when a vehicle type obtains an approval in accordance with this Directive, Member States will be neither able to prohibit manufacturers from

⁽⁴⁾ BCE/TRANS/110 (Vol I and II), Geneva 30.09.1957

⁽⁵⁾ OJ No. L 319, 12. 12. 1994, p. 7

offering it for sale, nor to refuse its registration nor entry into service for reasons relating to its construction.

Like all other separate Directives relating to type-approval of commercial vehicles - except those on air polluting or noise emissions - this new Directive will be based on optional harmonisation. Member States may require that only the prescriptions of the EC separate Directive apply. Alternatively they may maintain national legislation on this matter in which case the manufacturer can choose between this and the harmonised requirements. Member States are free to oblige a manufacturer, who has not opted for an EC type-approval, to comply with their national requirements.

This Directive does not effect national or Community legislation addressing the use of such vehicles. The administrative provisions of the draft proposal are aligned with those of Directive 70/156/EEC, in order to ensure its continued applicability.

This Directive shall remain optional until such time as the framework Directive 92/53/EEC becomes mandatory for vehicles used for the transport of dangerous goods by road in all Member States. Whenever a manufacturer chooses to avail himself of the provisions of this Directive, he shall be permitted to do so, and other Member States shall give free circulation to vehicles, the technical requirements of which meet the conditions of this Directive.

D. Consultations of interested parties

In 1994, the Commission requested the Motor Vehicle Working Group (Motor Vehicle Working Group)⁽⁶⁾ to study a draft proposal for a Directive relating to vehicles used for the transport of dangerous goods by road which would remove existing technical barriers to the free movement of these vehicles. This Working Group has assisted the Commission with the preparation of the Annexes used for the drafting of the present proposal for a Directive.

(6) An advisory Group of Member States, international organisations and interested Industry Groups, as well as consumers and operators.

E. Content of the proposal

Articles

Generally speaking, the articles are similar to those of the other separate Directives adopted under framework Directive 70/156/EEC, and apply the provisions of the latter.

Annexes

Annex I contains the scope and the classification for five classes of vehicles, defined as follows:

- EX/II** for vehicles intended for the carriage of explosives as type II transport units;
- EX/III** for vehicles intended for the carriage of explosives as type III transport units;
- FL** for vehicles intended for the carriage of liquids with a flash-point of not more than 61°C or flammable gases, in tank-containers of more than 3000 litres capacity, fixed tanks or demountable tanks and for battery vehicles of more than 1000 litres capacity intended for the carriage of flammable gases;
- OX** for vehicles intended for the carriage of substances of class 5.1, marginal 2501, item 1°(a), in tank-containers of more than 3000 litres capacity, fixed tanks or demountable tanks;
- AT** for vehicles intended for the carriage of dangerous goods in tank-containers with a capacity of more than 3000 litres, fixed tanks or demountable tanks and for battery vehicles of more than 1000 litres capacity, other than those of types FL or OX;

In Annex II and Appendix 1 and 2 an example of the EC type-approval marking is given to be used when the approval authorities have granted type-approval in accordance with framework Directive 70/156/EEC.

* * *

PROPOSAL FOR A EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE RELATING TO MOTOR VEHICLES AND THEIR TRAILERS, WITH REGARD TO THE TRANSPORT OF DANGEROUS GOODS BY ROAD AND AMENDING DIRECTIVE 70/156/EEC IN RESPECT OF 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⁾,

Acting in accordance with the procedure laid down in Article 189B of the Treaty⁽²⁾

Having regard to the opinion of the Economic and Social Committee⁽³⁾,

Having regard to Council Directive 94/55/EC⁽⁴⁾ on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road,

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 the technical requirements for motor vehicles and their trailers, pursuant to national laws relating to the transport of dangerous goods by road must be fulfilled; Whereas these requirements differ from Member State to another,

Whereas these different procedures and requirements create technical barriers to trade regarding the provisions for vehicles intended for the transport of dangerous goods by road;

Whereas in order to eliminate technical barriers to trade regarding the provisions for vehicles intended for the transport of dangerous goods by road and to allow the market organisations in questions to operate smoothly;

(1) OJ No.

