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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 13.12.2007
COM(2007) 795 final

**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 this 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 third report on the application of Council Directive 95/50/EC in the Member States and it covers years 2003-2005. The first report⁴ covered years 1997-1998 and the second report⁵ years 1999-2002. Due to the enlargement of the EU on 1 May 2004 ten new Member States appear in this report. New Member States were only obliged to provide data for the years 2004 and 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 road⁶, as amended⁷, 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-agreement⁸. 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.

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 OJ No L 319, 12.12.1994, p. 7

⁷ 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)

⁸ 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 2005 version.

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 vehicles and transport operations.

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 harmonised list of infringement codes until 2004. In 2004 the Annexes to the Directive were amended⁹ and the infringement codes were changed to 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 vehicle. 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.

4. REPORTS FROM THE MEMBER STATES

Reports were received from all Member States, which are obliged to send reports for the entire period of 2003-2005. Reports from new Member States, which are only obliged to send reports for the period beginning in 2004, were either the entirety or part of the period. One Member State did not send any data.

Member States which submitted reports for all years in the period 2003-2005	Austria, Belgium, Denmark, Germany, Greece, Spain, Finland, France, Ireland, Italy, Luxemburg , the Netherlands, Portugal, Sweden, Slovenia, the United Kingdom
Member States which submitted reports for part of the period 2003-2005 (as from 2004 compulsory)	Czech Republic (2004-05), Estonia (2004-2005), Hungary (2004-05), Lithuania (2004-05), Latvia (2004-05), Malta (2005), Poland (2005), Slovakia (2005)
Member States which did not submit any report for the period 2003-2005	Cyprus

When making their reports, the Member States were invited to use the harmonised infringement codes in Annex II to the Directive until 2004, the new risk categories in 2005 and to present the report in accordance with Annex III of the Directive, which was modified in 2005. Not all Member States followed this pattern. Some Member States used the codes

⁹ 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)

from the checklist (Annex I to the Directive), some had their own system of grouping the infringements, as had also been the case in the previous reports. In 2005 many Member States still used their old practises, but some used already the new risk categories. It was therefore not possible to create a coherent overview of the type of infringements. This would have led to an even higher share of the class "other infringements", which already accounted for 57,78 % of the total in the last report.

The summary of the reports is given in Annex I to this report. Annex I contains time series of the number of checks, infringements and penalties registered in each Member State from 1997 to 2005.

5. CALCULATION OF DATA

Member States were invited to give their estimate of the amount of transportation of dangerous goods in tonnes or in tonnes-kilometres in their report. Not many Member States provided this information. Therefore old practises of previous reports were followed: a proportion of 6 % of all goods transported as a constant average value for estimating the amount of transported dangerous goods¹⁰, an average journey of 110 kilometres and an average load of dangerous goods of 10 tonnes were used in the calculations.

On the basis of these data the number of journeys made by vehicles transporting dangerous goods was calculated. This figure was correlated with the number of checks in the country to obtain information about the frequency of checks as a percentage of the number of checks per number of journeys. To provide a balanced basis for the different Member States, all the trips were calculated on the basis of Eurostat statistical data.

6. FREQUENCY OF CHECKS IN THE MEMBER STATES

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. However, it should be noted that in some Member States a significant proportion of the available enforcement capacity is used to carry out checks at the premises. These checks are also based on Article 6 of Directive 95/50/EC, but do not appear in the data.

¹⁰ The data concerning all goods transported come from the statistical pocketbook 2006 EU Energy and Transport in Figures", issued by Eurostat. Luxembourg, Office for Official Publications of the European Communities, 2007. Table 3.2.4c

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.

It should be noted that the Member State, which did not submit a report is fully excluded from all data.

In order to assess the equivalence of checks between domestic and foreign operators, the checks performed by each Member State and the proportion of foreign vehicles checked are presented in Annex III. This proportion does, indeed, vary considerably. However, as the largest proportion of foreign vehicles checked are in the transit countries, the proportions still seem reasonable taking into account geographical positions. Therefore it may be concluded that there is no indication that the checks are not balanced in this respect.

7. THE PROPORTION OF TRANSPORT OPERATIONS INFRINGING THE LEGISLATION

The proportion of transport operations infringing the legislation was calculated by relating all infringements (whether concerning the vehicle, the driver, the documentation or the transported goods) to the checked vehicle. As there may have been more than one infringement per vehicle, this may give an artificially high figure. This has to be taken into account when assessing the figures. The information on the proportion of infringements per check in the period 2003-2005 has been put into a chart in Annex IV.

