



Basic information	
<p><b>1993/0487(SYN)</b></p> <p>SYN - Cooperation procedure (historic)</p> <p>Transport of dangerous goods by road: uniform procedures for checks</p> <p>Amended by <a href="#">2000/0044(COD)</a> Amended by <a href="#">2007/0184(COD)</a></p> <p><b>Subject</b></p> <p>3.20.05 Road transport: passengers and freight 3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport)</p>	Procedure completed












Key players			
European Parliament	<b>Committee responsible</b>	<b>Rapporteur</b>	<b>Appointed</b>
	<span style="border: 1px solid red; padding: 2px;">TRAN</span> Transport and Tourism	DONNAY Jacques (RDE)	26/07/1994
Council of the European Union	<b>Council configuration</b>	<b>Meetings</b>	<b>Date</b>
	Transport, Telecommunications and Energy	1803	1994-11-21
	Transport, Telecommunications and Energy	1785	1994-09-26
	Environment	1873	1995-10-06

Key events			
Date	Event	Reference	Summary
15/12/1993	Legislative proposal published	COM(1993)0665 	<a href="#">Summary</a>
07/02/1994	Committee referral announced in Parliament		
05/04/1994	Vote in committee		<a href="#">Summary</a>
02/05/1994	Debate in Parliament		<a href="#">Summary</a>
29/07/1994	Modified legislative proposal published	COM(1994)0340 	<a href="#">Summary</a>
21/11/1994	Council position published	<a href="#">09665/1/1994</a>	<a href="#">Summary</a>
15/12/1994	Committee referral announced in Parliament, 2nd reading		
21/02/1995	Vote in committee, 2nd reading		<a href="#">Summary</a>
21/02/1995	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A4-0025/1995</a>	
14/03/1995	Debate in Parliament		

06/07/1995	Modified legislative proposal published	COM(1995)0289 	<a href="#">Summary</a>
06/10/1995	Act adopted by Council after consultation of Parliament		
06/10/1995	End of procedure in Parliament		
17/10/1995	Final act published in Official Journal		

Technical information	
<b>Procedure reference</b>	1993/0487(SYN)
<b>Procedure type</b>	SYN - Cooperation procedure (historic)
<b>Procedure subtype</b>	Legislation
<b>Amendments and repeals</b>	Amended by <a href="#">2000/0044(COD)</a> Amended by <a href="#">2007/0184(COD)</a>
<b>Legal basis</b>	EC Treaty (before Amsterdam) E 075
<b>Stage reached in procedure</b>	Procedure completed
<b>Committee dossier</b>	TRAN/4/06223

Documentation gateway				
<b>European Parliament</b>				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A3-0213/1994 <a href="#">OJ C 128 09.05.1994, p. 0010</a>	05/04/1994	
Text adopted by Parliament, 1st reading/single reading		T3-0378/1994 <a href="#">OJ C 205 25.07.1994, p. 0030-0055</a>	03/05/1994	
Committee recommendation tabled for plenary, 2nd reading		A4-0025/1995 <a href="#">OJ C 068 20.03.1995, p. 0013</a>	21/02/1995	
Text adopted by Parliament, 2nd reading		T4-0086/1995 <a href="#">OJ C 089 10.04.1995, p. 0023-0029</a>	14/03/1995	<a href="#">Summary</a>
<b>Council of the EU</b>				
Document type		Reference	Date	Summary
Council position		09665/1/1994 <a href="#">OJ C 354 13.12.1994, p. 0001</a>	21/11/1994	<a href="#">Summary</a>
<b>European Commission</b>				
Document type		Reference	Date	Summary
Legislative proposal		COM(1993)0665  <a href="#">OJ C 026 29.01.1994, p. 0010</a>	15/12/1993	<a href="#">Summary</a>
		COM(1994)0340		

