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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT
AND THE COUNCIL**

**ON THE APPLICATION BY THE MEMBER STATES OF COUNCIL DIRECTIVE
95/50/EC ON UNIFORM PROCEDURES FOR CHECKS ON THE TRANSPORT OF
DANGEROUS GOODS BY ROAD**

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1. INTRODUCTION

Council Directive 95/50/EC on uniform procedures for checks on the transport of dangerous goods by road was adopted on 6 October 1995¹ and Member States had to bring into force the laws, regulations and administrative provisions necessary to comply with it by 1 January 1997.

Directive 95/50/EC provides that each Member State has to send the Commission for each calendar year not later than twelve months after the end of that year a report on the application of the Directive². The Directive also provides that the Commission has to send the European Parliament and the Council at least every three years a report on the application of the Directive by the Member States³.

The report from the Commission is based on the annual reports received from the Member States. 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 first report⁴ covered years 1997-1998, the second report⁵ years 1999-2002 and the third report⁶ years 2003-2005.

2. BACKGROUND

Council Directive 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road⁷, as amended⁸, introduced harmonised rules for the transportation of dangerous goods between the Member States as well as nationally within the Member States.

The technical annexes to Directive 94/55/EC are identical in terms of content to the technical annexes to the international ADR-agreement⁹. Therefore, Directive 94/55/EC transposes into Community law the technical provisions of the ADR, which lays down uniform rules for the safe international transport of dangerous goods by road. The added value of the Directive is that it also extends these rules to cover national traffic in order to harmonise across the Community the conditions under which dangerous goods are transported by road and thereby to improve, at the same time, road safety at national level.

Annex A to Directive 94/55/EC lists the dangerous goods that may be carried by road and gives rules for packaging, labelling and for describing goods in the transport documents. Annex B sets out the rules governing the transport units and transport operations.

¹ OJ No L 249, 17.10.1995, p. 35, as last amended by Commission Directive 2004/112/EC of 13 December 2004 adapting to technical progress Council Directive 95/50/EC (OJ No L 367, 14.12.2004, p. 23)

² Article 9(1) thereof

³ Article 9(2) thereof

⁴ COM(2000) 517 final, 06.09.2000

⁵ COM(2005) 430 final, 15.09.2005

⁶ COM(2007) 795 final, 13.12.2007

⁷ OJ No L 319, 12.12.1994, p. 7

⁸ Directive last amended by Commission Directive 2004/111/EC of 9 December 2004 adapting to technical progress Council Directive 94/55/EC (OJ No L 365, 10.12.2004, p. 25)

⁹ European Agreement concerning the International Carriage of Dangerous Goods by Road concluded at Geneva on 30 September 1957, as amended, the latest version being the 2009-2011 version.

It should be noted that Directive 94/55/EC was repealed as from 30 June 2009 and replaced by Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods¹⁰. However, Directive 2008/68/EC maintains the same approach to that of 94/55/EC as regards the inclusion of the technical provisions of ADR.

3. DIRECTIVE 95/50/EC

In the context of Directive 94/55/EC, and in order to further improve the level of safety in the transport of dangerous goods and to ensure that a sufficient level of checks is carried out in a harmonised way, the Council adopted on 6 October 1995 Directive 95/50/EC on uniform procedures for checks on the transport of dangerous goods by road. This Directive includes a harmonised checklist used by Member States as well as a list of infringement codes. In 2004 the Annexes to the Directive were amended¹¹ and the infringement code system was changed to include three risk categories as from 2005.

These uniform checks concern all road transport operations of dangerous goods in the territory of a Member State or entering it from third countries, irrespective of the country of registration of the transport unit. 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 undertakings¹². There is, however, no reporting requirement on these checks in Directive 95/50/EC.

4. REPORTS FROM EU MEMBER STATES AND NORWAY

When making their reports, the Member States are requested to use the risk categories in Annex II to Directive 95/50/EC and to present the report in accordance with Annex III of the Directive. Norway has always submitted an annual report and has requested to be included in the Commission's report to the European Parliament and the Council.

Not all Member States submitted the information in the standard format. For example, some Member States used the codes from the previous checklist (Annex I to the Directive prior to the amendment of 2004), some Member States had their own systems for categorising infringements.

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 the tables of this report. This is indicated by the sign '#N/A' for 'not available'.

¹⁰ OJ No L 260, 30.09.2008, p. 13–59

¹¹ Commission Directive 2004/112/EC of 13 December 2004 adapting to technical progress Council Directive 95/50/EC (OJ No L 367, 14.12.2004, p. 23)

¹² Sweden indicated that they perform a substantial number of checks and audits at terminals, companies and harbours. The Netherlands indicated that they additionally visit transport companies to do checks, audits and to distribute information. Belgium indicated that besides inspections at the premises of companies, the safety advisors report the results of checks done in the company to the competent authorities.

The summary of the reports from the Member States is provided in the annexes to this report. The presentation and the analysis of the data have to take into account that the report's template was amended in 2004.

Annex I contains the evolution of the number of checks registered in each Member State from 2003 to 2007, the proportion of transport units not conforming to the rules for 2006-2007 and the proportion of infringements of risk category 1 for 2006-2007.

When analysing the evolution in Chapter 6 and the statistics of 7.6 *Breakdown by risk categories*, it should be noted that the indicator for Spain is low due to a misinterpretation of the number of transport units not conforming to ADR.

Several Member States have sent reports where the sum of infringements differs from the number of transport units not in compliance with the ADR provisions. This should not be possible since Member States are asked to report only the most severe infringement category for each transport unit.

5. CALCULATION OF DATA

Member States were requested to provide, if possible, their estimation of the amount of annual transport of dangerous goods in tonnes or in tonnes-kilometres in their report. Only 5 Member States have provided this information.

To make objective comparison between the different Member States possible, the volume of dangerous goods transport per Member States was extracted from Eurostat data¹³. This information was used to estimate of the frequency of checks per million tonne-kilometres.

There were no Eurostat statistics for Hungary in 2006 and for Malta in 2006-2007. For Hungary, the information was extrapolated from 2007-2008 data. For Malta, the volume of goods transported was provided by the Maltese competent authority.

The statistics from Eurostat are presented in Annex IX.