When comparing the values with the results from the previous report it can be concluded that:

- 1) the ratio of the number of infringements per check in the European Union as a whole increased from 0.22 (1997-1998) to 0.26 (1999-2002) and then decreased to 0.18 (2003-2005);
- 2) depending on the country, the ratio of the number of infringements per check in the period 1999-2002 ranged from 0.02 to nearly 2.00;
- 3) in Austria, Estonia, Ireland, Malta, and Portugal, the ratio of the number of infringements per check in the period 2003-2005 is significantly higher than the EU average (0.26). In most countries the ratio is between 0.10 – 0.50.

The figures demonstrate that the road checks are necessary and constitute an important tool for improving safety in the transport of dangerous goods, although when comparing the frequency of checks (Annex II) with the proportion of infringements (Annex IV), the correlation is not straightforward.

8. PENALTIES

The information about penalties was in many cases incomplete. An overview of types of penalties in the Member States, which provided information, is provided in Annex V. The most common penalty was a fine (about 80%) followed by a warning (about 20%) while prosecutions were applied very seldom.

9. CONCLUSIONS

Although most of the Member States performed roadside checks on the transport of dangerous goods in the period 2003-2005, the frequency of checks varies considerably. The average frequency of checks in the European Union, taking into account the enlargement of 2004, has increased in the past few years.

Justification for checks is clearly seen in the proportion of vehicles found during checks to be infringing the legislation, although the average ratio of the number of infringements per check in the European Union has slightly decreased.

On the basis of this report the Commission stresses that road checks are an effective tool in revealing the problems connected with the safety of the transport of dangerous goods and in improving it. However, checks conducted in premises by some Member States are obviously an equally effective way of enforcement, although this is not apparent from the annexes to this report.

Finally, the Commission would like to point out to the Member States that the harmonised reporting forms should be used and the reports should be sent to the Commission by all Member States. The introduction and application of the new infringement risk categories in all Member States will provide better reports in the future.

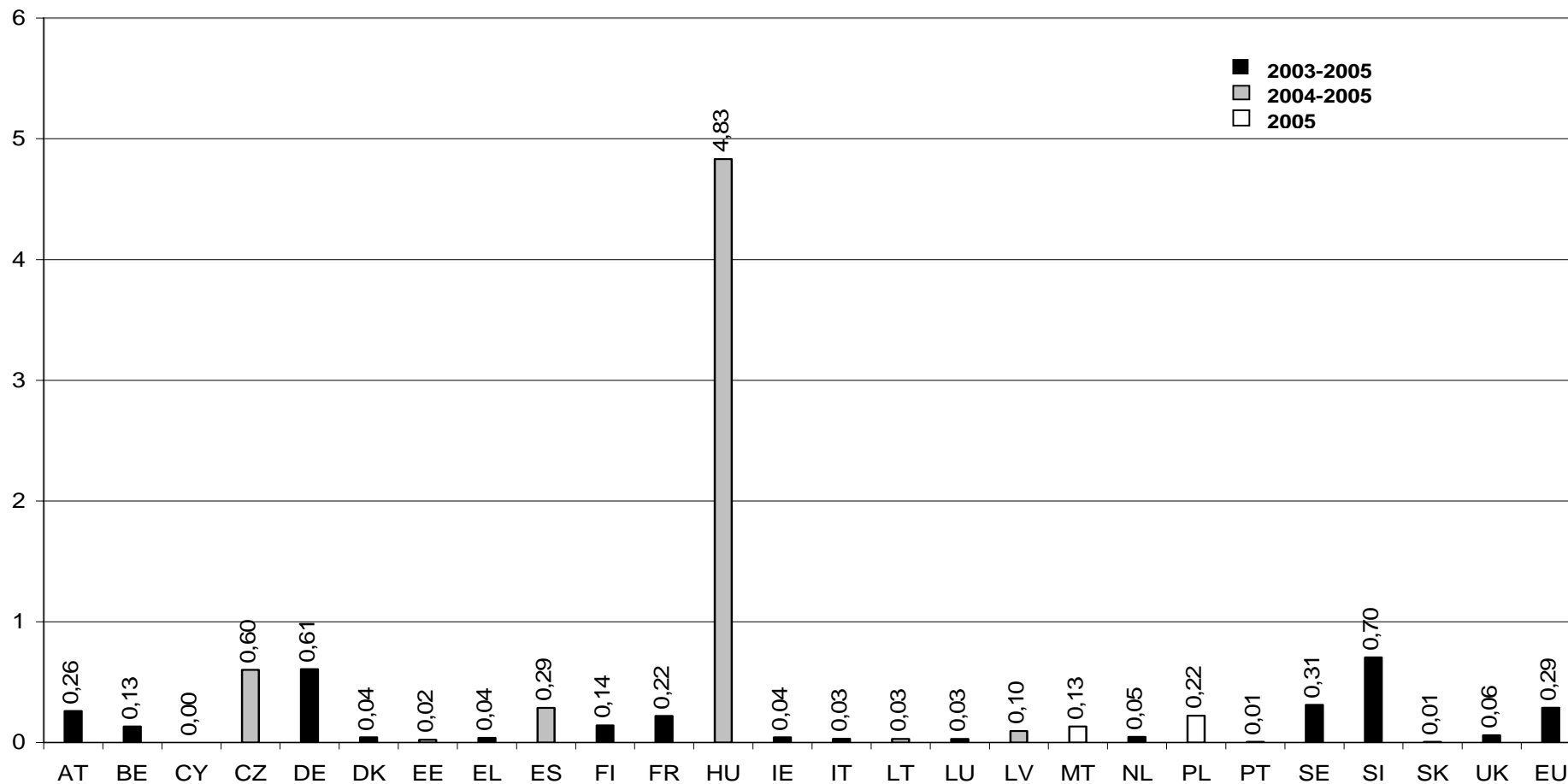
**ANNEX 1: TIME SERIES (1997 – 2005) OF THE NUMBER OF CHECKS
INFINGEMENTS AND PENALTIES REGISTERED IN EACH MEMBER STATE**