(2) OJ No.

(3) OJ No.

(4) OJ No. L 319, 12. 12. 1994, p. 7

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 Council Directive 70/156/EEC⁽⁵⁾, as last amended by Directive 95/54/EC⁽⁶⁾;

Whereas, consequently, the provisions laid down in Directive 70/156/EEC relating to vehicle systems, components and separate technical units apply to this Directive;

Whereas, in particular, Articles 3 (4) and 4 (3) of Directive 70/156/EEC necessitate that each separate Directive has attached to it an information document 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;

HAS ADOPTED THIS DIRECTIVE:

⁽⁵⁾ OJ No. L 42, 23.02.1970, p.1

⁽⁶⁾ OJ No. L 266, 08.11.1995, p. 1

Article 1

This Directive shall apply to vehicles of categories 'N' and 'O' intended for the transport of dangerous goods by road within or between Member States.

Article 2

For the purposes of this Directive:

- 'vehicle' shall mean any motor vehicle, other than M, and its trailers as defined in Annex IIA to Directive 70/156/EEC.
- 'ADR' shall mean the European Agreement as defined in Article 2 to Directive 94/55/EC
- 'dangerous goods' shall mean substances and articles as defined in Article 2 to Directive 94/55/EC
- 'transport' shall mean road transport operation as defined in Article 2 to Directive 94/55/EC

Article 3

Directive 70/156/EEC shall be amended by the addition of items in Part I of Annex IV as follows:

"Part I

56 Transport of dangerous goods 97/xxx/EC OJ L...etc. N₁; N₂; N₃; O₁; O₂; O₃; O₄"

Article 4

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 or use of vehicles

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

Article 5

Any amendments necessary to adapt the requirements of the Annexes to this Directive to technical progress shall be adopted in accordance with the procedures laid down in Article 13 of Directive 70/156/EEC.

Article 6

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive on or before [1 January 1997]. They shall forthwith inform the Commission thereof.

When the Member States adopt these provisions they shall contain a reference to this Directive or shall be accompanied by such a 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 7

Member States shall apply these provisions from [1 January 1997].

Article 8

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

Article 9

This Directive is addressed to the Member States.

Done at Brussels,

For the Parliament

For the Council

LIST OF ANNEXES

- Annex I** Scope, classification, requirements
- Annex II** Administrative provisions for type-approval
- Appendix 1: Information document.
- Appendix 2: EC type-approval certificate
- Addendum

ANNEX I

1. Scope

- 1.1 This Directive shall apply to a chassis-cab vehicle, a tractor for semi-trailer or trailer-chassis or a trailer with self-supporting body intended for the transport of dangerous goods by road (see marginal 220 200 (1) of Annex B to Directive 94/55/EC).

2. Definition

- 2.1 For the purposes of categories N₁, N₂, N₃, O₁, O₂, O₃ and O₄ 'type' shall consist of vehicles which do not differ in at least the following essential aspects:

- manufacturer,
- manufacturer's type designation,
- category,
- essential aspects of construction and design,
 - chassis / floor pan (obvious and fundamental differences),
 - number of axles,
 - power plant (internal combustion / electric / hybrid);

3 Classification

- 3.1 The vehicles are classified according to marginal 220 301 of Annex B to Directive 94/55/EC as follows:

- 3.1.1 **EX/II** for vehicles intended for the carriage of explosives as type II transport units;
- 3.1.2 **EX/III** for vehicles intended for the carriage of explosives as type III transport units;
- 3.1.3 **FL** for vehicles intended for the carriage of liquids with a flash-point of not more than 61°C or flammable gases, in tank-containers of more than 3000 litres capacity, fixed tanks or demountable tanks and for battery vehicles of more than 1000 litres capacity intended for the carriage of flammable gases;
- 3.1.4 **OX** for vehicles intended for the carriage of substances of class 5.1, marginal 2501, item 1°(a), in tank-containers of more than 3000 litres capacity, fixed tanks or demountable tanks;
- 3.1.5 **AT** for vehicles intended for the carriage of dangerous goods in tank-containers with a capacity of more than 3000 litres, fixed tanks or demountable tanks and for battery vehicles of more than 1000 litres capacity, other than those of types FL or OX;