6. EVOLUTION OF CHECKS AND THEIR OUTCOMES

The table in Annex I provides an overview of the evolution in time of the roadside checks in each Member State. The first line gives the number of checks. The second line provides the percentage of transport units checked where at least one infringement was found. On the third line there is the percentage of checks where the most severe infringement was of category 1, i.e. the most serious infringement.

The data of Annex I begins in 2006 except for the number of checks where the information from the previous report is included.

At the end of the table there are averages for the European Union and the statistics from Norway.

¹³ Eurostat table "DS-073082": Annual road freight transport of dangerous goods, by type of dangerous goods and broken down by activity

It should be noted that due to missing data from the Member States reports:

- the total numbers of checks for 2006 and 2007 do not include Estonia;
- the percentage of transport units checked where at least one infringement of the provisions was found for 2006 does not include Germany, Estonia or Spain; for 2007 Estonia and Spain are not included;
- the percentage of category 1 infringements for 2006 does not include Bulgaria, Germany or Portugal.

Information on the percentage of category 1 infringements can be misleading for some Member States. If more than one infringement per check has been reported, the percentage of category 1 infringements tends to be lower than the correct value. For 2006, this was the case for France, the Netherlands, Poland and Portugal; for 2007 for Bulgaria, the Netherlands, Poland and Portugal.

Some Member States have fewer infringements than there were transport units found to be not conforming. This is the case for Belgium, Italy, Hungary, Malta and Sweden. This should not influence the percentage in a systematic manner. There are cases where the law enforcement authorities report only where infringements are found, but do not provide any information on the infringements or penalties which ensue. This issue is discussed in more detail in paragraph 7.6.

7. COMPARISON OF DATA

The following paragraphs provide more detailed information and analysis on the data provided by the Member States regarding their checks. Annexes II to VIII illustrate by means of bar graphs the situation in each Member State in 2006 and 2007.

7.1. Frequency of checks

Annex II shows an overview of the frequency of roadside checks in the Member States for the years 2006 and 2007. The frequency is expressed as the ratio of the number of checks per million tonne-kilometres of dangerous goods transported in each Member State.

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%.

7.2. Breakdown of checks by place of origin

Member States are requested to categorise their statistics by place of registration of the transport unit. Annex III of this report shows an overview of checks by place of origin of the transport unit.

In the analysis of the results, the geographic position of each Member State should be taken into account; for example on islands there is usually less freight transit by road.

Data for 2006 is missing from the following Member States: Bulgaria, Germany, Estonia, Portugal and Slovakia; for 2007 from Estonia.

7.3. Proportion of non-conforming transport units

The share of transport units checked with at least one infringement is in Annex IV.

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 for 2006 is missing from the following Member States: Germany and Estonia; for 2007 from Estonia. The indicator for Spain is low due to a misinterpretation of the number of transport units not conforming to the rules.

7.4. Breakdown of non-conforming transport units by place of origin

The graph in Annex V shows the distribution of transport units not conforming to the provisions according to the place of origin of the transport unit.

In the analysis of the results, the geographic position of each Member State should be taken into account.

Data is missing for 2006 from the following countries: Germany and Estonia; for 2007 from Estonia. Slovakia provided the information but did not report any infringements for 2006.

7.5. Frequency of immobilisation of transport units

The graph in Annex VI illustrates the percentage of immobilised vehicles amongst those that were reported to have an infringement.

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 have not provided data for 2006: Germany, Italy, Portugal and Slovakia; for 2007: France, Italy and Portugal.

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.

7.6. Breakdown by risk categories

The graph in Annex VII illustrates the distribution of severity of the infringements. Only the highest risk category detected during the check should have been recorded.

The total number of reported infringements should be equal to the number of transport units not conforming to the rules. The last bar in the graph of Annex VII is the sum of the infringements divided by the number of non-conforming units. This should be equal to 100% because only the most severe infringement should have been reported.

If this is less than 100%, the report on infringements is not complete. If the sum is higher than 100% several infringements per check have been reported.

For 2006, Bulgaria, Germany and Portugal did not provide data on the risk categories. Slovakia found no infringements.

For 2007, all Member States reported the required data.

7.7. Types of penalties

The graph in Annex VIII illustrates the distribution of penalties by each Member State.

In the Member States, many different systems for fines and prosecution exist.

Some Member States indicated that more than one penalty was reported per transport unit. Hence, the sum of the percentages does not have to be equal to 100%.

The results for Spain are abnormal because of a misinterpretation of the total number of transport units not conforming to ADR. Furthermore, certain Member States did not provide information on some types of penalty. It is not clear whether these penalties were not applied or not reported.

Bulgaria, Germany, Italy and Portugal did not report penalties for 2006; for 2007 this is the case for Italy and Portugal.

8. CONCLUSIONS

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.

Annex I – Evolution of the number of checks, non-conformity and category 1 infringements

