Transport of dangerous goods by road: uniform procedures for checks. Codification

2021/0275(COD) - 19/08/2021 - Legislative proposal

PURPOSE: to establish uniform procedures for checks on the transport of dangerous goods by road (codification of Council Directive 95/50/EC).

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: In the interests of clarity and transparency of the law, the purpose of the proposal is to undertake a codification of Council Directive 95/50/EC on uniform procedures for checks on the transport of dangerous goods by road, which has been substantially amended several times. The new Directive will supersede the various acts incorporated in it, without in any way detracting from their content, and will simply bring them together with only such formal amendments as are required by the codification exercise itself.

CONTENT: the proposal introduces a **uniform system of checks at European level for vehicles carrying dangerous goods by road** to ensure a high level of safety. Its main elements are the following:

Scope

The Directive applies to the checks which Member States carry out on the transport of dangerous goods by road using vehicles travelling on their territory or entering it from a third country. It does not apply to the transport of dangerous goods by vehicles belonging to the armed forces.

The checks in question should apply to all consignments of dangerous goods transported by road wholly or partly within the territory of the Member States, irrespective of the point of departure or the destination of the goods or the country in which the vehicle is registered.

Member States should ensure a sufficient level of checks on the vehicles concerned throughout their territory while, where possible, avoiding the proliferation of such checks.

Checklist

Member States should use the checklist in Annex I of the Directive to carry out the checks. The checks should be random and should cover as much of the road network as possible.

The places chosen for the checks must permit infringing vehicles to be brought into compliance or, if the authority carrying out the check deems it appropriate, to be immobilised on-the-spot or at a place designated for that purpose by the said authority without causing a safety hazard.

Checks may also be carried out in undertakings as a preventive measure or when infringements endangering the safety of the transport of dangerous goods have been recorded at the roadside.

Infringements

Where one or more infringements, including those listed in Annex II of the Directive, are detected during the transport of dangerous goods by road, the vehicles concerned should be immobilised, either on the spot or at a designated place, and be required to comply with the regulations before continuing their journey. Vehicles may also be refused entry into the EU.

The list of infringements comprises three risk categories. Category I covers the most serious risks, such as the transport of prohibited dangerous goods, leakage of dangerous substances, carriage in a vehicle without a certificate of approval, and non-approved vehicles or packaging.

Mutual assistance

Member States should assist each other in the proper application of the Directive. Serious or repeated infringements committed by a non-resident vehicle or undertaking should be reported to the competent authorities of the Member State of registration of the vehicle or establishment of the undertaking.

Annual report

For each calendar year, each Member State should send the Commission, in accordance with the standardised form set out in Annex III to the Directive, a report containing the following information:

- if possible, the determined or estimated volume of dangerous goods transported by road in tonnes transported or in tonnes/kilometres;

- the number of checks carried out;

- the number of vehicles checked by place of registration (vehicles registered nationally, in other Member States or in third countries);

- the number of infringements recorded according to risk category;

- the type and number of penalties imposed.