COMMISSION OF THE EUROPEAN COMMUNITIES

COM(94) 340 final-SYN 487

Brussels, 29.07.1994

Amended proposal for a

COUNCIL DIRECTIVE

ON UNIFORM PROCEDURES FOR CHECKS ON THE TRANSPORT OF DANGEROUS GOODS BY ROAD

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

EXPLANATORY MEMORANDUM

A. On 15 December 1993, the Commission sent to the Council a proposal for a Directive on uniform procedures for checks on the transport of dangerous goods by road (COM(93)665 final - SYN 487[1]).

On 27 April 1994[2], the Economic and Social Committee adopted its opinion which supports the Commission in the principle and the objectives of the proposed Directive, subject to comments on some practical difficulties.

On 3 May 1994[3], the European Parliament approved the proposal at its first reading.
The Commission accepts seven of the twelve requests.

Furthermore, the Commission could not accept the other amendments proposed by the Parliament for the following reasons :

- Amendment to article 4 a) :

the scope of this article would be reduced.

- Amendment to article 5 :

the effects of this article would be weakened as the amendment expresses a possibility only whereas the original article imposes an obligation.

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1 OJ N° C 26 of 29.1.1994, p. 10.

2 OJ N° C

3 OJ N° C

- Amendment to article 9 :

too heavy and disproportionate a workload would be imposed on the Member States and the Commission in comparison with the aim of the proposal.

- Amendments to Annexes I and II :

the obligation to carry out checks and to foresee infringements on standards - already the subject of other Community legislation - is unacceptable.

B. The Commission therefore proposes to amend its proposal as follows:

Amendment n° 1 adds a new recital to justify the necessity for Member States to inform the Commission on the enforcement of the controls.

Amendment n° 2 relates to the undertakings in which dangerous goods are temporarily stored in the course of a transport operation and which should be subject to checks.

Amendment n° 3 stipulates when an infringing vehicle can be immobilized.

Amendment n°4 states that, in case of the examination of the samples of the goods transported by a laboratory, the latter shall be recognized by the competent authorities.

Amendment n°5 modifies the text of Article 6(1) from a linguistic viewpoint in the official languages of the Communities (not applicable to the English version).

Amendment n° 6 postpones the date of entry into force of the Directive from 1 January 1995 to 1 January 1996.

Amendment n° 7 adds in the checklist (Annex I) an item to be covered regarding the condition of the vehicle in conformity with marginal 10 282 of the ADR.

Amended proposal for a

COUNCIL DIRECTIVE ON UNIFORM PROCEDURES FOR CHECKS ON THE TRANSPORT OF DANGEROUS GOODS BY ROAD

The proposal from the Commission forming the subject of document COM(93)665 final - SYN 487[1] is hereby amended as follows :

Initial text proposed by the Commission	Amended text
Amendment n° 1 Recital 7a (new)	
	Whereas it is necessary to monitor the enforcement of these provisions with a view to achieving common standards across the Community;

1 OJ N° C 26 of 29.1.1994, p. 10.

Initial text proposed by the Commission	Amended text
Amendment n° 2 Article 2, second indent	
'undertakings' means any natural person, whether or not profit-seeking, any association or group of persons without legal personality, whether or not profit-seeking, and any body coming under a public authority, whether itself possessing legal personality or dependent on an authority having such personality, which carry, load, or unload dangerous goods or cause them to be carried, and those which store, collect, package or take delivery of such goods for their later conveyance, which are located in the territory of the Community;	'undertakings' means any natural person, whether or not profit-seeking, any association or group of persons without legal personality, whether or not profit-seeking, and any body coming under a public authority, whether itself possessing legal personality or dependent on an authority having such personality, which carry, load, or unload dangerous goods or cause them to be carried, and those which temporarily store, collect, package or take delivery of such goods as part of a transport operation, which are located in the territory of the Community;

Initial text proposed by the Commission	Amended text
Amendment n° 3 Article 4(c)	
(c) These places shall be selected so as to make it possible to bring infringing vehicles into compliance or to immobilize them without causing a safety hazard.	(c) These places shall be selected so as to make it possible to bring infringing vehicles into compliance or, when the authority which carries out the check considers it to be appropriate, to immobilize them without causing a safety hazard.

Initial text proposed by the Commission	Amended text
Amendment n° 4 Article 4(d)	
(d) Where appropriate, samples of the goods transported may be taken for examination by recognized laboratories.	(d) Where appropriate, samples of the goods transported may be taken for examination by a laboratory recognized by the competent authorities.

Initial text proposed by the Commission	Amended text
Amendment n° 5 Article 6(1)	
1. Checks may also be carried out at the premises of undertakings, in particular where infringements which jeopardize safety in the transport of dangerous goods have been recorded on the road.	Not applicable to English version.

Initial text proposed by the Commission	Amended text
Amendment n° 6 Article 10(1), first subparagraph	
1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 1995. They shall forthwith inform the Commission thereof.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 1996. They shall forthwith inform the Commission thereof.

Initial text proposed by the Commission	Amended text
Amendment n°7 **ANNEX I, 'Vehicle equipment' title and item 22a (new)**	
Vehicle equipment	Vehicle equipment and condition 22a. Vehicle condition shall comply with marginal 10 282 of the ADR.

Remainder unchanged

Done at Brussels **For the Council**

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DOCUMENTS

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