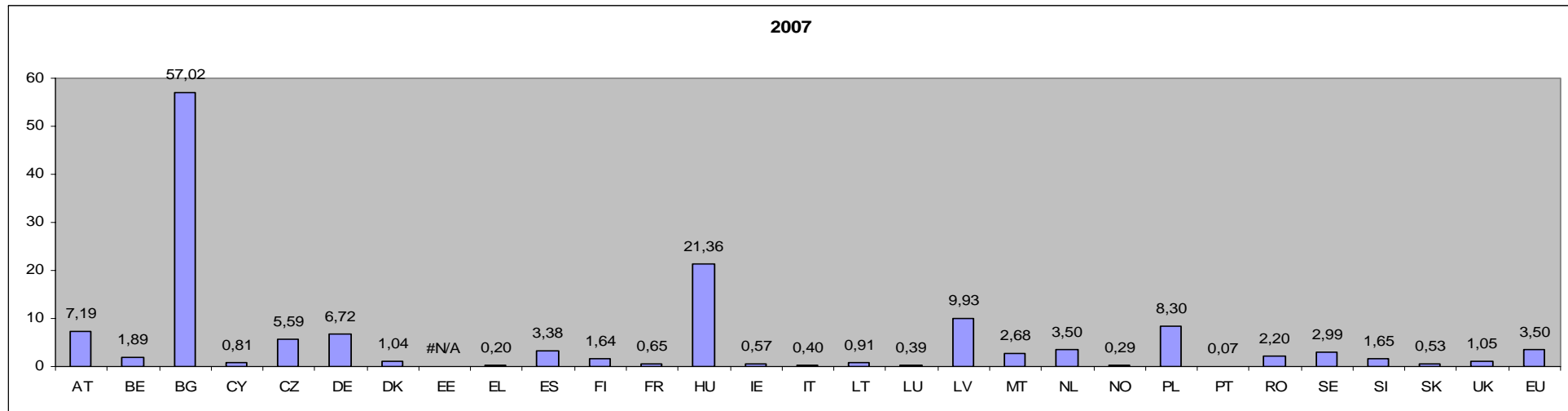
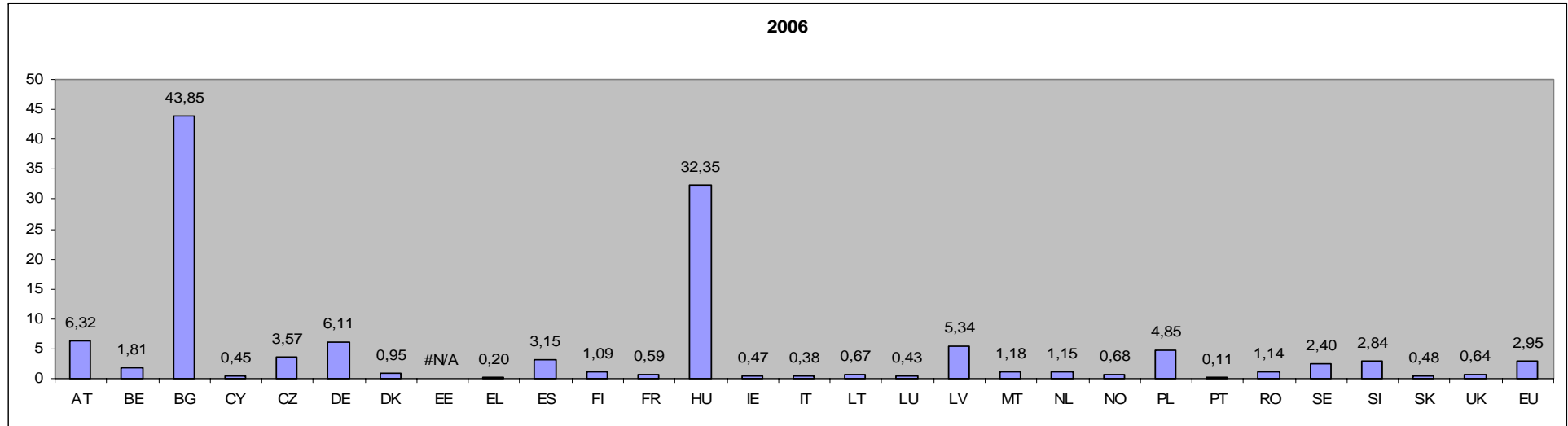
Further information on this table is provided in paragraph 6 of the report.

COUNTRY/YEAR		2003	2004	2005	2006	2007
AT	No of Checks	5831	5420	5273	7089	7580
	% Non-conform				36,49%	36,00%
	% Risk Cat. 1				24,62%	24,55%
BE	No of Checks	2919	3417	3835	3977	4133
	% Non-conform				38,52%	39,90%
	% Risk Cat. 1				47,36%	30,47%
BG	No of Checks				19206	27996
	% Non-conform				2,49%	1,24%
	% Risk Cat. 1				#N/A	23,15%
CY	No of Checks				75	181
	% Non-conform				1,33%	0,55%
	% Risk Cat. 1				100,00%	0,00%
CZ	No of Checks		11334	17796	6694	7691
	% Non-conform				5,83%	5,60%
	% Risk Cat. 1				26,46%	17,87%
DE	No of Checks	106653	103975	88915	83760	86225
	% Non-conform				#N/A	20,18%
	% Risk Cat. 1				#N/A	47,00%
DK	No of Checks	311	621	708	889	646
	% Non-conform				55,46%	52,79%
	% Risk Cat. 1				34,08%	40,76%
EE	No of Checks		74	67	#N/A	#N/A
	% Non-conform				#N/A	#N/A
	% Risk Cat. 1				20,41%	37,50%
EL	No of Checks	96	211	1106	614	456
	% Non-conform				13,36%	16,89%
	% Risk Cat. 1				52,44%	64,94%
ES	No of Checks	36782	30453	32591	40023	42787
	% Non-conform				0,25%	0,19%
	% Risk Cat. 1				67,90%	66,69%
FI	No of Checks	2394	2536	2401	2530	3025
	% Non-conform				36,56%	33,92%
	% Risk Cat. 1				31,35%	18,62%
FR	No of Checks	22951	28122	23341	5566	6388
	% Non-conform				10,28%	22,70%
	% Risk Cat. 1				26,60%	22,07%
HU	No of Checks		74546	41609	35555	25995
	% Non-conform				1,63%	4,30%
	% Risk Cat. 1				23,10%	27,03%
IE	No of Checks	356	375	815	630	731
	% Non-conform				32,54%	44,60%
	% Risk Cat. 1				34,15%	24,54%

