

**EXPLANATORY MEMORANDUM TO**  
**THE CARRIAGE OF DANGEROUS GOODS AND USE OF TRANSPORTABLE**  
**PRESSURE EQUIPMENT REGULATIONS 2009**

**2009 No. 1348**

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

**2. Purpose of the instrument**

2.1 This Statutory Instrument regulates the carriage of dangerous goods by road and rail in Great Britain. It also, in so far as it relates to the training and examination of, and issuing of vocational training certificates to, safety advisers, regulates the carriage of dangerous goods by inland waterway. It replaces the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007 (the 2007 Regulations) (S.I. 2007/1573).

2.2 It transposes certain Directives of the European Community:

- (i). It transposes the new Directive of the Parliament and Council on the Inland Transport of Dangerous Goods (the Dangerous Goods Directive) 2008/68/EC<sup>1</sup>. This Directive is the latest in a succession of European legislation applying RID (Rail), ADR (Road) and safety adviser qualifications (including for inland waterway.) The new Directive consolidates and replaces 5 directives and takes into account technical progress as well as ensuring the continued safe and secure transport of dangerous goods.

The five Directives being consolidated and replaced by the Dangerous Goods Directive are:

- Council Directive 94/55/EC on the transport of dangerous goods by road.
  - Council Directive 96/49/EC on the transport of dangerous goods by rail.
  - Council Directive 96/35/EC on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway.
  - Council Directive 2000/18/EC on the minimum examination requirements for safety advisers for the transport of dangerous goods by road, rail and inland waterway.
  - Council Directive 82/714/EEC that lays down the technical requirements for inland waterway vessels.
- (ii). It also retransposes Directive 1999/36/EC<sup>2</sup> relating to common provision for transportable pressure equipment and methods for inspection and certain parts of Directives 89/618/Euratom<sup>3</sup> and 96/29/Euratom<sup>4</sup> which relate to measures to be

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<sup>1</sup> OJ No L260, 30.9.2008, p.13.

<sup>2</sup> OJ No L138, 1.6.1999, p. 20 as last amended by Commission Directive 2002/50/EC (O.J. No. L149, 7.6.2002, p. 28).

<sup>3</sup> OJ No L357, 7.12.1989, p.31.

<sup>4</sup> OJ No L159, 29.6.1996, p.1.

taken in connection with a radiological emergency. These provisions were previously transposed by the 2007 Regulations.

### **3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

### **4. Legislative Context**

4.1 International agreements based on the UN Transport of Dangerous Goods Model Regulations regulate the transport of dangerous goods by road and by rail:

- (i) the European Agreement concerning the international carriage of dangerous goods by road (ADR); and
- (ii) the European Agreement concerning the international carriage of dangerous goods by rail (RID).
- (iii) the European Agreement concerning the international carriage of dangerous goods by inland waterways (ADN).

4.2 The United Kingdom is required to apply the provisions of ADR, RID to national transport within its territory because the Dangerous Goods Directive requires ADR and RID to be applied (although the UK, like other member States of the European Community, is permitted to modify in certain ways how ADR and RID are applied within its territory.)

As the inland waterways in Great Britain do not connect directly with those of any other Member State these Regulations do not transpose the provisions of ADN except in relation to the training, examination of, and issuing of vocational training certificates to, safety advisers.

In order to meet its obligations under EC law, the UK is required to transpose 2008/68/EC into domestic law. These Regulations do that for carriage in Great Britain. Similar Regulations are expected to be introduced in relation to Northern Ireland. The Department of Enterprise, Trade and Investment and the Health and Safety Executive for Northern Ireland are responsible for the Regulations in Northern Ireland.

These Regulations are made under powers in the Health and Safety at Work etc Act 1974 as read with the Health and Safety at Work etc. Act 1974 (Application to Environmentally Hazardous Substances) Regulations 2002 (last amended by S.I 2009/318) (which extends the meaning of “dangerous” under the Act for certain purposes). These Regulations also, in respect of the Dangerous Goods Directive, rely on paragraph 1A of Schedule 2 to the European Communities Act 1972 to allow for references to that Directive to be references to it as it is amended from time to time.