4

Requirements

The requirements regarding the construction of vehicles intended for the carriage of dangerous goods by road including the provisions for their type-approval, where appropriate, laid down in marginals 220 500 to 220 540 of Annex B to Directive 94/55/EC shall be fulfilled.

ANNEX II

ADMINISTRATIVE PROVISIONS FOR TYPE-APPROVAL

1. APPLICATION FOR EC TYPE-APPROVAL

- 1.1 The application for EC type-approval pursuant to Article 3 (4) of Directive 70/156/EEC of a vehicle type with regard to the transport of dangerous goods by road shall be submitted by the manufacturer.
- 1.2 A model of the information document is given in Appendix 1.
- 1.3 A vehicle representative of the vehicle type to be approved shall be submitted to the technical service responsible for conducting the type-approval tests.
- 1.4 The manufacturer shall be entitled to present any data and results of tests carried out which make it possible to establish that compliance with the requirements can be achieved with a sufficient degree of confidence.

2. GRANTING OF EC TYPE-APPROVAL

- 2.1 If the relevant requirements are satisfied, EC type-approval pursuant to Article 4 (3) and, if applicable 4 (4) of Directive 70/156/EEC shall be granted.
- 2.2 A model of the EC type-approval certificate is given in Appendix 2.
- 2.3 An approval number in accordance with Annex VII to Directive 70/156/EEC shall be assigned to each type of vehicle approved. The same Member State shall not assign the same number to another type of vehicle.
- 2.4 In case of doubt, account shall be taken, when verifying the compliance of the vehicle with the requirements of this Directive, of any data or test results provided by the manufacturer which can be taken into consideration in validating the approval test carried out by the approval authority.

3. MODIFICATION OF THE TYPE AND AMENDMENTS TO APPROVALS

- 3.1 In the case of modification of a vehicle type approved pursuant to this Directive, the provisions of Article 5 of Directive 70/156/EEC shall apply.
- 3.2 A partial test as defined by the technical service in relation to the modifications made may be carried out.

4. CONFORMITY OF PRODUCTION

Measures to ensure the conformity of production shall be taken in accordance with the provisions laid down in Article 10 of Directive 70/156/EEC.

APPENDIX 1

INFORMATION DOCUMENT No:

pursuant to Annex I of Council Directive 70/156/EEC
relating to the EC type-approval of a vehicle
intended for the transport of dangerous goods by road

The following information, if applicable, must be supplied in triplicate and include a list of contents. Any drawings must be supplied in appropriate scale and in sufficient detail on size A4 or on a folder of A4 format. Photographs, if any, must show sufficient detail.

If the systems, components or separate technical units have electronic controls, information concerning their performance must be supplied.

0 GENERAL

- 0.1 Make (trade name of manufacturer):
- 0.2 Type of vehicle:
- 0.2.1 Commercial name (s) (if applicable).....
- 0.3 Means of identification of type, if marked on the vehicle(b):.....
- 0.3.1 Location of that marking:
- 0.4 Category of vehicle(c):
- 0.4.1 Classification(s) according to the dangerous goods which the vehicle is intended to transport
- 0.5 Name and address of manufacturer:
- 0.8 Address(es) of assembly plant(s):.....