COUNTRY		1997	1998	1999	2000	2001	2002	2003	2004	2005	'97-'99	'00-'02	'03-'05
AT	Checks	5698	6062	6720	7666	5940	6671	5831	5420	5273	18480	20277	16524
	Infring.	3834	6043	11913	10542	6923	8271	13973	14653	n.a	21790	25736	28626
	Penalties	2317	3094	5630	7514	3825	2647	2647	5362	3041	11041	13986	11050
BE	Checks	1163	1624	2544	2414	2762	2594	2919	3417	3835	5331	7770	10171
	Infring.	1331	1548	2243	2450	2582	2338	1167	1445	1536	5122	7370	4148
	Penalties	0	0	0	0	0	0	0	1342	1306	0	0	2648
CY	Checks	0	0	0	0	0	0	0	0	0	0	0	0
	Infring.	0	0	0	0	0	0	0	0	0	0	0	0
	Penalties	0	0	0	0	0	0	0	0	0	0	0	0
CZ	Checks	0	0	0	0	0	0	0	11334	17796	0	0	29130
	Infring.	0	0	0	0	0	0	0	1271	1615	0	0	2886
	Penalties	0	0	0	0	0	0	0	1187	855	0	0	2042
DE	Checks	126533	129758	131161	115786	98005	93247	106653	103975	88915	387452	307038	299543
	Infring.	21849	24020	24351	21467	18279	19929	21556	20617	16418	70220	59675	58591
	Penalties	19408	17701	19014	14144	14773	14903	19660	20594	16418	56123	43820	56672
DK	Checks	275	251	274	242	94	203	311	621	708	800	539	1640
	Infring.	80	70	67	28	47	25	80	197	410	217	100	687
	Penalties	66	73	67	28	40	25	32	104	232	206	93	368
EE	Checks	0	0	0	0	0	0	0	74	67	0	0	141
	Infring.	0	0	0	0	0	0	0	74	67	0	0	141
	Penalties	0	0	0	0	0	0	0	74	67	0	0	141
EL	Checks	0	0	0	0	0	0	96	211	1106	0	0	1413
	Infring.	0	0	0	0	0	0	25	21	81	0	0	127
	Penalties	0	0	0	0	0	0	29	44	136	0	0	209
ES	Checks	23900	28037	32849	38759	40013	34423	36782	30453	32591	84786	113195	99826
	Infring.	3205	2975	4342	5569	6319	5087	5620	4706	3759	10522	16975	14085
	Penalties	0	0	0	0	0	0	0	0	3759	0	0	3759
FI	Checks	1602	1723	1437	1849	1690	1739	2394	2536	2401	4762	5278	7331
	Infring.	573	1109	745	763	637	666	706	1057	924	2427	2066	2687
	Penalties	776	1338	623	761	615	496	1202	1259	1002	2737	1872	3463
FR	Checks	19561	0	0	0	0	0	22951	28122	23341	19561	0	74414
	Infring.	1919	0	0	0	0	0	2325	2770	2303	1919	0	7398
	Penalties	0	0	0	0	0	0	485	783	n.a.	0	0	1268
HU	Checks	0	0	0	0	0	0	0	74546	41609	0	0	116155
	Infring.	0	0	0	0	0	0	0	819	935	0	0	1754
	Penalties	0	0	0	0	0	0	0	864	717	0	0	1581
IE	Checks	0	0	0	0	0	435	356	375	815	0	435	1546
	Infring.	0	0	0	0	0	269	399	429	684	0	269	1512
	Penalties	0	0	0	0	0	203	370	395	718	0	203	1483
IT	Checks	0	1797	2389	2459	2514	2528	2797	3135	3963	4186	7501	9895
	Infring.	0	440	333	347	296	247	760	1036	1353	773	890	3149
	Penalties	0	440	333	347	296	247	0	0	0	773	890	0
LT	Checks	0	0	0	0	0	0	0	189	258	0	0	447
	Infring.	0	0	0	0	0	0	0	74	93	0	0	167
	Penalties	0	0	0	0	0	0	0	74	96	0	0	170
LU	Checks	203	286	203	451	454	228	313	100	190	692	1133	603
	Infring.	52	52	4	44	37	18	122	60	114	108	99	296
	Penalties	12	4	0	0	0	0	192	91	183	16	0	466