### **5. Territorial Extent and Application**

5.1 This instrument applies to the whole of Great Britain.

### **6. European Convention on Human Rights**

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- 7.1 The Department for Transport is required to implement the Dangerous Goods Directive. The Directive requires, subject to certain exemptions, Member States to implement in national legislation the full range of provisions in the European Agreement Concerning the International Carriage of Dangerous Goods by Road (known as ADR) and the Regulation concerning the International Carriage of Dangerous Goods by Rail (known as RID). The Department also implements ADN as provided for under the Directive in respect of safety adviser training, examination and certification. As the agreements are subject to biennial review, the Framework Directive itself is amended on the same basis to apply the latest revisions to the agreements.
- 7.2 The 2007 Regulations were a consolidation and updating of two sets of Regulations into one, making a single set of regulations to cover the transport of all Dangerous Goods, using referencing of the international agreements. In addition to implementing the new directive 2008/68/EC, these Regulations presented a further opportunity for simplification - this time by the use of a simpler form of referencing to the Directives and the international agreements.. The main purpose of this simplification was to allow, so far as was legally possible under domestic law, the international agreements to “speak for themselves.” These agreements are sizeable and contain considerable technical detail. This purpose behind the further simplification was driven by a wish to make the legal framework for the carriage of dangerous goods simpler to use and understand. Consultation and feedback from the dangerous goods industry suggests that the primary documents used on a “day to day” basis are ADR and RID. The Department believed that this proposed simplification would be supported by the dangerous goods industry and the formal consultation responses and wider feedback confirmed that this is the case.
- 7.3 As part of the simplification process, the 2009 Regulations have been drafted in such a way so as to break the two yearly cycle of domestic transposition by relying on legal powers to refer to the international modal agreements and the Dangerous Goods Directive as they are amended in future. This will avoid the necessity to make new or amending Regulations every two years with the consequent benefits of greater certainty to users of the Regulations and savings in respect of public resources. The Department will continue to need to review whether any particular future changes to the international requirements will require amendment of the Regulations. The Regulations (by virtue of “incorporating” Sub-section 1.6.1.1 of ADR and RID) provides that when a new edition of ADR or RID comes into effect, the superseded edition may continue to be used for six months (this is similar to the position under the 2007 Regulations other than future amendments to ADR and RID will be caught by this rule.) The Department will seek to ensure that Parliament, the dangerous goods industry and others with an interest in dangerous goods transport continue to be updated on changes to the international framework.

Part of the simplification involves the inclusion in the Regulations of a power for the Secretary of State for Transport to issue exemptions from the Regulations where those exemptions are provided for by the Dangerous Goods Directive (regulation 11). These exemptions relate to:

- (i) Derogations under article 6 (2) to (4) which allow Member States to be exempt from certain requirements of the Dangerous Goods Directive. These Derogations may change or become redundant over a fairly short space of time.
  - (ii) Transitional provisions under article 7 which allow certain provisions, not otherwise permitted under the DG Directive to be maintained in some situations; for example provisions relating to old tanks, ie tanks that were constructed lawfully to standards other than harmonised European standards before harmonised standards were compulsory. It is anticipated that these transitional provisions will become increasingly irrelevant over time.
  - (iii) One particular advantage of the exemption provision is that it will provide greater flexibility to react more proactively and quickly to technical changes in the dangerous goods environment. A consultation provision is included in respect of substantive changes to the exemptions. In introducing this exemption power into the Regulations, the Department is seeking to maintain a proper balance between ensuring proper scrutiny of health and safety provisions whilst providing for an appropriate degree of flexibility in these technical areas.
- There will be a document issued under regulation 11 that will come into effect at the same time these Regulations come into force. The Department is taking steps to publish it and make it available on the Department's website and from The Stationery Office

