

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1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road (repealed)

CHAPTER II

**Derogations, restrictions and exemptions**

*Article 5*

1 Without prejudice to other Community legislation, in particular that on market access, each Member State shall retain the right, strictly for reasons other than safety during transport, such as reasons of national security or environmental protection, to regulate or prohibit the transport of certain dangerous goods within its territory.

2 Any rules imposed by a Member State on vehicles performing international transport through its territory and authorized [<sup>F1</sup>by the special provision referred to in paragraph 2 of Annex C] shall be limited in scope locally, shall apply to both national and international transport and may not result in any discrimination.

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a Each Member State may apply more stringent provisions concerning transport, with the exception of construction requirements, performed by vehicles registered or put into circulation within its territory.

[<sup>F1</sup>b Member States may, however, maintain their specific national provisions on the centres of gravity of tank-vehicles registered within their territories until the amendment, if any, of the special provision referred to in paragraph 3 of Annex C, but not, in any event, after 30 June 2001 in the case of tank-vehicles covered by the special provision referred to in paragraph 3 of Annex C, in accordance with the amended version of the ADR applicable as from 1 July 2001 and not, in any event, after 30 June 2005 in the case of other tank-vehicles.]

[<sup>F2</sup>c Member States in which the ambient temperature is regularly lower than – 20 °C may impose more stringent standards as regards the operating temperature of materials used for plastic packaging, tanks and their equipment intended for use in the national transport of dangerous goods by road within their territory until provisions on the appropriate reference temperatures for given climatic zones are incorporated in the Annexes.]

4 If a Member State considers that the safety provisions applicable have been found to be insufficient, on the occasion of an accident or an incident, to limit the hazards involved in transport and if there is an urgent need to take action, it shall notify the Commission, at the planning stage, of the measures which it proposes to take. Acting in accordance with the procedure laid down in Article 9, the Commission shall decide whether the implementation of those measures should be authorized and determine their duration.

5 The Member States may maintain any national provisions applicable on 31 December 1996 with regard to:

- the transport of Class 1.1 substances,
- the transport of toxic, unstable and/or flammable gases of Class 2,
- the transport of substances containing dioxins or furans,

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- the transport in tanks or tank-containers of more than 3 000 litres of liquids of Classes 3, 4.2, 4.3, 5.1, 6.1 or 8 which do not appear under (b) or (c) in these classes.

Such provisions may concern only:

- the prohibition of such transport operations by road where it is possible for them to be carried out by rail or by inland waterway,
- a requirement to follow certain preferred routes,
- any other provisions concerning the packaging of substances containing dioxins or furans.

These provisions may not be extended or made more stringent. The Member States shall communicate these national provisions to the Commission, which shall inform the other Member States accordingly.

#### **Textual Amendments**

- F1** Substituted by [Directive 2000/61/EC of the European Parliament and of the Council of 10 October 2000 amending 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.](#)
- F2** Inserted by [Directive 2000/61/EC of the European Parliament and of the Council of 10 October 2000 amending 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.](#)