

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(94) 238 final - SYN 477
Brussels, 02.06.1994

Amended proposal for a

COUNCIL DIRECTIVE

**on the approximation of the laws of the
Member States with regard to the transport
of dangerous goods by road**

(presented by the Commission pursuant to Article 189 A (2)
of the EC-Treaty)

Explanatory memorandum

Subject : Amendment to the proposal for a Council Directive on the approximation of the laws of Member States with regard to the transport of dangerous goods by road.

Background

In line with measures announced in the Communication from the Commission to the Council for an action programme on Road Safety in 1993¹, the Commission has drawn up this Directive to ensure a uniform provision throughout the Community for the transport of dangerous goods at national and international level.

Both the European Parliament's² and the Economic and Social Committee's³ reports on the proposal are generally supportive of the initiative. The following amendments to its original proposal can be accepted by the Commission.

Amendment 1 limits the derogation covering non-certified packagings to national territory.

Amendment 2 excludes from the derogation for small quantities of medium or highly radioactive material.

¹ COM (93)246 of 9 June 1993

² O.J.

³ O.J.

COUNCIL DIRECTIVE

**on the approximation of the laws of the
Member States with regard to the transport
of dangerous goods by road**

The proposal from the Commission forming the subject of document COM(93)548 final⁴ is hereby amended as follows :

Initial text proposed by the Commission	Amended text
Amendment n° 1 Article 6(5)	
<p>5. Each Member State may allow the use of packagings constructed and not certified in accordance with the provisions of the ADR before the date of application of this Directive, provided that the packaging shows the date of manufacture and that it would be capable of passing the appropriate tests according to the requirements in national legislation in force up to the date of application of this Directive and provided that all such packagings are maintained to the relevant safety levels (including testing and inspection where required), according to the following scheme : metal intermediate bulk containers and stainless steel and aluminium drums for a maximum period of 15 years from their date of manufacture; other metal and plastics packagings for a maximum period of 5 years from their date of manufacture but not after 31 December 1998.</p>	<p>5. Each Member State may allow the use, <u>on its territory</u>, of packagings constructed and not certified in accordance with the provisions of the ADR before the date of application of this Directive, provided that the packaging shows the date of manufacture and that it would be capable of passing the appropriate tests according to the requirements in national legislation in force up to the date of application of this Directive and provided that all such packagings are maintained to the relevant safety levels (including testing and inspection where required), according to the following scheme : metal intermediate bulk containers and stainless steel and aluminium drums for a maximum period of 15 years from their date of manufacture; other metal and plastics packagings for a maximum period of 5 years from their date of manufacture but not after 31 December 1998.</p>

⁴ O.J. C 17/6 - 20.1.1994

Initial text proposed by the Commission	Amended text
Amendment n°2 Article 6(7)	
<p>7. Each Member State may retain less stringent provisions than those set out in Annexes A & B to this Directive for national transport of small quantities of certain dangerous goods. It shall inform the Commission of the legal provisions concerned.</p>	<p>7. Each Member State may retain less stringent provisions than those set out in Annexes A & B to this Directive for national transport of small quantities of certain dangerous goods, <u>with the exception of medium and highly radio-active substances or goods</u>. It shall inform the Commission of the legal provisions concerned.</p>

ISSN 0254-1475

COM(94) 238 final

DOCUMENTS

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06 07

Catalogue number : CB-CO-94-250-EN-C

ISBN 92-77-69639-7

Office for Official Publications of the European Communities
L-2985 Luxembourg