Modified legislative proposal	 OJ C 238 26.08.1994, p. 0004	29/07/1994	<a href="#">Summary</a>
Commission communication on Council's position	SEC(1994)1929 	25/11/1994	
Modified legislative proposal	COM(1995)0289 	06/07/1995	<a href="#">Summary</a>
Follow-up document	COM(2000)0517 	06/09/2000	<a href="#">Summary</a>
Follow-up document	COM(2005)0430 	15/09/2005	<a href="#">Summary</a>
Follow-up document	COM(2007)0795 	13/12/2007	<a href="#">Summary</a>
Follow-up document	COM(2010)0364 	07/07/2010	<a href="#">Summary</a>
Follow-up document	COM(2013)0815 	25/11/2013	<a href="#">Summary</a>
Follow-up document	COM(2017)0112 	06/03/2017	<a href="#">Summary</a>
Follow-up document	COM(2020)0069 	26/02/2020	<a href="#">Summary</a>
Follow-up document	COM(2025)0114 	19/03/2025	

#### Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0561/1994 OJ C 195 18.07.1994, p. 0018	27/04/1994	<a href="#">Summary</a>

#### Additional information

Source	Document	Date
European Commission	EUR-Lex	
European Commission	EUR-Lex	

#### Final act

<a href="#">Directive 1995/0050</a> <a href="#">OJ L 249 17.10.1995, p. 0035</a>	<a href="#">Summary</a>
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## Transport of dangerous goods by road: uniform procedures for checks

In January 1997, the EU Council Directive on uniform checking procedures for those transporting dangerous goods came into force. Provisions in the Directive stipulate that Member States are to send an annual report to the Commission on the application of the Directive. It also stipulates that the Commission is obliged to forward a report on the application of the Directive to the European Parliament and Council every three years. This is the third report to be forwarded by the Commission, the content of which is based on the annual reports forwarded by the Member States. It covers the years 2003-2005. Due to the enlargement of the EU in 2004 ten new Member States appear in this report. The new Member States were only obliged to provide data for the years 2004-2005.

One of the aims of the Directive is to further improve the level of safety by ensuring that a sufficient level of checks is carried out. The frequency of road checks in the Member States in the period 2003-2005 is in the chart of Annex II. On the basis of this chart and the results from former reports it can be concluded that:

- 1) The frequency of checks in the European Union as a whole decreased from 0.27 % (1997-1998) to 0.23 % (1999-2002) and, with most of the new Member States included since 2004, increased to 0.29 % (2003-2005).
- 2) In the Czech Republic, Germany, Hungary and Slovenia the frequency of checks in the period 2003-2005 is above 0.60 %, in Austria, Spain, France, Poland and Sweden it is around 0.25 %, in Belgium, Finland and Malta slightly over 0.10 % and in the other countries 0.06 % or even less.
- 3) In the countries where the level of checks is highest, it is above 30 times higher than in the countries where the level is lowest. Hungary's data is markedly in excess of other Member States' data.

The **conclusions** of the report are as follows:

Although most of the Member States performed roadside checks on the transport of dangerous goods between 2003 and 2005, the frequency of checks varied considerably from Member State to Member State, although the average frequency of checks in the EU, taking into account the 2004 enlargement, has increased in the past few years. The number of vehicles that have been found to infringe EU legislation justifies the continued need for checks. The Commission report stresses that road checks are an effective tool in revealing the kind of problems connected to transporting dangerous good. Checks conducted in premises ( as was the case in some Member States) is considered to be an equally effective means of enforcement, albeit one that this not apparent from the annexes to this report. On a final point, the Commission requests the Member States to use the harmonised reporting forms when forwarding data to the Commission. The introduction and application of the new infringement risk categories in all Member States should provide for better reports in the future.

## Transport of dangerous goods by road: uniform procedures for checks

1993/0487(SYN) - 14/03/1995 - Text adopted by Parliament, 2nd reading

Parliament amended the Council common position with an amendment to the preamble (fourth indent) explaining the procedure followed in order to adopt the act with the words "and in cooperation with the European Parliament". The Commission has not expressed a view on this amendment.

## Transport of dangerous goods by road: uniform procedures for checks

1993/0487(SYN) - 15/09/2005 - Follow-up document

In January 1997, the EU Council Directive on uniform checking procedures for those transporting dangerous goods came into force. Provisions in the Directive stipulate that Member States are to send an annual report to the Commission on the application of the Directive. It also stipulates that the Commission is obliged to forward a report on the application of the Directive to the European Parliament and Council every three years. This is the second report to be forwarded by the Commission, the content of which is based on the annual reports forwarded by the Member States. It covers the years 1999-2002. In view of the fact that this report covers two two-year periods, the Commission is of the opinion that the analysis is both meaningful and relevant.

