

Council Directive 96/49/EC of 23 July 1996 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail (repealed)

COUNCIL DIRECTIVE 96/49/EC

of 23 July 1996

on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail (repealed)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission<sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>(2)</sup>,

Acting in accordance with the procedure referred to in Article 189c of the Treaty<sup>(3)</sup>,

- (1) Whereas in recent years the transport of dangerous goods by rail has considerably expanded, thus increasing the risks of accidents occurring; whereas measures must therefore be taken to ensure that such transport is carried out under the best possible conditions of safety;
- (2) Whereas all Member States are Contracting Parties to the Convention concerning international carriage by rail (COTIF), which, in Appendix B thereto, defines uniform rules concerning the contract for international carriage of goods by rail (CIM), Annex 1 to which constitutes the regulations concerning the international carriage of dangerous goods by rail (RID); whereas the geographical scope of the Convention extends beyond the Community;
- (3) Whereas the Convention does not cover the national carriage of dangerous goods by rail; whereas it is therefore important to ensure the uniform application of harmonized safety rules throughout the Community; whereas the most appropriate way of achieving this is to align the laws applied by the Member States on the RID;
- (4) Whereas, in compliance with the principle of subsidiarity, these laws must be approximated in order to ensure a high level of safety for national and international transport operations, to guarantee the elimination of distortions of competition by facilitating the free movement of goods and services throughout the Community and to ensure consistency with the other Community provisions;
- (5) Whereas the provisions of this Directive are without prejudice to the commitment entered into by the Community and its Member States, in accordance with the goals set under Agenda 21, Chapter 19, at the UNCED Conference in June 1992 in Rio de Janeiro, to strive for the future harmonization of systems for the classification of dangerous substances;

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- (6) Whereas no specific Community legislation yet governs the safety conditions under which biological agents and genetically modified micro-organisms, regulated under Directives 90/219/EEC<sup>(4)</sup>, 90/220/EEC<sup>(5)</sup> and 90/676/EEDC<sup>(6)</sup> should be transported;
- (7) Whereas the provisions of this Directive are without prejudice to the application of other Community provisions in the field of worker safety and environmental protection;
- (8) Whereas the Member States must be able to apply specific traffic regulations to the transport on their territory of dangerous goods by rail;
- (9) Whereas, the Member States should retain the right, with regard to the transport of dangerous goods by rail, provisionally to implement rules in conformity with the United Nations recommendations on the multimodal transport of dangerous goods, in so far as the RID is not yet harmonized with those regulations, which should facilitate the inter-modal transport of dangerous goods;
- (10) Whereas each Member State must retain the right to regulate or prohibit, strictly for reasons other than safety, the internal transport of certain dangerous goods by rail;
- (11) Whereas account should be taken of the more stringent safety measures applied in the Channel Tunnel because of its specific characteristics, in particular its route and length; whereas provision should also be made for Member States to be able to introduce the same kind of measures where similar situations arise; whereas it must be possible for some Member States to apply more stringent standards for material intended for transport because of the ambient temperature in their countries;
- (12) Whereas, in view of the volume of investment required in this sector, a transitional period should be laid down to enable Member States to retain temporarily certain specific national provisions concerning construction requirements or the use of tanks, receptacles, packaging or an emergency action code;
- (13) Whereas the introduction of new developments in technology and industry must not be hindered; whereas temporary derogations should be provided for that purpose;
- (14) Whereas the provisions of the RID authorize the conclusion of agreements derogating therefrom; whereas the large number of agreements concluded bilaterally between Member States impedes the free provision of dangerous-goods transport services; whereas including the necessary provisions in the Annex to this Directive should overcome the need for such derogations; whereas provision should be made for a transitional period during which the Member States may continue to apply existing agreements amongst themselves;
- (15) Whereas the transport of dangerous goods by rail to or from a third country is authorized, provided it is carried out in accordance with the requirements of the RID; whereas, however, in the case of transport operations from and to the Republics of the former Soviet Union which are not contracting parties to the COTIF, the Member States are entitled to adopt appropriate measures with regard to such operations; whereas they guarantee a level of safety equivalent to that provided for in the RID;

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- (16) Whereas it must be possible to adapt this Directive rapidly to technical progress, notably by adoption of the new provisions laid down within the framework of the RID; whereas, for that purpose, a Committee should be set up and a procedure established for close cooperation between Member States and the Commission within that Committee,

HAS ADOPTED THIS DIRECTIVE:

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- (1) [OJ No C 389, 31. 12. 1994, p. 15](#), and amended proposal forwarded on 3 October 1995 (not yet published in the Official Journal).
- (2) [OJ No C 236, 11. 9. 1995, p. 36](#).
- (3) Opinion of the European Parliament of 13 July 1995 ([OJ No C 249, 25. 9. 1995, p. 138](#)), Council common position of 8 December 1995 ([OJ No C 356, 30. 12. 1995, p. 34](#)) and Decision of the European Parliament of 16 April 1996 ([OJ No C 141, 13. 5. 1996, p. 51](#)).
- (4) [OJ No L 117, 8. 5. 1990, p. 1](#). Directive amended by Commission Directive 94/51/EC ([OJ No L 297, 18. 11. 1994, p. 29](#)).
- (5) [OJ No L 117, 8. 5. 1990, p. 15](#). Directive amended by Commission Directive 94/15/EC ([OJ No L 103, 23. 4. 1994, p. 20](#)).
- (6) [OJ No L 374, 31. 12. 1990, p. 1](#). Directive as last amended by Commission Directive 95/30/EC ([OJ No L 155, 6. 7. 1995, p. 41](#)).