## **8. Consultation outcome**

- 8.1 A 12 week consultation exercise on the Regulations closed on 10 October 2008. The consultation document and draft Regulations were sent to over 115 stakeholders including industry trade associations (Petrol, Chemical, Gas, Paints), emergency services, local authorities and other Government departments or bodies (HSE, DEFRA, BERR, DCLG), 25 responses were received, which is not an unusually low number although lower than the previous consultation on the 2007 Regulations (48). The Department anticipates that the reason for the low response is due to it engaging nationally and internationally in on-going meetings, workshops, seminars and discussions with the road and rail industry and other Government bodies whilst the changes to the technical requirements were being developed. Therefore when the regulations were issued for consultation the majority of stakeholders were aware of the background to these. Analysis of the responses to the consultation showed that the approach to transposing the Directive by way of these Regulations was in all supported by stakeholders;
- 94% of respondents stated the structure and referencing of the Regulations would benefit their business and make compliance easier.
  - 77% of respondents indicated that the Regulations clearly identified their obligations.
  - 100% approved to the removal of the 2 yearly cycle of Regulations
  - 88% approved to placing derogations into a document produced by the Secretary of State.

There were no major adverse responses to the consultation.

## **9. Guidance**

9.1 Guidance on the regulations, where specifically asked for by industry has been produced (eg. the requirements for safety advisers) and will accompany the regulations.

## **10. Impact**

10.1 The impact on business, charities or voluntary bodies is minimal as most changes to the regulations result in benefits and savings to business.

10.2 The impact on the public sector is the reduction in the requirement to transpose the directive every 2 years.

10.3 An Impact Assessment is attached to this memorandum.

## **11. Regulating small business**

11.1 The legislation applies to small business.

11.2 To minimise the impact of the requirements on firms employing up to 20 people, the approach taken is to provide for exemptions in the Regulations from certain requirements where the quantity of goods carried is below certain thresholds.

11.3 The basis for the final decision on what action to take to assist small business was agreed at UNECE level and through a review of the 2007 Regulations.

## **12. Monitoring & review**

12.1 The regulations are monitored and will be reviewed after 6 months. There is a process in place for reviewing the international framework..

## **13. Contact**

Caroline Billingham at the Department for Transport Tel: 020 7944 5706 or email: [caroline.billingham@dft.gsi.gov.uk](mailto:caroline.billingham@dft.gsi.gov.uk) can answer any queries regarding the instrument.



## Summary: Intervention & Options

<b>Department /Agency:</b> <b>Department for Transport</b>	<b>Title:</b> <b>Impact Assessment of The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009</b>	
<b>Stage:</b> Final	<b>Version:</b> 2	<b>Date:</b> 26 November 2008
<b>Related Publications:</b>		

**Available to view or download at:**

<http://www.dft.gov.uk/nor/freight/dat1>

**Contact for enquiries:** Caroline Billingham - DfT

**Telephone:** 0207 944 5706

### What is the problem under consideration? Why is government intervention necessary?

To introduce new requirements related to the safe carriage of dangerous goods through statutory instrument under the Health and Safety at Work Act.

The European Commission has adopted the new Directive (awaiting number) which provides amended regulations on the safe carriage of dangerous goods. The European Commission has made these changes to maintain and improve the safe carriage of dangerous goods - with benefits to industry, the public and the environment.

These regulations are reviewed and changes transposed into UK law currently every 2 years.

### What are the policy objectives and the intended effects?

The policy objectives are to promote safety: effective regulation seeks to minimise the risks in transporting dangerous goods, ensuring these goods are packaged and carried in a way that prevents leakage and protects the population, environment and economy. Secondly, to promote a level playing field: dangerous goods are transported within the UK and internationally. It is essential each country applies broadly the same regulations to minimise the burden on industry to enable industry to transport the goods across borders in compliance with the regulations.

### What policy options have been considered? Please justify any preferred option.

The European Commission has already adopted (with support of the UK) the Directive and the dangerous goods industry has to comply with the new regime by July 2009. The UK is therefore amending legislation accordingly to bring it in line with the new regulations. Failure to implement the regulations could result in infraction proceedings being taken against the department. We could also face potential actions in damages brought by industry, who claimed to have suffered a loss as a result of our failure not to implement.

**When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?** The policy is constantly reviewed through working party meetings of all member states who are contracting parties to the Directive.