IT	No of Checks	2797	3135	3963	4105	4515
	% Non-conform				32,35%	34,55%
	% Risk Cat. 1				72,82%	69,90%
LT	No of Checks		189	258	311	419
	% Non-conform				29,58%	16,95%
	% Risk Cat. 1				23,91%	15,49%
LU	No of Checks	313	100	190	190	182
	% Non-conform				64,21%	68,13%
	% Risk Cat. 1				15,75%	49,19%
LV	No of Checks		403	417	823	1609
	% Non-conform				11,42%	10,19%
	% Risk Cat. 1				25,53%	29,27%
MT	No of Checks			36	33	75
	% Non-conform				51,52%	76,00%
	% Risk Cat. 1				23,53%	34,09%
NL	No of Checks	2362	2138	1949	2750	7340
	% Non-conform				26,65%	14,69%
	% Risk Cat. 1				57,82%	57,16%
PL	No of Checks			13505	15840	39057
	% Non-conform				11,14%	2,96%
	% Risk Cat. 1				27,19%	15,52%
PT	No of Checks	67	192	171	235	137
	% Non-conform				76,17%	73,72%
	% Risk Cat. 1				#N/A	42,50%
RO	No of Checks				2914	4517
	% Non-conform				9,37%	5,58%
	% Risk Cat. 1				69,60%	64,77%
SE	No of Checks	6333	5109	6375	4182	4219
	% Non-conform				29,60%	20,27%
	% Risk Cat. 1				22,08%	24,04%
SI	No of Checks	4178	3228	2179	1621	1041
	% Non-conform				17,89%	19,50%
	% Risk Cat. 1				42,76%	39,41%
SK	No of Checks			83	247	300
	% Non-conform				0,00%	0,67%
	% Risk Cat. 1				#N/A	0,00%
UK	No of Checks	6124	4863	5762	4851	8221
	% Non-conform				13,69%	30,76%
	% Risk Cat. 1				19,13%	30,01%
EU	No of Checks				244710	285466
	% Non-conform				12,11%	14,44%
	% Risk Cat. 1				40,57%	41,06%
NO	No of Checks				632	417
	% Non-conform				34,65%	34,53%
	% Risk Cat. 1				21,27%	15,97%

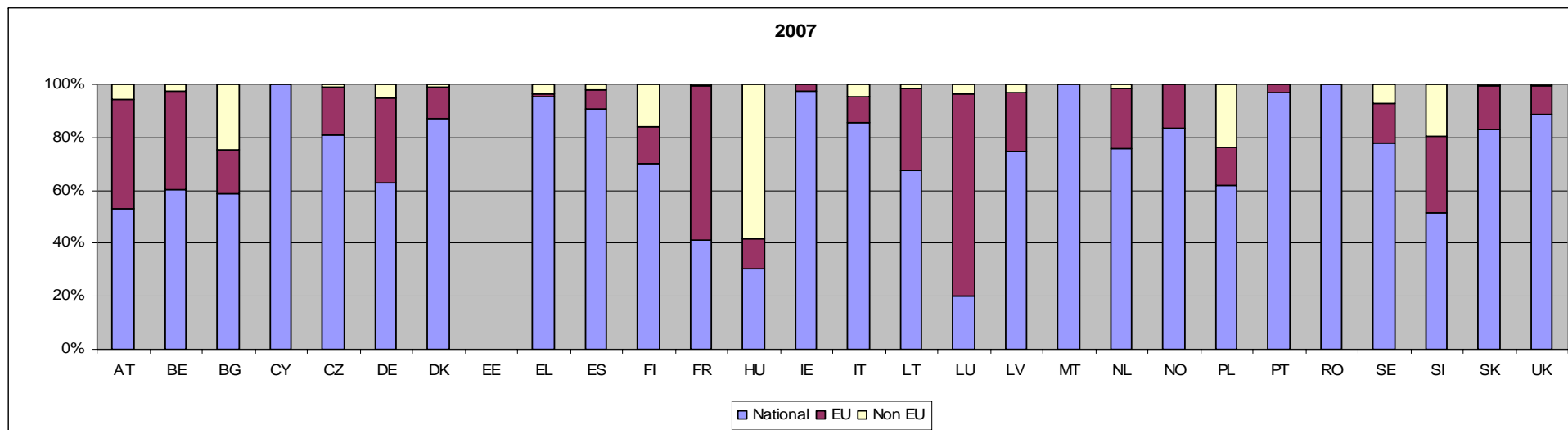
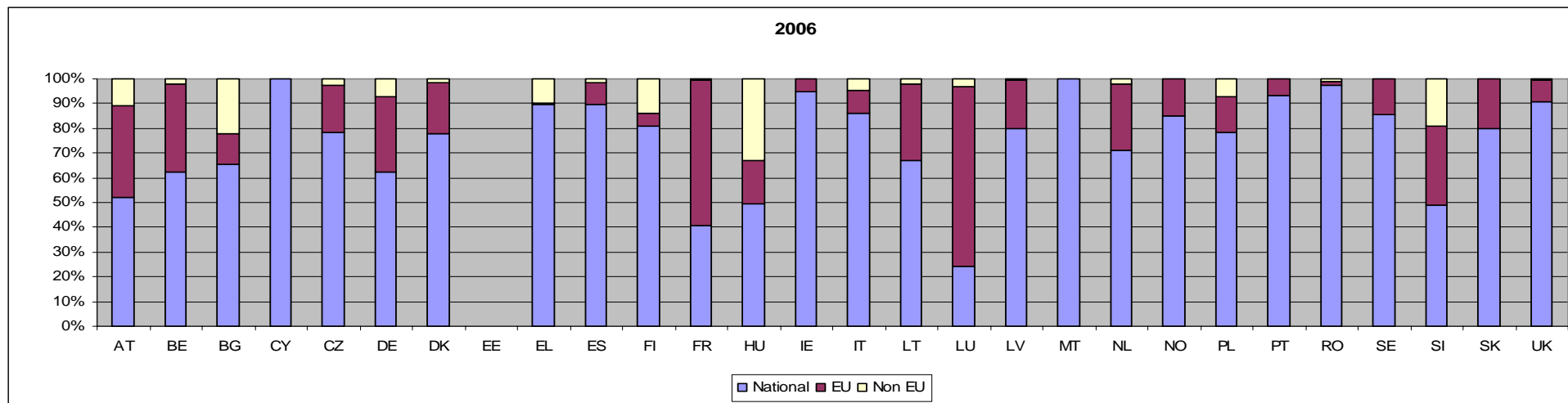
Annex II - Frequency of checks per million tonne-kilometre

Further information on this graph is provided in paragraph 7.1 of the report.