1. GENERAL CONSTRUCTION CHARACTERISTICS OF THE VEHICLE

- 1.1 Photographs and/or drawings of a representative vehicle:
- 1.6 Position and arrangement of the engine:

2. MASSES AND DIMENSIONS (e) (in kg and mm)

- 2.4.2 For chassis with bodywork
 - 2.4.2.1 Length (j):.....
 - 2.4.2.2 Width (k):
 - 2.4.2.2.1 Width of the bodywork of a refrigerator vehicle (k):.....
 - 2.4.2.3 Height (unladen) (l) (for suspensions adjustable for height, indicate normal running position)
- 2.8 Technically permissible maximum laden mass stated by the manufacturer (y) (max. and min):

3. POWER PLANT (q)

3.2 Internal combustion engine

3.2.1.1 Working principle:

positive ignition / compression ignition, four stroke / two stroke⁽¹⁾

8. BRAKES

8.11 Particulars of the type(s) of endurance braking system(s):

9. BODYWORK

9.1 Type of bodywork:.....

9.2 Materials used and method of construction:.....

⁽¹⁾The item numbers and footnotes used in this information document correspond to those set out in Annex I to Directive 70/156/EEC. Items not relevant for the purpose of this Directive are omitted.

APPENDIX 2

MODEL

(maximum format: A4 (210 x 297 mm))

EC TYPE-APPROVAL CERTIFICATE

Stamp of
Administration

Communication concerning the:

- type-approval⁽¹⁾
- extension of type-approval⁽¹⁾
- refusal of type-approval⁽¹⁾
- withdrawal of type-approval⁽¹⁾

of a type of vehicle / component / separate technical unit⁽¹⁾ with regard to Directive.../.../EC

Type-approval number:

Reason for extension:

.....

.....

.....

(1) Delete where not applicable

SECTION I

- 0.1 Make (trade name of manufacturer):
- 0.2 Type of vehicle:
- 0.2.1 Commercial name (s) (if applicable).....
- 0.3 Means of identification of type, if marked on the vehicle / component / separate technical unit⁽²⁾:
- 0.3.1 Location of that marking:
- 0.4 Category of vehicle⁽¹⁾ ⁽³⁾:
- 0.5 Name and address of manufacturer:
- 0.8 Address(es) of assembly plant(s):.....

(2) If the means of identification of type contains characters not relevant to describe the vehicle, component or separate technical unit types covered by this type-approval certificate, such characters shall be represented in the documentation by the symbol "7" (e.g. ABC77123777).

(3) As defined in Annex IIA to Directive 70/156/EEC

SECTION II

- 1 Additional information (where applicable) (see Addendum)
- 2 Technical service responsible for carrying out the tests:
.....
- 3 Date of test report:
- 4 Number of test report:
- 5 Remarks (if any) (see Addendum)
- 6 Place:
- 7 Date:
- 8 Signature:
- 9 The index to the information package lodged with the approval authority, which
may be obtained on request, is attached.

ADDENDUM

to EC type-approval certificate No.:.....
concerning the type-approval of a vehicle with regard to
Directive / /EC.

- 1 Additional information
- 1.1 Classification
- 1.2 Brief description of the vehicle type as regards its structure, dimensions,
and constituent materials:
.....
.....
- 1.4 Site of engine forward / rear / central⁽¹⁾
- 1.5 Drive: front-wheel / rear-wheel⁽¹⁾
- 1.6 Mass of vehicle submitted for testing
Front axle: kg
Rear axle: kg
Total: kg
- 5 Remarks: (e.g., valid for left-hand drive and right-hand drive vehicles):
.....
.....
.....

(1) Delete where not applicable

IMPACT STATEMENT ON COMPETITIVENESS AND JOBS

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- I. What is the main justification of the measure ?
- Harmonisation of national laws
 - Improvements to road safety
 - Adaptation to Technical Progress
- II. Characteristics of the companies involved, more particularly :
- do they include a large number of small- and medium-sized businesses ? No
 - eligible for Member State regional aid ? No
 - eligible under the European Regional Development Fund ? No
- III. What obligations are imposed on those companies ? No obligations
- IV. What obligations are likely to be imposed indirectly upon those companies via the local authorities ? No additional obligations
- V. Do any special measures apply to small- and medium sized businesses ? No
- VI. What is the foreseeable outcome :
- on company productivity ? No negative effect
 - on jobs ? No negative effect
- VII. Have both sides of industry been consulted ? No