**Ministerial Sign-off** For final proposal/implementation stage Impact Assessments:

***I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.***

Signed by the responsible Minister:

Paul Clark ..... **Date:** 27th May 2009

## Summary: Analysis & Evidence

<b>Policy Option:</b>	<b>Description: To amend UK Transport of Dangerous Goods legislation to ensure compliance with EC legislation on the carriage of dangerous goods.</b>
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COSTS	ANNUAL COSTS		Description and scale of <b>key monetised costs</b> by ‘main affected groups’ The dangerous goods industry will incur a initial one-off cost in the region of about £600,000. This initial cost is offset within the fourth year of the regulations and will deliver ongoing annual cost savings of around £145,000.
	One-off (Transition)	Yrs	
	£ 608k to £614k	1	
	Average Annual Cost (excluding one-off)		
	- £158k to - £133k	10	
	Total Cost (PV)		- £696k to - £501k
Other <b>key non-monetised costs</b> by ‘main affected groups’ None			

BENEFITS	ANNUAL BENEFITS		Description and scale of <b>key monetised benefits</b> by ‘main affected groups’ These regulations build on the current regulations to ensure the safe carriage of dangerous goods. There are around 45 reported incidents a year involving the carriage of dangerous goods and these regulations aim to maintain and improve safety.	
	One-off	Yrs		
	£ N/A			
	Average Annual Benefit (excluding one-off)			
	£ N/A		Total Benefit (PV)	£ N/A
	Other <b>key non-monetised benefits</b> by ‘main affected groups’			
Level playing field for industry. Direct referencing of the directive (a key industry requirement) to ensure continued international movement of dangerous goods uninhibited by european boundaries. Continued ability to operate in a global market.				

<b>Key Assumptions/Sensitivities/Risks</b> Although regulations are currently updated every 2 years we assume that these changes will be in force for the foreseeable future and therefore the costs are reflected on a ten year cycle. If we do not comply with the directive the department will be open to infraction proceedings. There is also a risk that court proceedings for losses could be made as a result of our failure to implement.
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<b>Price Base</b> Year 2007	<b>Time Period</b> Years 10	<b>Net Benefit Range (NPV)</b> £501k to £696k	<b>NET BENEFIT (NPV Best estimate)</b> £599k
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What is the geographic coverage of the policy/option?			Great Britain	
On what date will the policy be implemented?			July 2009	
Which organisation(s) will enforce the policy?			HSE, VOSA, Police	
What is the total annual cost of enforcement for these organisations?			No change	
Does enforcement comply with Hampton principles?			Yes	
Will implementation go beyond minimum EU requirements?			No	
What is the value of the proposed offsetting measure per year?			£ none	
What is the value of changes in greenhouse gas emissions?			£ 0	
Will the proposal have a significant impact on competition?			Yes, positive	
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	No	No	N/A	N/A

<b>Impact on Admin Burdens Baseline (2005 Prices)</b>			(Increase - Decrease)	
Increase of	£ 0	Decrease	£0	<b>Net Impact</b> £0

Key: **Annual costs and benefits:** (Net) Present Value



## Evidence Base (for summary sheets)

[Use this space (with a recommended maximum of 30 pages) to set out the evidence, analysis and detailed narrative from which you have generated your policy options or proposal. Ensure that the information is organised in such a way as to explain clearly the summary information on the preceding pages of this form.]

### Introduction

The United Kingdom is required to transpose the European Directive relating to the land carriage of dangerous goods. These regulations maintain and improve safety to the benefit of human health and the environment. They also ensure there is a level playing field across European transport markets, promoting competition in the provision of transport services, to the benefit of users. The carriage of dangerous goods by other modes is being transposed separately.

We are also required to transpose the Transportable Pressure Equipment Directive which governs the placing on the market and use of such equipment. The UK intends to transpose both of these directives by virtue of one statutory instrument – “The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (CDG 2009).

### Background

By virtue of the Dangerous Goods Directive, the UK is required to implement the requirements of RID (Rail) and ADR (Road) for domestic as well as for international carriage of dangerous goods by rail and road. RID and ADR are annexes to the Directive. ADN (in relation to inland waterways) is also an annex but CDG does not, as is permitted by the directive, implement any part of ADN except that part which relates to the granting of safety advisor qualifications. RID and ADR are updated every 2 years (a new edition of each comes into force on 1<sup>st</sup> January 2009). RID and ADR are currently implemented through CDG 2007 (which implemented the 2007 edition).

The Directive is the latest in a succession of directives applying RID and ADR primarily to take into account technical progress and ensure the continued safe and secure transport of dangerous goods.