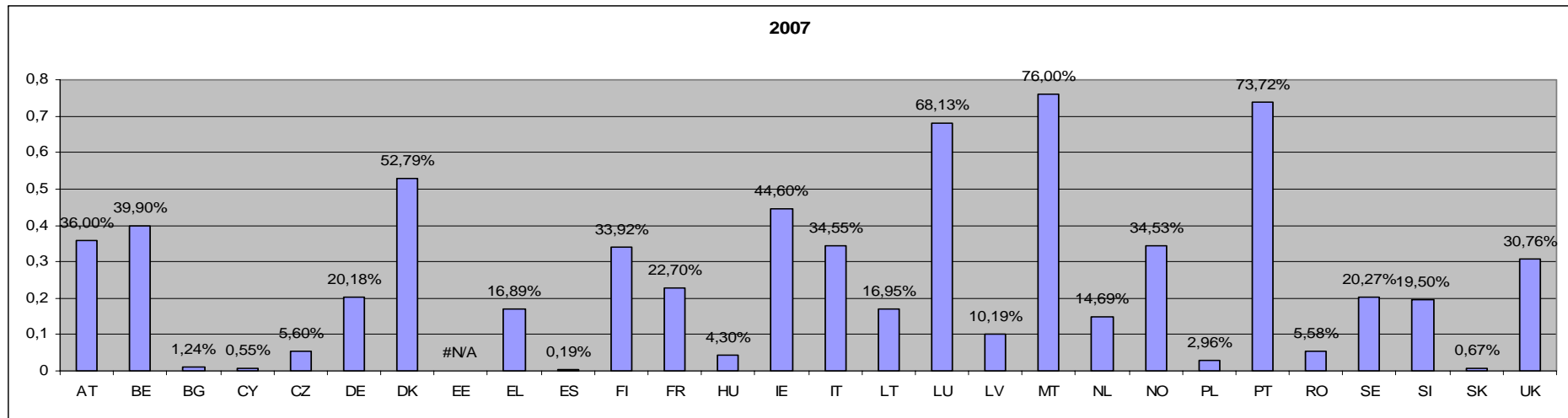
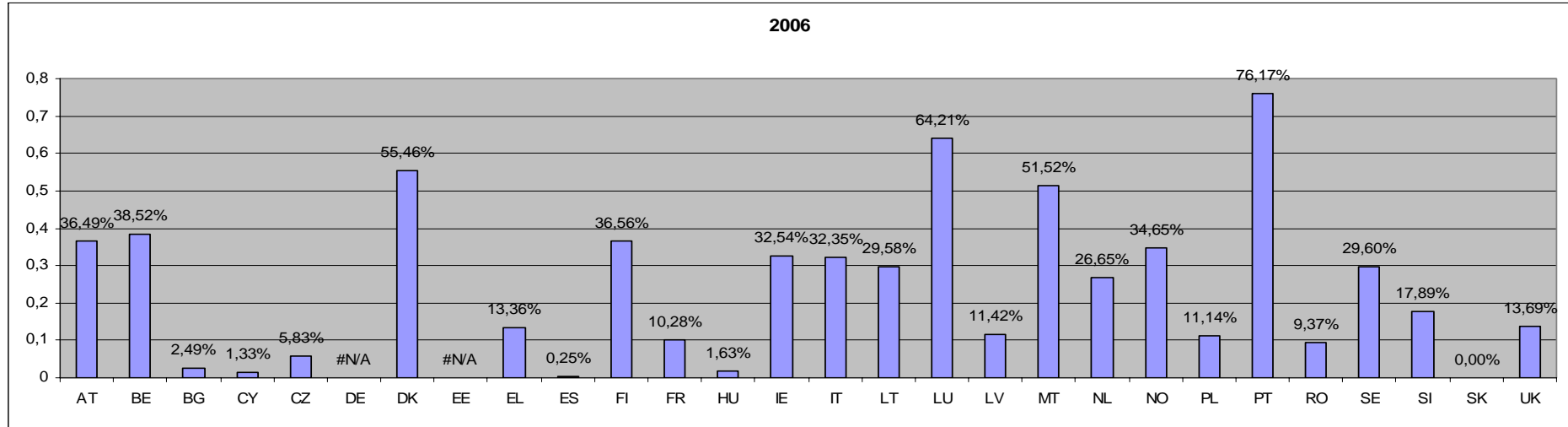
Annex III - Breakdown of checks by place of origin

Further information on this graph is provided in paragraph 7.2 of the report.



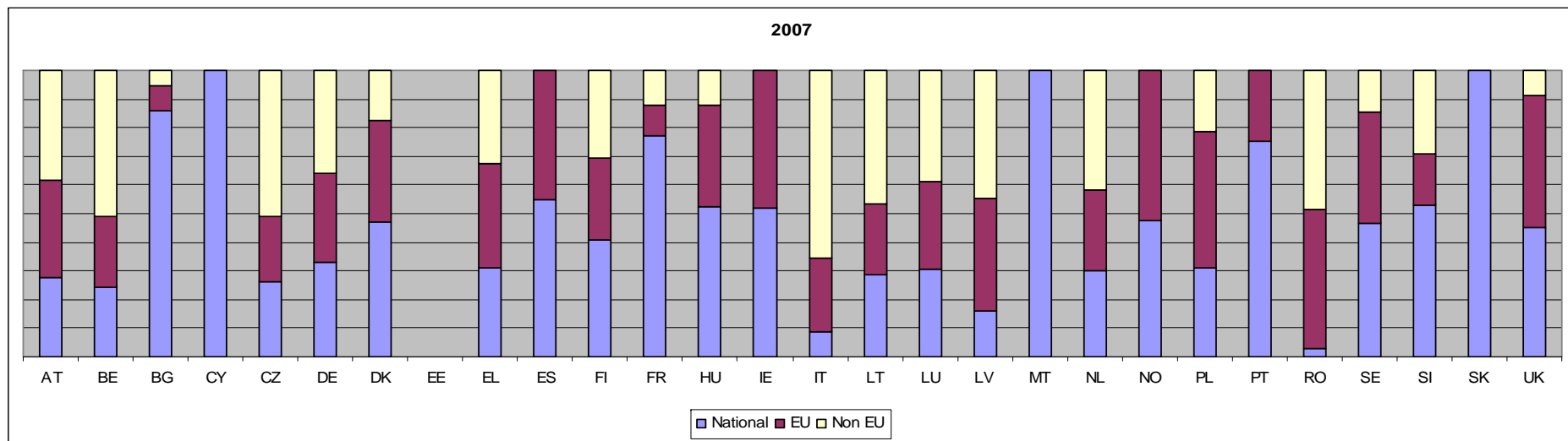
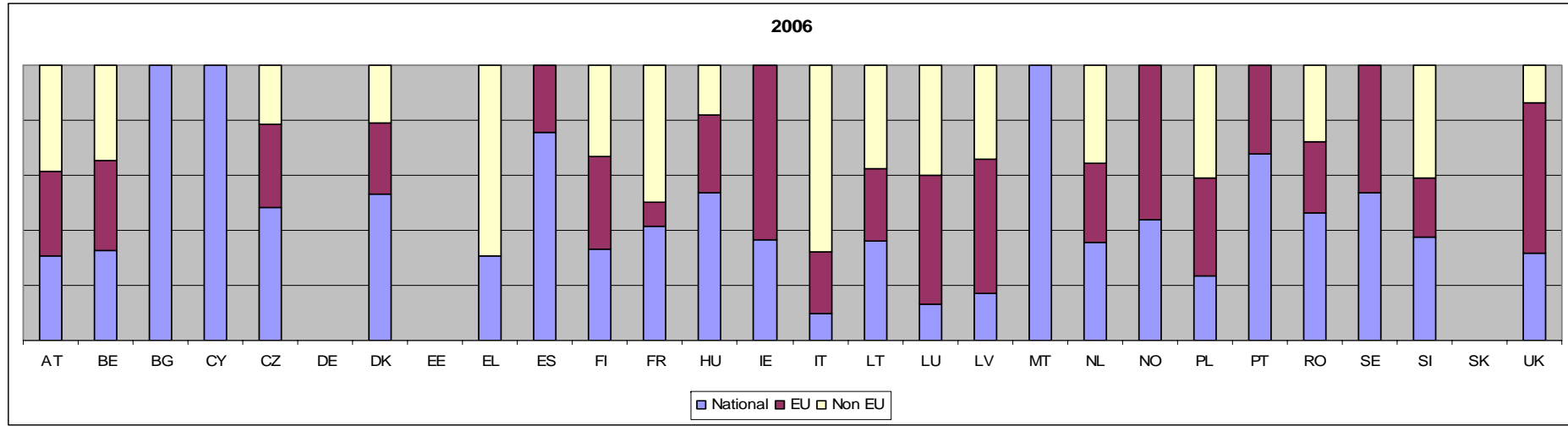
Annex IV – Proportion of transport units not conforming to ADR

