

Transport of dangerous goods by road: uniform procedures for checks

1993/0487(SYN) - 21/11/1994 - Council position

The common position retains the main objective of the Commission proposal, i.e. to conduct checks on the transport of dangerous goods in haulage companies and on the road in accordance with uniform principles, but the Council has made certain changes to the initial proposal. The main changes are as follows: - the scope and definitions must correspond with the scope and definitions in the ADR framework directive; - Member States have an express obligation to ensure that a large proportion of consignments of dangerous goods transported by road is subject to checks in accordance with Regulation (EEC) No 4040/89 (Article 3) and Regulation (EEC) No 3912/92 (Article 3); - Member States are obliged to use the check list in Annex I in order to carry out checks in accordance with the directive, while maintaining the Member States' right to take specific measures for one-off checks; - preventive checks may be carried out; - in the event of serious or repeated infringements, the Member State in which the vehicle is registered or the undertaking established may be asked to take appropriate measures; - legal assistance is restricted for serious or repeated infringements; - the reporting system has been simplified and the compulsory information required in reports is indicated; - the date of entry into force of the ADR framework directive has been taken into account (1 January 1997); - the check list in Annex I has been revised. The Council also retained the European Parliament's amendments to: - extend the definition of companies and hence checks to include companies which temporarily store dangerous goods as part of a haulage operation; - specify the circumstances under which a vehicle can be immobilised; - make provision, where the goods are analysed by a laboratory, for the laboratory to be recognised by the competent authority; - make provision for the Commission to use information supplied by Member States to draft a report on the application of the directive. The Council rejected the amendments on the date of application of the directive and inclusion in the check list of a reference to marginalis 10282 of the ADR.