

ANNEX II

TRANSPORT BY RAIL

II.2. Additional transitional provisions

1. Member States may maintain derogations adopted on the basis of Article 4 of Directive 96/49/EC until 31 December 2010 or until Annex II, Section II.1 is amended to reflect the UN Recommendations on the Transport of Dangerous Goods referred to in that article if this occurs earlier.
2. Within its territory each Member State may authorise the use of wagons and tank wagons of gauge 1 520/1 524 mm constructed before 1 July 2005 which do not comply with this Directive but were constructed in accordance with Annex II to the SMGS or with that Member State's national provisions in force on 30 June 2005, provided that those wagons are maintained to the required safety levels.
3. Within its territory each Member State may authorise the use of tanks and wagons constructed before 1 January 1997 which do not comply with this Directive but were constructed in accordance with the national requirements in force on 31 December 1996, provided that such tanks and wagons are maintained to the required safety levels.

Tanks and wagons constructed on or after 1 January 1997 which do not comply with this Directive but were constructed in accordance with the requirements of Directive 96/49/EC that were applicable on the date of their construction may continue to be used for national transport.

4. Within its territory each Member State 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 rail until provisions on the appropriate reference temperatures for given climatic zones are incorporated into Annex II, Section II.1, to this Directive.
5. Within its territory each Member State may maintain national provisions other than those laid down in this Directive with regard to the reference temperature for the transport of liquefied gases or mixtures of liquefied gases, until provisions relating to appropriate reference temperatures for designated climatic areas are incorporated into European standards and referred to in Annex II, Section II.1, to this Directive.
6. Each Member State may, for transport operations performed by wagons registered within its territory, maintain the provisions of its national legislation in force on 31 December 1996 relating to the display or placement of an emergency action code or hazard card in place of the hazard identification number, provided for in Annex II, Section II.1, to this Directive.
7. For transport via the Channel Tunnel, France and the United Kingdom may impose provisions more stringent than those laid down in this Directive.
8. A Member State may maintain and adopt provisions for its territory on the transport of dangerous goods by rail from and to contracting parties of the OSJD. By means of appropriate measures and obligations the Member States concerned shall guarantee the maintenance of a level of safety equivalent to that provided for in Annex II, Section II.1.

The Commission will be informed of such provisions and will inform the other Member States accordingly.

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

Within 10 years of the entry into force of this Directive, the Commission will assess the consequences of the provisions mentioned in this paragraph. The Commission will, if necessary, submit appropriate proposals together with a report.

9. Member States may maintain national restrictions on the transport of substances containing dioxins and furans applicable on 31 December 1996.