Further information on this graph is provided in paragraph 7.3 of the report.



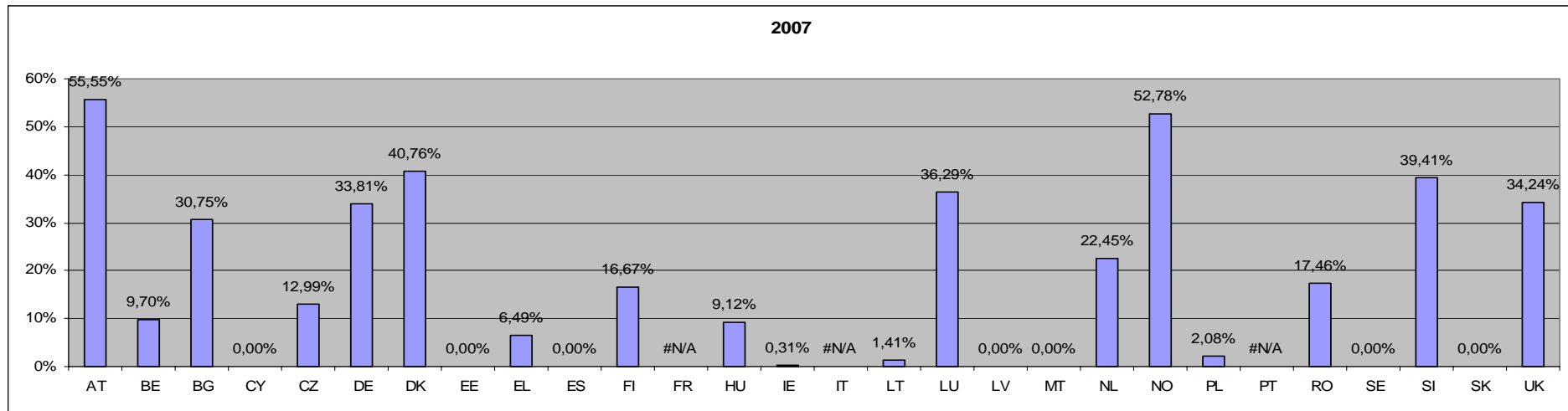
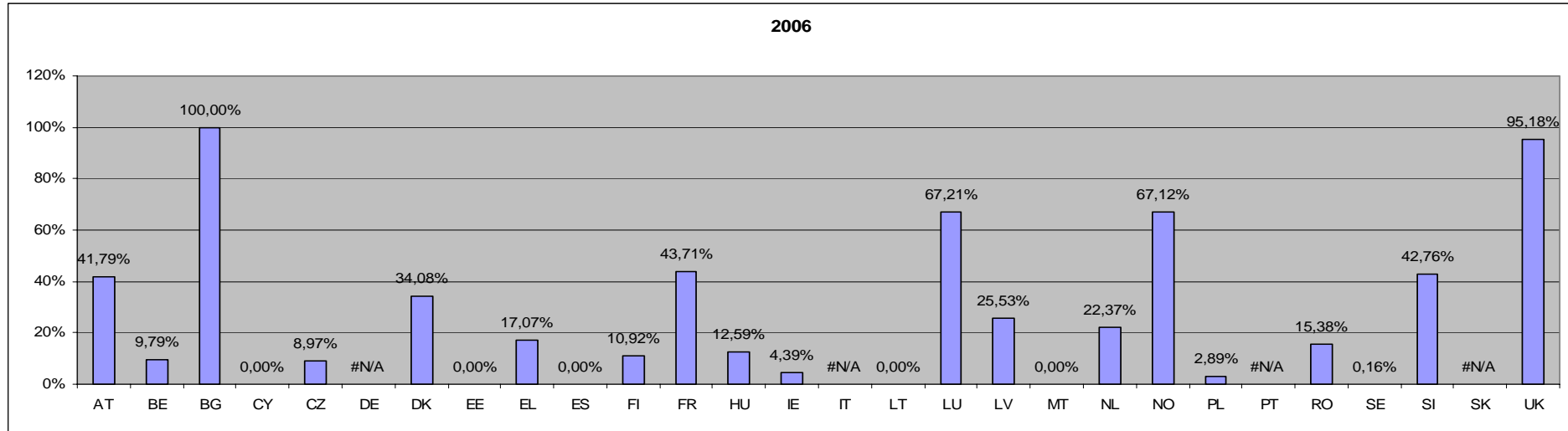
Annex V - Breakdown of transport units not conforming to ADR by place of origin

Further information on this graph is provided in paragraph 7.4 of the report.



