



EUROPEAN COMMISSION

DIRECTORATE-GENERAL III

INDUSTRY

Legislation and standardization and telematics networks

Standardization

M/086

MANDATE TO CEN FOR STANDARDIZATION IN THE FIELD OF THE TRANSPORT OF DANGEROUS GOODS

I. BACKGROUND.

1. Previous activities

On the basis of the Commission proposal for a Council Directive for pressure equipment of the "New Approach" type, in January 1993 a programming mandate (CEN/CLC/01-92) was sent to CEN and CENELEC for the development of a work programme related to pressure equipment, as defined in the scope of the proposal.

CEN responded to programming mandate CEN/CLC/01-92 on 19 May 1994 with an initial programme of standards. The matter in the programme was divided into two parts, the first related to pressure equipment and the second related to the transport of dangerous goods. The part related to the transport of dangerous goods is itself further divided into two parts, the first of which covers product related standards, and the second standards of a horizontal nature. As stated, the programme is an initial response to a programming request and will, it is considered, need to be modified in the light of developments in the drawing up of the standards and the process of adoption of the Directive. (CENELEC has indicated that at present it has no relevant activities to propose).

After the issue of this earlier mandate, however, the aspect of transport of dangerous goods was removed from the scope of the draft proposal for a Directive for pressure equipment, and instead it was decided to propose separate legislation for this aspect, (see paragraph I.2 below), covering therefore transportable pressure equipment intended for use in connection with the transport of dangerous goods.

In view of this legislative separation, the parts of the programme prepared in response to mandate CEN/CLC/01-92 that relate to the transport of dangerous goods have been excluded from the scope of the standardization mandate (M/071) given to CEN for aspects related to pressure equipment. It should nonetheless be noted that from a technical and standardization point of view, these aspects are thoroughly interrelated and that a strong coherence should be ensured between the two areas.

2. *Legal basis*

This mandate relates to Council Directive 94/55/EC on the approximation of the laws of the Member States concerning the transport of dangerous goods by road, (OJ L 319 of 12 December 1994, p.7) and to the parallel proposal for a Directive on the approximation of the laws of the Member States concerning the transport of dangerous goods by rail, shortly to be adopted by the Commission. These Directives aim to establish within the European Union a uniform set of rules for the safe intra-Union transport of dangerous goods by road and rail, in national and international traffic by extending the existing harmonized rules for international transport additionally to national transport within the Member States, so as to harmonize across the Union the conditions under which dangerous goods can be carried by road and rail; they also aim to establish a sufficient degree of harmonization to facilitate the free movement of goods and services, and to ensure a high level of safety for national and international transport operations.

The Directive on road transport includes as annexes the European Agreement concerning the International Carriage of Dangerous Goods by Road (1957, as amended) ("the ADR Agreement"). This Agreement was reached under the auspices of the United Nations. Its geographical coverage extends outside the European Union (there are 25 contracting states); within the Union it has been accepted by all the Member States except Ireland. The draft Directive on rail transport includes as an annex the Regulations on the International Carriage of Dangerous Goods by Rail ("the RID"). These regulations are an Annex to Appendix B of the Convention on International Transport by Rail ("COTIF") Their geographical scope extends outside the European Union.

Articles 3 of both Directives lay down that the transport of dangerous goods shall be authorised subject to the conditions laid down in the parts of the relevant Agreements included as Annexes to the appropriate Directive.

Direct reference to European standards, once they are completed, will be proposed for inclusion in the Annexes to the ADR Agreement or the RID as appropriate, thus making them the subject - indirectly - of reference by European Union legislation. The inclusion of reference to such standards in the ADR or the RID is considered by the Commission and the Member States as important for the effective operation of the market for equipment in the framework of this Directive. The Commission and the Member States will approve the standards themselves for reference in the ADR and the RID and subsequently the Directives once they are ready and commit themselves to ensuring that the standards will be appropriate for this purpose.