The conclusions of the report are as follows:

Although most of the Member States performed roadside checks on the transport of dangerous goods between 1999 and 2002, the frequency of checks varied considerably from Member State to Member State, with some Member States conducting no checks at all. The frequency of checks across the EU as a whole has decreased. This is a worrying trend given that the proportion of vehicles found during checks to be infringing the Directive's provisions is substantial. The ratio of the number of infringements to the number of checks in the EU as a whole has increased from 0.22 (1997-1998) to 0.26 (1999-2002). The Commission suggests that the frequency of checks ought to be higher in some countries, even if no direct correlation between the frequency of checks and number of infringements has been found.

The most common infringements are a lack of transport documents concerning the load of dangerous goods and the lack of orange panels showing that the vehicle is transporting dangerous goods. The report also indicates that the majority of infringements were classified under "Others" owing to the incompatibility between the checklist used by the enforcement authorities and the harmonised codes.

The most common penalty was a fine followed by a warning, which may have been supplemented by a ban on continuing the journey.

To conclude, the Commission suggests that information gleaned from analysing the report indicates that road checks are an effective tool in revealing the problems connected with the safety of the transport of dangerous goods. Finally, the Commission would like to point out to the Member States that

the harmonised infringement codes should be used in their annual reports and that all of the Member States are obliged to send annual reports to the Commission.

## Transport of dangerous goods by road: uniform procedures for checks

1993/0487(SYN) - 27/04/1994 - Economic and Social Committee: opinion, report

## Transport of dangerous goods by road: uniform procedures for checks

1993/0487(SYN) - 06/07/1995 - Modified legislative proposal

The Commission has not incorporated Parliament's amendment to the Council's common position clarifying that the text has been approved in cooperation with the European Parliament, in accordance with the procedure under Article 189C of the EC Treaty and has therefore maintained its proposal.

## 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.

## Transport of dangerous goods by road: uniform procedures for checks

1993/0487(SYN) - 06/10/1995 - Final act

OBJECTIVE: to allow uniform checks on the transport of dangerous goods in transport undertakings and on the road. COMMUNITY MEASURE: Council Directive 95/50/EC on uniform procedures for checks on the transport of dangerous goods by road. CONTENT: - the directive applies to checks carried out by Member States on the transport of dangerous goods by road in vehicles traveling 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; - definition of the terms "vehicle", "dangerous goods", "transport", "undertakings" and "check"; - obligation for Member States to ensure that a representative proportion of consignments of dangerous goods transported by road is subject to checks, to be carried out in accordance with Article 3 of Regulation (EEC) No 4040/89 and Article 1 of Regulation (EEC) No 3912/92; - obligation for Member States 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; - a copy of the check list showing the results of the check must be given to the driver of the vehicle and presented on request in order to simplify or avoid subsequent checks; - checks must be random and, if possible, cover an extensive portion of the road network; - samples of the products transported may be taken for examination by laboratories recognized by the competent authority; - the vehicles in question may be immobilized on the spot or at a place designated for the purpose by the authorities carrying out the check and required to be brought into conformity before continuing their journey or may be subject to other appropriate measures, including refusal to enter the Community; - preventive checks may be carried out in undertakings. In the event of infringement, the consignment in question must be brought into conformity before leaving the undertaking; - 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; - Member States shall assist one another in order to ensure that the directive is applied properly; - each Member State shall send the Commission a report on the application of the directive for each calendar year including the following particulars: volume of dangerous goods carried by road; number of checks carried out; number of vehicles checked by place of registration. DATE FOR TRANSPOSITION: by 1 January 1997.

## Transport of dangerous goods by road: uniform procedures for checks

1993/0487(SYN) - 15/12/1993 - Legislative proposal

This proposal envisaged the introduction of a uniform system for monitoring the safety standards for the transport of dangerous goods by road which had to be met not only by Community carriers but those from outside the Community too. The following specific measures were proposed: - stipulation

that checks on dangerous goods moving around the Community could be conducted anywhere within the territory of Member States, provided they were conducted as part of routine inspections and with no discrimination based on the nationality of drivers or vehicles. The same applied to movements of goods originating in non-Member States: checks on these did not necessarily have to be performed at the external border of the Member State of entry; - definition of a uniform and adequate set of minimum safety requirements to be checked and punishable infringements; - application of these safety requirements equally to transport operations by vehicles registered or allowed to circulate in a non-Member State, whether or not that State was a signatory of the ADR; - issue to the driver of a copy of the checklist recording the inspection results, to avoid repetition of these roadside checks as far as possible; - instigation of checks of the premises of the carriers or loading companies concerned, where infringements which threatened the safety of the operation to transport dangerous goods had been identified in a roadside check; - encouragement of the reporting of offending transport operators to the Member State in which the vehicle was registered or the loading company was established; - encouragement of cooperation between Member States on procedures to identify and publish infringements recorded in roadside checks.