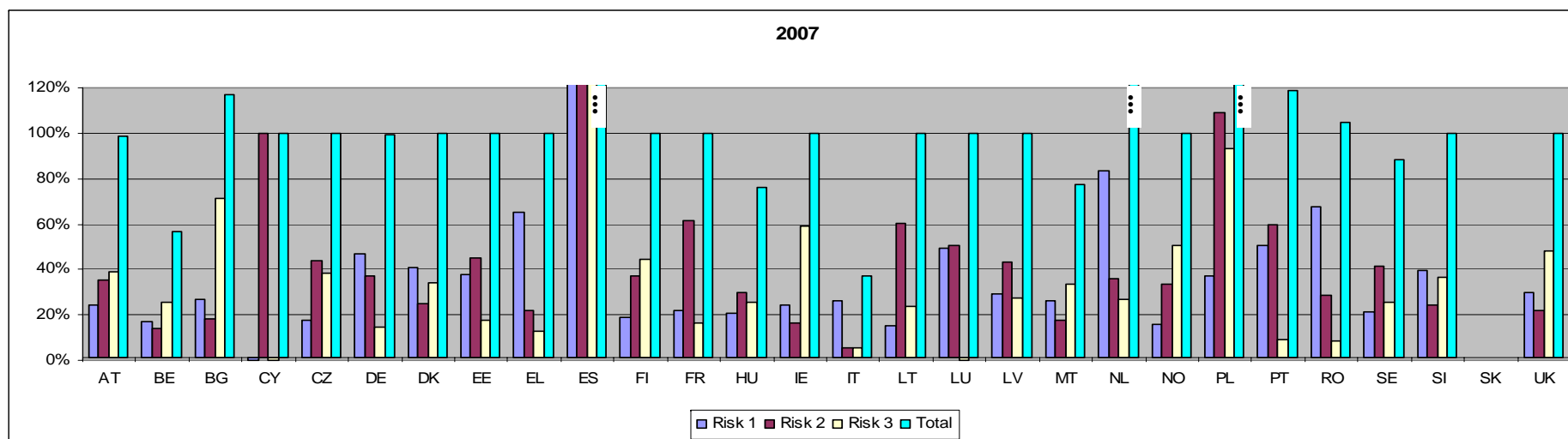
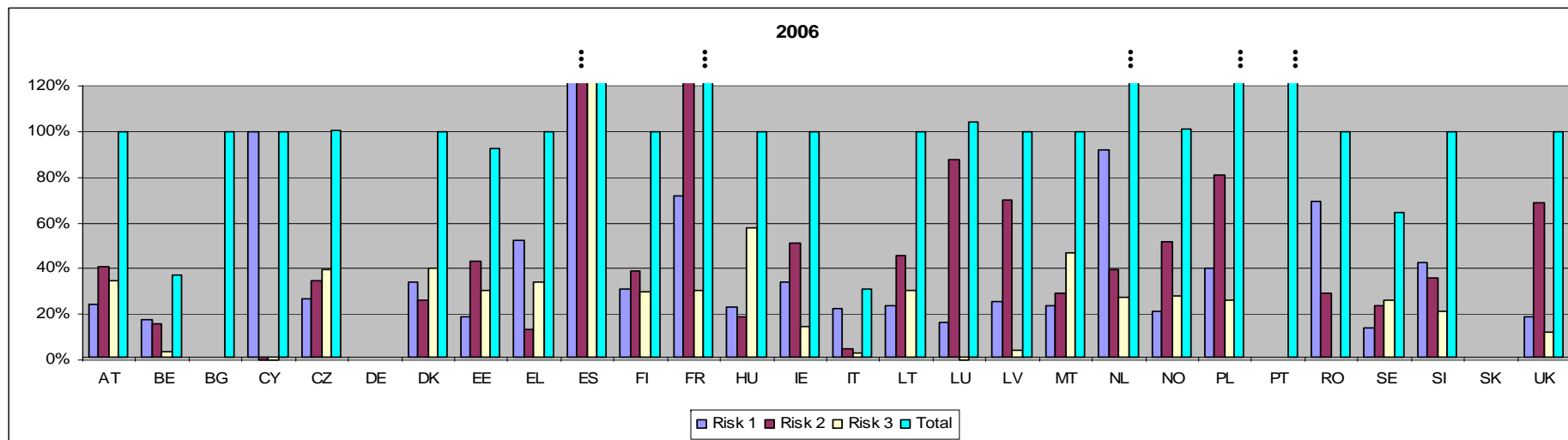
Annex VI - Frequency of immobilisation of transport units not conforming to ADR

Further detail on this graph is provided in paragraph 7.5 of the report.