Following the adoption of the reference to standards in the ADR and the RID, the Commission and the Member States will, by way of a Committee established under Article 8 of the two Directives, amend the Annexes to the Directive accordingly.

3. *Purpose of this mandate*

The purpose of this mandate is to invite CEN, in co-operation with CENELEC as appropriate, to draw up standards for the transport of dangerous goods, as described in the scope of the draft Directives, on the basis of the Annex to this mandate, which includes the relevant parts extracted from the programme submitted in response to the programming mandate CEN/CLC/01-92.

This mandate calls for the adaptation of the CEN, and where appropriate CENELEC, work programmes, for example to accommodate changes to the structure of standardization that may become evident in the course of the preparatory work, or to respond to adaptations to the Directive that may be made between its present preliminary stage and its ultimate form as adopted. CEN, and CENELEC where appropriate, are required to notify such changes or

adaptations to the Commission which will in its turn advise the Committee on Standards and Technical Regulations.

II. DESCRIPTION OF THE MANDATED WORK.

The Commission hereby requests CEN to draw up standards that will contribute to the objectives of the Directive to harmonize conditions under which dangerous goods are transported within the territory of the Union, to facilitate the free movement of goods and services, and to ensure a high level of safety. The standards should be capable of being referred to in the ADR or RID as appropriate, without allowing a reduction in the level of safety and should be drawn up in such a way that they will be accepted for such reference.

The standards shall cover both product related requirements and requirements of a horizontal nature, and are to be drawn up on the basis of, but not limited to, the annexed list of standards relevant to the transport of dangerous goods extracted from the response to the programming mandate CEN/CLC/01-92, i.e., the lists referring to aspects of the transport of dangerous goods.

Further standards, or revisions of standards, may be needed additional to those presented in the initial programme. Where it becomes necessary that projects be added to or withdrawn from the work programmes of CEN (or CENELEC), or where, in elaborating the standards, it becomes evident that amendments to the structure of the programme become necessary, CEN, or CENELEC where appropriate, shall advise the Commission of any such amendments, additions or withdrawals. Standards so added are covered by this mandate. The Commission will then inform the Committee on Standards and Technical Regulations.

Requirements for the standards.

Standards under this mandate shall meet the following requirements:

1. Standards shall not reproduce requirements of the Annexes to the relevant Directive to which nothing is added, nor attempt to express the content of a requirement in other terms. This does not preclude a reminder in such standards of the requirements that may apply to a particular type of standard.
2. Standards dealing with particular products shall, as far as possible, cover all aspects relevant to the product concerned regarding the requirements dealt with by the Directive, i.e., product standards shall standardize all the aspects of the product to which they apply.
3. Standards dealing with horizontal aspects shall, as far as possible, be formulated in such a way as to be self-sufficient, i.e., so as to be applied without the necessity for vertical standards for individual items of equipment.

Co-operation shall be established and maintained as necessary with CENELEC.

III. EXECUTION OF THE MANDATE.

1. CEN shall present a revised list of draft standards with target dates, based on the list in the Annex, considered in terms of the criteria in II above, to the Commission within six months of acceptance of this mandate. It shall present the draft standards listed therein by the target dates specified.

2. The European Standards (EN) shall be adopted by the target dates specified. At these dates, the three linguistic versions (German, English, French) shall be available as well as the correct titles in the other European Union languages. CEN (in cooperation with CENELEC as appropriate) shall notify the Commission of the addition or removal of any standards projects, with their target dates in the case of additions, which it approves for addition to its work programme, that may be necessary for the operation of the Directive.
3. The European standards adopted shall be transposed into national standards and differing national standards shall be withdrawn from the catalogues of the national standards organizations in the Member States within six months of their adoption.
4. Acceptance by CEN of this mandate starts the standstill period referred to in Article 7 of Council Directive 83/189/EEC of 28 March 1983 (OJ N° L 109 of 26 April 1983).

ANNEX A

INITIAL LIST OF STANDARDS