## Transport of dangerous goods by road: uniform procedures for checks

1993/0487(SYN) - 07/07/2010 - Follow-up document

This is the fourth report on the application of Council Directive 95/50/EC in the Member States and it covers years 2006-2007. The Directive aims at ensuring that a representative proportion of consignments of dangerous goods transported by road is randomly checked, while at the same time covering an extensive portion of the road network. As a preventive measure, or after having recorded infringements at the roadside which jeopardise safety, checks may be also carried out at the premises of undertakings. There is, however, no reporting requirement on these checks in Directive 95/50/EC.

Reports were received from all Member States for both years 2006 and 2007; however many reports were incomplete. These shortcomings have led to gaps in this report.

**Frequency of checks:** in 2006, the average in the EU was 2.95 checks per million tonne-kilometres; in 2007, it was 3.50. This implies an increase of 18.6%. Bulgaria and Hungary have an exceptionally high frequency of checks. Without the numbers of Bulgaria and Hungary, the EU average would be 2.33 in 2006 and 2.90 in 2007 and the annual increase would be 24.5%.

**Proportion of non-conforming transport units:** the percentage of non-conforming transport units differs considerably between Member States, reaching almost 80% in Portugal while being less than 5% in a number of Member States. Data is missing from certain Member States.

**Frequency of immobilisation of transport units:** the frequency of immobilisation differs considerably between Member States. In Bulgaria each vehicle with an infringement was immobilised in 2006 while several Member States reported that no vehicles were immobilised. The following Member States reported that there were no immobilisations for 2006: Estonia, Spain, Cyprus, Lithuania and Malta; for 2007: Cyprus, Estonia, Spain, Latvia, Malta and Sweden.

The Commission notes that all Member States have carried out road side checks according to Directive 95/50/EC. There has been an improvement in the volume and quality of the data which has been submitted to the Commission. Most Member States are using the correct reporting formats. There continues to be a proportion of vehicles found during these checks that infringe the legislation. The number of infringements per check appears to be stable.

The number of checks in the EU increased in the region of 20% from 2006 to 2007, reaching some 285 000 annual checks in 2007. Approximately in one check out of eight an infringement was detected. Some 40% of these infringements were of the most serious type. Consequently, almost 10 000 vehicles were immobilised following their check. This clearly demonstrates that practical enforcement of rules on the transport of dangerous goods at the roadside is useful and helps to improve safety.

The Commission will consider making recommendations to further harmonise the interpretation and content of the information submitted by the Member States in their annual reports.

## Transport of dangerous goods by road: uniform procedures for checks

1993/0487(SYN) - 06/09/2000 - Follow-up document

**PURPOSE :** to present a report from the Commission to the European Parliament and the Council on the application of the Member States of Council Directive 95/50/EC on uniform procedures for checks on the transport of dangerous goods by road. **CONTENT :** Council Directive 95/50/EC on uniform procedures for checks on the transport of dangerous goods by road was adopted on 6 October 1995 and Member States had to bring into force the laws, regulations and administrative provisions necessary to comply with it by 1 January 1997. This report from the Commission is based on the reports received from the Member States and it is the first report on the application of Council Directive 95/50/EC in the Member States. The Directive provides that each Member State shall send the Commission each calendar year not later than 12 months after the end of that year a report on the application of this Directive. Therefore, the first reports by Member States concerning the year 1997 had to be sent at the latest on 1 January 1999 and concerning the year 1998 at the latest on 1 January 2000. Directive 95/50/EC also provides that the Commission shall send the European Parliament and the Council for the first time in 1999 and subsequently at least every three years a report on the application of the Directive by the Member States. Due to the fact that not all the Member States fulfilled their obligation concerning the year 1997 and in order to get a more full picture of the situation on this field, the Commission wanted to include also the figures for 1998 in this report. Since the last date for the reports from the Member States for the year 1998 was 1 January 2000, the Commission could present this report only in 2000. The Commission feels however that this report, being more complete, is more useful and justifies its delay in production. In conclusion, on the basis of this report the Commission would like to stress that road checks are an effective tool in revealing the problems connected with the safety of the transport of dangerous goods and indirectly in improving it and therefore the Commission recommends that the level of checks in the Member States to be such that a vehicle should be checked at least once every

