

Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (Text with EEA relevance)

*Article 1*

**Scope**

1 This Directive shall apply to the transport of dangerous goods by road, by rail or by inland waterway within or between Member States, including the activities of loading and unloading, the transfer to or from another mode of transport and the stops necessitated by the circumstances of the transport.

It shall not apply to the transport of dangerous goods:

- a by vehicles, wagons or vessels belonging to or under the responsibility of the armed forces;
  - b by seagoing vessels on maritime waterways forming part of inland waterways;
  - c by ferries only crossing an inland waterway or harbour; or
  - d wholly performed within the perimeter of an enclosed area.
- 2 Annex II, Section II.1, shall not apply to Member States that do not have a railway system, for as long as no such system is established within their territory.
- 3 Within one year of the entry into force of this Directive, Member States may decide not to apply Annex III, Section III.1, for one of the following reasons:
- a they have no inland waterways;
  - b their inland waterways are not linked, by inland waterway, to the waterways of other Member States; or
  - c no dangerous goods are transported on their inland waterways.

If a Member State decides not to apply the provisions of Annex III, Section III.1, it shall notify that decision to the Commission, which shall inform the other Member States.

- 4 Member States may lay down specific safety requirements for the national and international transport of dangerous goods within their territory as regards:
- a the transport of dangerous goods by vehicles, wagons or inland waterway vessels not covered by this Directive;
  - b where justified, the use of prescribed routes including the use of prescribed modes of transport;
  - c special rules for the transport of dangerous goods in passenger trains.

They shall inform the Commission of such provisions and their justifications.

The Commission shall inform the other Member States accordingly.

5 Member States may regulate or prohibit, strictly for reasons other than safety during transport, the transport of dangerous goods within their territory.