

Transport of dangerous goods by road: uniform procedures for checks

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The Commission presents its fifth report on Member States' application of Council Directive 95/50/EC on uniform procedures for checks on the transport of dangerous goods by road. The report covers the period 2008-2011.

The main observations in the report are as follows:

Application of the Directive: the report notes that Directive 95/50/EC has been in transposed in all Member States' national legislation since 1 January 1997. The details on reporting were amended in 2004 and the modified reporting provisions became applicable on 14 December 2005. Following certain systematic incoherencies in reporting the Commission published a recommendation on the matter in 2011.

All Member States carry out checks on vehicles carrying dangerous goods and **report these checks accurately**. The uniform checks concern all road transport operations of dangerous goods on the territory of a Member State or entering it from third countries, irrespective of the country of registration of the transport unit.

Only some minor inconsistencies still exist and the Commission ensures each year that the reporting under Directive 95/50/EC is complied with and progressively improved. It can be concluded that **Directive 95/50/EC is generally applied correctly**.

Evolution of checks: the total number of checks **declined by 34%** over the four years, from 252 632 to 167 340.

Romania, Slovenia and Austria had the highest percentage increase of checks during the reporting period while Latvia, Bulgaria and Hungary had the highest reductions.

In terms of absolute number of checks in the EU Germany had the highest share in 2011 (34.8%) followed by Spain (11.8%) and Poland (9.8%), while Estonia (0.03%), Malta and Latvia (0.05%) had the lowest shares.

In 2010, the average in the EU was 2.54 checks per million tonne-kilometres; in 2011, it declined to 2.14, implying an annual decrease of 15.7%.

Proportion of non-conforming transport units: this proportion **increased from 13.7% in 2008 to 21.4% in 2011**, with major increases notably in Spain, Latvia, Czech Republic and the Netherlands. However, there are 15 Member States where there was no increase in this proportion. The share of non-conforming transport units varies considerably among Member States, reaching almost 70% in Malta while being less than 5% in Bulgaria, Cyprus, Hungary, Romania and Slovakia.

More infringements: the checks are detecting infringements more frequently. In 2011 one check out of five affirmed or suspected an infringement in the carriage of dangerous goods, while in 2008 it was one out of seven checks. There are two possible reasons for this development. The checks may be better targeted to identify infringing carriage or the carriers may be generally less compliant with the provisions.

The Commission will invite the authorities of Member States to **provide information on the developments** in the checks and on factors affecting these developments, such as the availability of resources and targeting of the checks. Furthermore, clarifications regarding exceptionally high rates of non-conformity will be requested.

Where infringements were detected, in **44% of the cases these were of the most serious type**. Consequently, some 9 600 vehicles were immobilised in 2011 (27%).

The highest frequencies of immobilisation in 2011 were recorded in Bulgaria (68%), Ireland (54%) and Romania (53%). In Norway 57% of infringements led to immobilisation in 2011.

Types of penalties: during the inspections carried out in the EU in 2011 there were 7 892 cautions made; fines were imposed in 33 179 cases; and 3 527 cases led to other penalties, including legal and administrative juridical processes.

In 2011 there were **some 4% penalties less in total than in 2008**. While the number of cautions grew by 8% over the period and the number of fines by 1%, other penalties decreased by 42%. Only France and Slovakia did not report any statistics on penalties.

Need to maintain targeted enforcement: in the EU a common set of provisions is applied for the transport of dangerous goods. These provisions are used in an identical fashion also in many countries outside the EU.

Nevertheless, **almost 36 000 of the some 170 000 annual roadside checks** result in the conclusion that the transport operation does not meet the compulsory safety requirements. Given the high danger involved in the transport of these substances and articles, targeted enforcement for this type of transport continues to be indispensable.