To simplify the legislation, the Commission has decided to consolidate 5 Directives into one. It is this Directive that we are required to implement into our domestic legislation.

### Preparation of the IA

The IA is at the Final stage and the estimated costs are based on DfT statistics and preconsultation evidence received from industry for certain changes brought by the new regulations. We received 25 responses to the consultation, 79% thought the impact assessment assessed the relevant costs and benefits well or adequately.

We have not received any adverse comments on the costings given in the impact assessment, therefore we view it as a true reflection of the costs to industry.

## **Options**

There are no options other than to transpose the Directives into UK regulations. As the regulations have already been adopted by the European Commission industry will have to comply with the new regime from July 2009. The UK is therefore amending legislation accordingly to bring it in line with the new regulations. Not to do so would introduce confusion to industry undertaking international journeys and could have a detrimental effect on safety.

The current regulations CDG 2007 consolidated the Carriage regulations which separately covered different classes of dangerous goods. This resulted in one set of regulations covering all classes of dangerous goods. In line with industry wishes, we also made more use of referencing the technical annexes of RID and ADR.

In creating the 2007 regulations we took a staged approach by introducing one set of regulations for UK which allowed time for stability in the regulations. Through pre consultation and stakeholder feedback, the proposed 2009 regulations aim to go further by now directly referencing the European Agreements RID and ADR. This will enable GB to produce domestic legislation that does not require transposition of the Directives every 2 years. This will then enable the freedom of amending technical requirements with Industry engagement through administrative processes.

## **Analysis of Impacts**

### **Groups and Sectors affected**

The sectors affected by the change related to the carriage of DG (dangerous goods) are:

- Carriers (Road, Rail)
- Consignors
- Loaders
- Fillers
- Inspection Bodies
- Tank & Packaging Manufacturers

The main industries impacted on by the proposed changes are:

- Road Hauliers
- Rail Carriers
- Packaging Industry
- Chemical
- Paints
- Gases
- Nuclear
- Explosives
- Petrol/Diesel

These regulations apply to the whole of Great Britain.

## Summary of main costs and benefits taken into account in the impact assessment for the carriage of dangerous goods regulations 2009

The UK consults industry on each proposal for change as they are debated by technical experts in the relevant international forums. Some of the changes have been proposed by industry in the first instance.

### Costs

Not all changes have been costed as they are relatively minor, but costs for all changes will be provided during the formal consultation. The costs identified here are those that industry considers will have the main impact and are based on their estimates. Although regulations are currently updated every 2 years we assume that these changes will be in force for the foreseeable future and therefore the costs are reflected on a 10 year cycle.

The main costs, which are industry-wide (i.e. they will not be borne by individual businesses) are in relation to:

- Marking and labelling for environmentally hazardous substances – **£600k one-off cost**;
- Requirements to fill to more than 80% (or less than 20%), road tank vehicles intended to carry liquids and liquefied gases which are not divided by partitions or surge plates of not more than 7500 litre capacity to prevent undue movement of the liquids when it is being transported - **£57k per annum**;
- New labels for chlorine, which has been reclassified to reflect its oxidising nature - **£30k per annum**;
- New test requirements for all intermediate bulk containers (IBCs) intended to carry liquids and manufactured after 31 December 2010, and new marking requirements to show maximum permitted stacking loads - **£15k per annum**;
- New packing instructions and portable tank provisions for chlorosilanes - **£6k - £12k one-off cost**; and
- New packing instructions for bromine – **£2k one-off cost**.

### Cost savings

The regulations also introduce changes which will deliver cost savings for industry. The main ones are as follows:

- New definitions and restructured regulations for mobile explosives manufacturing units, which carry various dangerous goods on the road to enable explosives to be produced on-site - **£25k - £50k savings per annum**; and
- New model instructions in writing with a standardised format and harmonised content and requirement that they no longer need to be in the language of each of the countries of origin, transit and destination, but only in the language of the driver and vehicle crew - **£210k savings per annum**.

## **Impact on small firms**

The majority of changes reflected in the draft 2009 regulations are clarifications and relaxations. These regulations will continue the provision for exemptions from the full scope of the regulations through limited quantity thresholds, which are of greater proportionate benefit to small firms. The additional higher-impact changes, will mainly affect large businesses. The higher cost-impact changes are likely to have little or no significant additional impact on SMEs.