1000 journeys, on average. At the same time, the Commission would like to point out to the Member States that the harmonised infringement codes should be used in the reports.

## Transport of dangerous goods by road: uniform procedures for checks

1993/0487(SYN) - 29/07/1994 - Modified legislative proposal

The Commission has included seven amendments by the European Parliament and amended its proposal as follows: - a new recital has been added, justifying the need for the Member States to notify the Commission of the application of control arrangements; - account has been taken of companies which temporarily store dangerous goods as part of a haulage operation and which therefore need to be inspected; - the circumstances in which a vehicle may be immobilized have been specified; - the date of entry into force of the directive has been postponed from 1 January 1995 to 1 January 1996; - an entry concerning the state of the vehicle, which must comply with marginalis 10282 of the ADR has been added to the check list (annex 1).

## Transport of dangerous goods by road: uniform procedures for checks

1993/0487(SYN) - 26/02/2020 - Follow-up document

The Commission presented a report on the application by Member States of Council Directive 95/50/EC on uniform procedures for checks on the transport of dangerous goods by road.

This seventh report has been drawn up on the basis of the annual reports received from the Member States and Norway covering the period 2015-2017.

The report concluded that all Member States carry out checks on vehicles carrying dangerous goods by road, and in general report these checks quite accurately. Some inconsistencies persist though, and the Commission continues its efforts to ensure that the reporting requirements under Directive 95/50/EC are complied with, and that compliance progressively improves each year.

### ***Improved reporting***

Some national reports were affected by delays due to administrative procedures for collecting, analysing and transmitting the information to the Commission, in particular when these procedures involve different public authorities. Although the situation had temporarily improved in 2015 compared to the past, the same pace was not observed for the following years, so the Commission had to reiterate its request to the Member States and invite them to improve the format and consistency of the data to be provided in future.

The Commission has received reports from all Member States for the whole period but, notwithstanding major improvements, not all the information has been received in the correct format.

Another major issue addressed by the recommendation was the concept of penalties imposed when an infringement is detected during a roadside check. Due to the differences in legal and administrative arrangements, some Member States were unable to track the outcome of the judicial process following checks revealing suspected infringements.

### ***Comparison of data on checks***

The total number of checks performed in the EU+Norway during the period included in this report was not constant on a yearly basis, varying from 136 966 in 2015 (in comparison to 150 348 in 2014) to 133 360 in 2016 and 144 056 in 2017. The number of checks decreased in 2015 by 10.68% compared to 2014, and the tendency to decrease was maintained in 2016, while a slight increase in the number of checks could be observed for 2017 (although not reaching the levels of 2014).

The national trends vary, as only 6 Member States (Greece, Luxembourg, Estonia, Slovenia, Ireland and Sweden) increased the number of checks over the period covered by this report with more than 25%, while Belgium, Denmark, Croatia, Italy, Bulgaria and the United Kingdom showed the highest reductions in the number of checks performed.

In terms of absolute number of checks in the EU, the share of Germany was the highest in 2015 (33.56%), followed by Poland (14.95%) and Austria (9.44%). The same ranking was observed in 2016 with 30.96% of the EU checks performed by Germany, 12.03% by Poland and 8.96% by Austria, while in 2017 Germany had the highest share (28.43%) followed by Greece (14.49%) and Poland (11.27%). It shall be underlined that this indicator is largely related to the size of the Member State.

### ***Infringements***

The number of infringements remained relatively stable during the reference period of the present report: in 2015 one check out of 5 affirmed or suspected an infringement in the carriage of dangerous goods, while in 2017 it was one out of 5.8 checks. In figures, this corresponds to 79 103 out of the 417 343 total roadside checks performed in the EU+Norway in the three years covered by this report. Where infringements were detected, in 40% of the cases these were of the most serious type.

