

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 6*

**Derogations**

1 Member States may authorise the use of languages other than those provided for in the Annexes for transport operations performed within their territories.

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- a Provided that safety is not compromised, Member States may request derogations from Annex I, Section I.1, Annex II, Section II.1, and Annex III, Section III.1, for the transport within their territories of small quantities of certain dangerous goods, with the exception of substances having a medium or high level of radioactivity, provided that the conditions for such transport are no more stringent than the conditions set out in those Annexes.
- b Provided that safety is not compromised, Member States may also request derogations from Annex I, Section I.1, Annex II, Section II.1, and Annex III, Section III.1, for the transport of dangerous goods within their territory in the case of:
  - (i) local transport over short distances; or
  - (ii) local transport by rail on particular designated routes, forming part of a defined industrial process and being closely controlled under clearly specified conditions.

The Commission shall examine in each case whether the conditions laid down in subparagraphs (a) and (b) have been met and shall decide, in accordance with the procedure referred to in Article 9(2), whether to authorise the derogation and to add it to the list of national derogations set out in Annex I, Section I.3, Annex II, Section II.3, or Annex III, Section III.3.

3 Derogations under paragraph 2 shall be valid for a period not exceeding six years from the date of authorisation, such period to be fixed in the authorisation decision. As regards the existing derogations set out in Annex I, Section I.3, Annex II, Section II.3, and Annex III, Section III.3, the date of authorisation shall be deemed to be 30 June 2009. Unless indicated otherwise, derogations shall be valid for a period of six years.

Derogations shall be applied without discrimination.

4 If a Member State requests the extension of an authorisation for a derogation, the Commission shall review the derogation in question.

If no amendment to Annex I, Section I.1, Annex II, Section II.1, or Annex III, Section III.1, affecting the subject matter of the derogation has been adopted, the Commission, acting in accordance with the procedure referred to in Article 9(2), shall renew the authorisation for a further period not exceeding six years from the date of authorisation, such period to be fixed in the authorisation decision.

If an amendment to Annex I, Section I.1, Annex II, Section II.1, or Annex III, Section III.1, affecting the subject matter of the derogation has been adopted, the Commission, acting in accordance with the procedure referred to in Article 9(2), may:

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- a declare the derogation obsolete and remove it from the relevant Annex;
- b limit the scope of the authorisation and amend the relevant Annex accordingly;
- c renew the authorisation for a further period not exceeding six years from the date of authorisation, such period to be fixed in the authorisation decision.

5 Every Member State may, exceptionally and provided that safety is not compromised, issue individual authorisations to carry out transport operations of dangerous goods within its territory which are prohibited by this Directive or to carry out such operations under conditions different from those laid down in this Directive, provided that those transport operations are clearly defined and limited in time.