## **Benefits**

We have not costed benefits, as opposed to cost-savings, but there are benefits which will reduce the burden on industry, and which they have called for, as follows:

- We have opted for far greater direct referencing of the Directive. This has been high on industry's priorities to simplify the number of texts and cross-referencing they have to refer to in considering the regulatory requirements;
- Regulations which do not require us to transpose the Directive every two years after 2009. This will deliver policy and legal resource savings in the Department, but importantly will deliver resource benefits in industry as they will only have to become familiar with one new regulatory text (the Directive).

## **Carbon assessment and other environmental impacts**

There is no change in transport fuel consumption as a result of these regulations. The regulations maintain and improve safe transport, including safety to the environment.

## **Competition assessment**

In 2007 there were an estimated 53 000 international journeys undertaken by GB operators carrying dangerous goods. Foreign hauliers also transport dangerous goods within the UK. These regulations help to ensure there is a level playing field across European transport markets, promoting competition in the provision of transport services to the benefit of users.

## Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

**Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.**

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	Yes	No
Small Firms Impact Test	Yes	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	Yes	No
Other Environment	Yes	No
Health Impact Assessment	No	No
Race Equality	No	No
Disability Equality	No	No
Gender Equality	No	No
Human Rights	No	No
Rural Proofing	No	No



# **THE CARRIAGE OF DANGEROUS GOODS AND USE OF TRANSPORTABLE PRESSURE EQUIPMENT REGULATIONS 2009**

## **TRANSPOSITION NOTE**

### **Purpose**

1. The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (CDG 2009) transpose, in relation to Great Britain, Directive 2008/68/EC of the European Parliament and of the Council of 24th September 2008 on the inland transport of dangerous goods (the Dangerous Goods Directive).

The transposition of the following Directives (or parts of the Directives) is restated in relation to Great Britain by CDG 2009:

### **Transportable Pressure Equipment**

Council Directive 1999/36/EC of 29th April 1999 on transportable pressure equipment as last amended by Commission Directive 2002/50/EC of 6 June 2002 ("the Transportable Pressure Equipment Directive");

### **Radiological Emergencies**

(i) Article 5 of Title II of Council Directive 89/618/Euratom of 27 November 1989 on informing the general public about health protection measures to be applied and steps to be taken in the event of a radiological emergency in so far as it is relevant to carriage by road and by rail; and

(ii) Title IX, Section 1 (Intervention in cases of radiological emergency) of Council Directive 96/29/Euratom of 13th May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation, in so far as Section 1 of Title IX is relevant to carriage by road and by rail.

This note explains how CDG 2009 implements the main elements of these Directives.

### **Transposition**

2. These regulations do more than is necessary to implement the Dangerous Goods Directive in the following areas:-

As compared to the Dangerous Goods Directive, CDG 2009 imposes:

- (i) in respect of certain national carriage, an alternative placarding system for vehicles which are registered in the United Kingdom (or towed by such a vehicle) or wagons used only for carriage within the United Kingdom.;
- (ii) certain additional security requirements relating to the dispatch and delivery of class 1 goods by road;

- (iii) an additional security requirement relating to the prevention of unauthorised access to dangerous goods when carriage is by road;
- (iv) the prohibitions and requirements of ADR on private individuals in relation to the carriage of class 1 goods (unless certain conditions are met);
- (v) some of the prohibitions and requirements of ADR on certain enterprises;
- (vi) the prohibitions and requirements of ADR and RID on carriage by the armed forces (subject, in particular, to a granting of an exemption by the Secretary of State for Defence if certain conditions are met); and
- (vii) the prohibitions and requirements of ADR on carriage by vehicles which have fewer than four wheels.