Consequently, 7 442 vehicles were immobilised in 2015, 7 282 in 2016 and 6 706 in 2017. It shall be noted that the high number of infringements reported by the Member States may also be due to their targeted check policy, aiming at identifying and sanctioning the worst performing transport operators in order to maximise the efficiency of the scarce resources available. This implies that the statistics presented might not be wholly representative of the EU market for the transport of dangerous goods, which in practice would be much safer than it may appear from the data reported.

To conclude, the latest reports clearly show a moderate decrease since 2014 in the number of checks. However, this recovery is still lagging behind the numbers for 2014 with 150 348 checks, and is dramatically lower in comparison with 2006 with 244 710 checks or 2007 with 285 466 checks (i.e. the first reference years for which EU27 data are available).

Lastly, as it is in the interest of the Member States to detect and prevent any dangers that may arise in the transport of these goods, the Commission would like to encourage more investment in this field, in particular to improve training of enforcement authorities and the exchange of expertise and best practices.

## Transport of dangerous goods by road: uniform procedures for checks

1993/0487(SYN) - 06/03/2017 - Follow-up document

The Commission presented a report on the application by Member States of Council Directive 95/50/EC on uniform procedures for checks on the transport of dangerous goods by road.

This sixth report has been drawn up on the basis of the annual reports received by the Member States and Norway and covers the period 2012-2014.

The report concluded that **all Member States carry out checks** on vehicles carrying dangerous goods and in general report these checks quite accurately. **Directive 95/50/EC is generally applied correctly.**

**Improving reporting:** in 2011, the Commission adopted a recommendation to address some **occasional inconsistencies** in reporting. After the publication of the recommendation, the reports improved significantly. However, there are still inconsistencies: they concern in particular the sum of infringements by risk category and the concept of penalties imposed when an infringement is detected during a roadside check.

The Commission intends to continue its efforts to **ensure compliance with the reporting requirements** and to ensure that the situation in this area gradually improves each year.

**Developments regarding inspections:** the latest reports showed that the availability of resources for these checks is becoming more limited. Compared to the reference period of the previous report (2008-2011), **the number of inspections reported decreased each year**. Although in 2013, there was an increase of 2.6%, the year 2014 was marked by a return to the values observed in 2012, namely 153 362 inspections carried out.

In 2012, Germany's share was the highest (35.99%), followed by Poland (13%), with Austria again taking the third place (7.8%). The three Member States with the lowest number of checks were Estonia and Malta (0.05%) and Cyprus (0.06%).

To prevent any dangers that may arise in the transport of these goods, the Commission would like to encourage the **exchange of best practice** and further investment in this field.

**Comparison of data:** the report noted the following:

- **the number of infringements remained relatively stable** during the reference period: in 2014 one check out of five affirmed or suspected an infringement in the carriage of dangerous goods, while in 2012 it was one out of 4.5 checks;
- in 2012, the average in the EU was 0.52 checks per million tonne-kilometre; in 2013 it declined to 0.48 implying an annual decrease of 9.6%, while in 2014 it came back to 0.49;
- **the proportion of non-conforming units decreased** from 22.12% in 2012 to 19.73% in 2014;
- where infringements were detected, in 42.69% of the **cases these were of the most serious type**. Consequently, some 8 875 vehicles were immobilised in 2012. Infringements falling within this category involve a failure to comply with relevant safety provisions creating a high-level risk of death, serious personal injury or significant damage to the environment.

To conclude, almost **32 000** of the some 150 000 **annual roadside checks** result in the conclusion that the transport does not comply with the compulsory safety requirements.

According to the Commission, the high number of infringements reported by the Member States may also be due to their targeted check policy, aiming at identifying and sanctioning the worst performing transport operators in order to maximise the efficiency of the scarce resources available.

This implies that the statistics presented are not wholly representative of the EU market for the transport of dangerous goods, which in practice is much safer than it may appear from the data reported.

In this light the Commission, together with the relevant authorities, has started to analyse **possibilities to amend the Annexes to the Directive** in order to improve the way data on checks and sanctions are recorded and reported by the Member States.

## Transport of dangerous goods by road: uniform procedures for checks

1993/0487(SYN) - 25/11/2013 - Follow-up document

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.