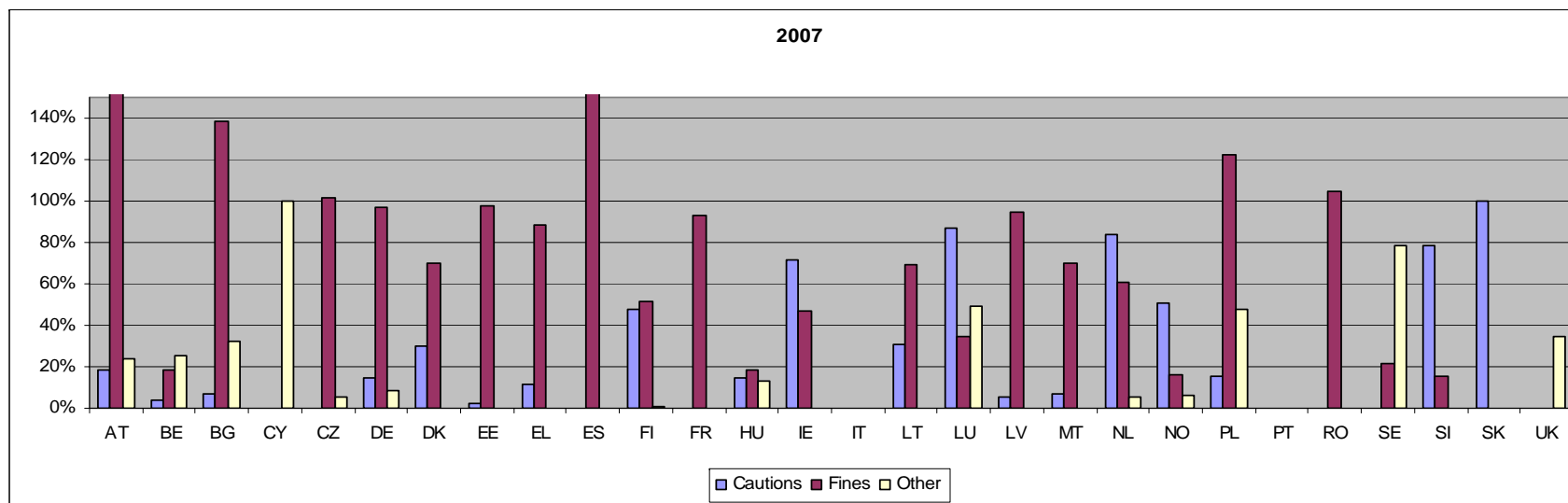
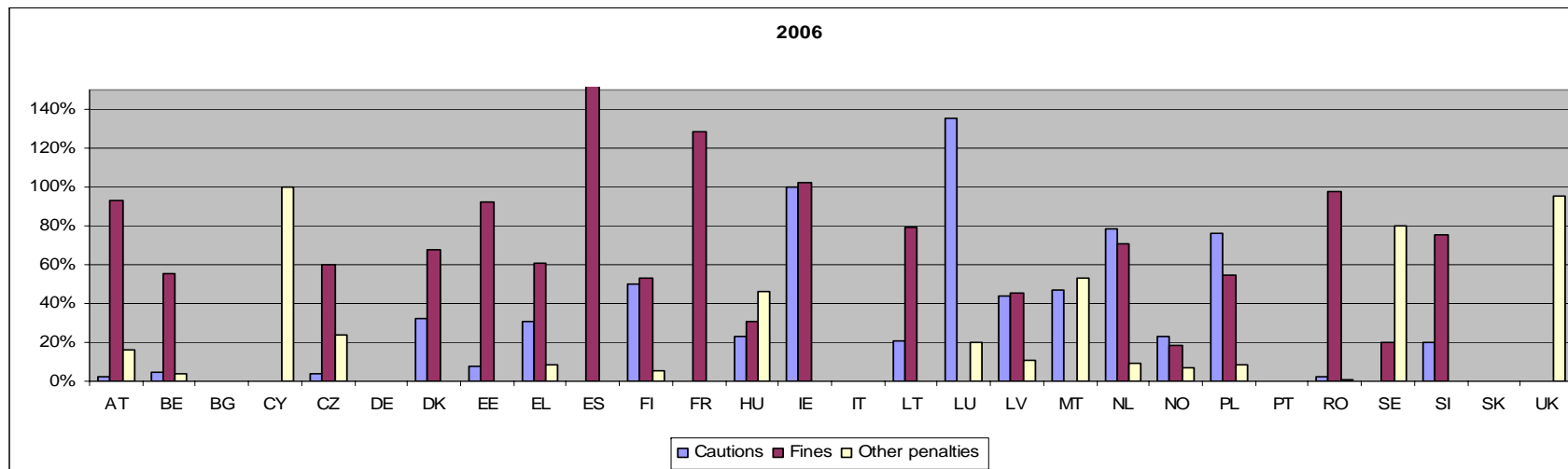
Annex VII - Breakdown by risk categories

Further detail on this graph is provided in paragraph 7.6 of the report.



Annex VIII – Types of penalties per transport unit not conforming to ADR

Further detail on this graph is provided in paragraph 7.7 of the report.



Annex IX – Annual road freight transport of dangerous goods in million tonne-kilometres

Further detail on this table is provided in paragraph 5 of the report.

MS/year	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
AT	960	924	1064	985	1132	940	972	1122	1054	1178
BE	2768	3545	4177	3779	2623	2284	2473	2203	2191	1904
BG	:	:	:	:	:	:	:	438	491	694
CY	:	:	:	134	118	159	221	166	224	181
CZ	:	2905	2117	1905	2172	1498	1814	1875	1376	1140
DE	12261	12782	13437	12034	12777	13524	13158	13717	12834	13616
DK	887	853	827	998	780	901	693	933	620	1256
EE	:	:	:	:	25	24	286	193	276	189
EL	:	:	:	:	2040	3875	1975	3085	2228	3144
ES	8998	10690	10300	12036	12185	12669	12474	12700	12671	12605
FI	1946	2077	2427	2253	2401	1818	2165	2317	1847	1574
FR	8328	7607	8132	8471	8797	8701	8825	9456	9755	9441
HU	:	:	:	:	:	:	:	1099	1217	1348
IE	597	954	1139	1094	1414	1468	1403	1340	1291	1351
IT	10875	10894	11086	10523	10131	9935	11406	10777	11392	:
LT	:	:	:	:	1173	1151	383	461	461	384
LU	200	189	245	337	327	344	444	445	468	364
LV	:	:	:	117	153	97	159	154	162	185
MT								28	28	
NL	950	848	2123	1680	1664	2021	2203	2390	2098	2554
PL	:	:	:	:	:	3651	3649	3267	4708	5380
PT	1571	1276	1775	1730	1900	2066	1984	2046	1979	1846
RO	:	:	:	:	:	:	:	2559	2057	1782
SE	:	1779	1623	2009	1778	1450	1634	1743	1409	1265
SI	:	:	542	407	418	477	620	571	631	662
SK	:	:	:	:	406	431	366	517	562	281
UK	10790	11654	10655	10178	9899	7983	8766	7590	7808	:
NO	1085	1139	828	908	1120	886	944	931	1454	1018