3. The Annexes listed below provide details about how the Directives listed in section 1 of this note have been implemented through CDG 2009:

**Annex 1** - The main elements of the Dangerous Goods Directive

**Annex 2** - The Transportable Pressure Equipment Directive, as amended;

**Annex 3** - Article 5 of Title II of Council Directive 89/618/Euratom

**Annex 4** - Title IX, Section 1 of Council Directive 96/29/Euratom



## ANNEX 1

### The Dangerous Goods Directive

<b>Articles</b>	<b>Objectives</b>	<b>Implementation</b>	<b>Responsibility</b>
3 and 4	<p>Dangerous goods are not to be transported within a member State or between member States if such transport is prohibited by ADR, RID and ADN</p> <p>The transport of dangerous goods shall be permitted within a member State or between member States if such transport complies with the conditions laid down in ADR, RID and ADN</p> <p>The transport of dangerous goods between member States and third countries shall be permitted if such transport complies with ADR, RID and ADN</p>	<p>Regulation 5 as read with regulation 3(a) and Part 3 of the Regulations</p> <p>Pursuant to article 1(3), these Regulations do not apply ADN (except that they do provide that it is a function of the GB competent authority to carry out the competent authority functions of ADN that provide for a training and examination system for safety advisers (regulations 25 and 26))</p> <p>Part 6 of the Regulations imposes the competent authority functions of ADR, RID and ADN on the GB competent authority (as provided for in regulation 25.) These functions include providing for the approval of equipment so that transport using that equipment complies with the conditions of ADR and RID</p>	Secretary of State
6(2) to (4)	Certain derogations are permitted	Regulation 11 (insofar as it provides for exemptions to be granted in order to implement derogations)	Secretary of State
6(5)	Provides for individual authorisations	Regulation 12	Secretary of State
7	Permits transitional provisions to be maintained	Regulation 6 and Schedule 1, regulation 11 (insofar as it provides for exemptions	Secretary of State

Articles	Objectives	Implementation	Responsibility
		to be granted in order to implement transitional provisions), regulations 13 and 28	

**ANNEX 2**

The Transportable Pressure Equipment Directive, as amended

<b>Article</b>	<b>Objective</b>	<b>Implementation</b>	<b>Responsibility</b>
3	Conformity assessment of new transportable pressure equipment is to be undertaken.	Regulation 19	Secretary of State
4	Relaxation for new transportable pressure equipment placed on the national market	Regulation 20	Secretary of State
5	Reassessment of conformity for existing transportable pressure equipment	Regulation 21	Secretary of State
6	Periodic inspection and repeated use of transportable pressure equipment	Regulation 22	Secretary of State
8	Appointment and requirements for notified bodies	Regulation 29(2) and (4)	Secretary of State
9	Appointment and requirements for approved bodies	Regulation 29(2) and (5)	Secretary of State
10(5)	Misleading marking of transportable pressure equipment	Regulation 23	Secretary of State

**ANNEX 3**

Council Directive 89/618/Euratom

<b>Articles</b>	<b>Objectives</b>	<b>Implementation</b>	<b>Responsibility</b>
5 (1)	Direction on Member States to provide information about health protection measures and action to be taken in the event of an emergency .	Regulation 24 and Schedule 2, paragraph 2(1) (a)	Secretary of State
5 (2)	Direction on Member States on the elements to be included in the information provided.	Regulation 24 and Schedule 2, paragraph 2(2)	Secretary of State
5 (3)	Direction on Member States to communicate the information .	Regulation 24 and Schedule 2, paragraph 2	Secretary of State

<b>Articles</b>	<b>Objectives</b>	<b>Implementation</b>	<b>Responsibility</b>
5 (4)	Direction on Member States to update the information and circulate it at regular intervals and whenever there are significant changes to the arrangements	Regulation 24, Schedule 2, paragraph 2(4) and (5)	Secretary of State

#### ANNEX 4

#### Council Directive 96/29/Euratom

<b>Articles</b>	<b>Objectives</b>	<b>Implementation</b>	<b>Responsibility</b>
50 (2)	The drawing up and testing of intervention plans	Regulation 24 and Schedule 2, paragraphs 3 and 4	Secretary of State
51 (1)	Immediate notification of any radiological emergency occurring on its territory	Regulation 24 and Schedule 2, paragraph 5	Secretary of State
51 (2)	Requirement to make an initial assessment of the circumstances and consequences of the emergency	Regulation 24 and Schedule 2, paragraph 5	Secretary of State
52	Provisions for situations involving emergency occupational exposure	Regulation 24 and Schedule 2, paragraphs 3 and 4	Secretary of State