COUNTRY		1997	1998	1999	2000	2001	2002	2003	2004	2005	'97-'99	'00-'02	'03-'05
LV	Checks	0	0	0	0	0	0	0	403	417	0	0	820
	Infring.	0	0	0	0	0	0	0	231	79	0	0	310
	Penalties	0	0	0	0	0	0	0	149	79	0	0	228
MT	Checks	0	0	0	0	0	0	0	0	36	0	0	36
	Infring.	0	0	0	0	0	0	0	0	34	0	0	34
	Penalties	0	0	0	0	0	0	0	0	34	0	0	34
NL	Checks	3521	2266	2416	3145	1429	4510	2362	2138	1949	8203	9084	6449
	Infring.	1586	656	1275	4889	2149	3287	946	1047	898	3517	10325	2891
	Penalties	1419	481	931	1158	711	1209	946	842	898	2831	3078	2686
PL	Checks	0	0	0	0	0	0	0	0	13505	0	0	13505
	Infring.	0	0	0	0	0	0	0	0	2323	0	0	2323
	Penalties	0	0	0	0	0	0	0	0	2210	0	0	2210
PT	Checks	0	0	0	135	150	78	67	192	171	0	363	430
	Infring.	0	0	0	43	116	60	34	118	116	0	219	268
	Penalties	0	0	0	0	0	0	0	0	0	0	0	0
SE	Checks	8125	7839	6669	7263	6283	5995	6333	5109	6375	22633	19541	17817
	Infring.	4509	4041	3096	2929	3447	3087	2275	2138	2138	11646	9463	6551
	Penalties	2140	2152	1758	1833	1435	1186	1462	1195	1917	6050	4454	4574
SI	Checks	0	0	0	0	0	0	4178	3228	2179	0	0	9585
	Infring.	0	0	0	0	0	0	736	586	359	0	0	1681
	Penalties	0	0	0	0	0	0	295	268	277	0	0	840
SK	Checks	0	0	0	0	0	0	0	0	83	0	0	83
	Infring.	0	0	0	0	0	0	0	0	5	0	0	5
	Penalties	0	0	0	0	0	0	0	0	0	0	0	0
UK	Checks	6011	9016	7928	7087	6616	4985	6124	4863	5762	22955	18688	16749
	Infring.	1817	1308	1041	660	972	806	810	745	916	4166	2438	2471
	Penalties	237	131	93	11	261	234	488	277	496	461	506	1261

█ : Not EU Member State yet / No Data Provision Required

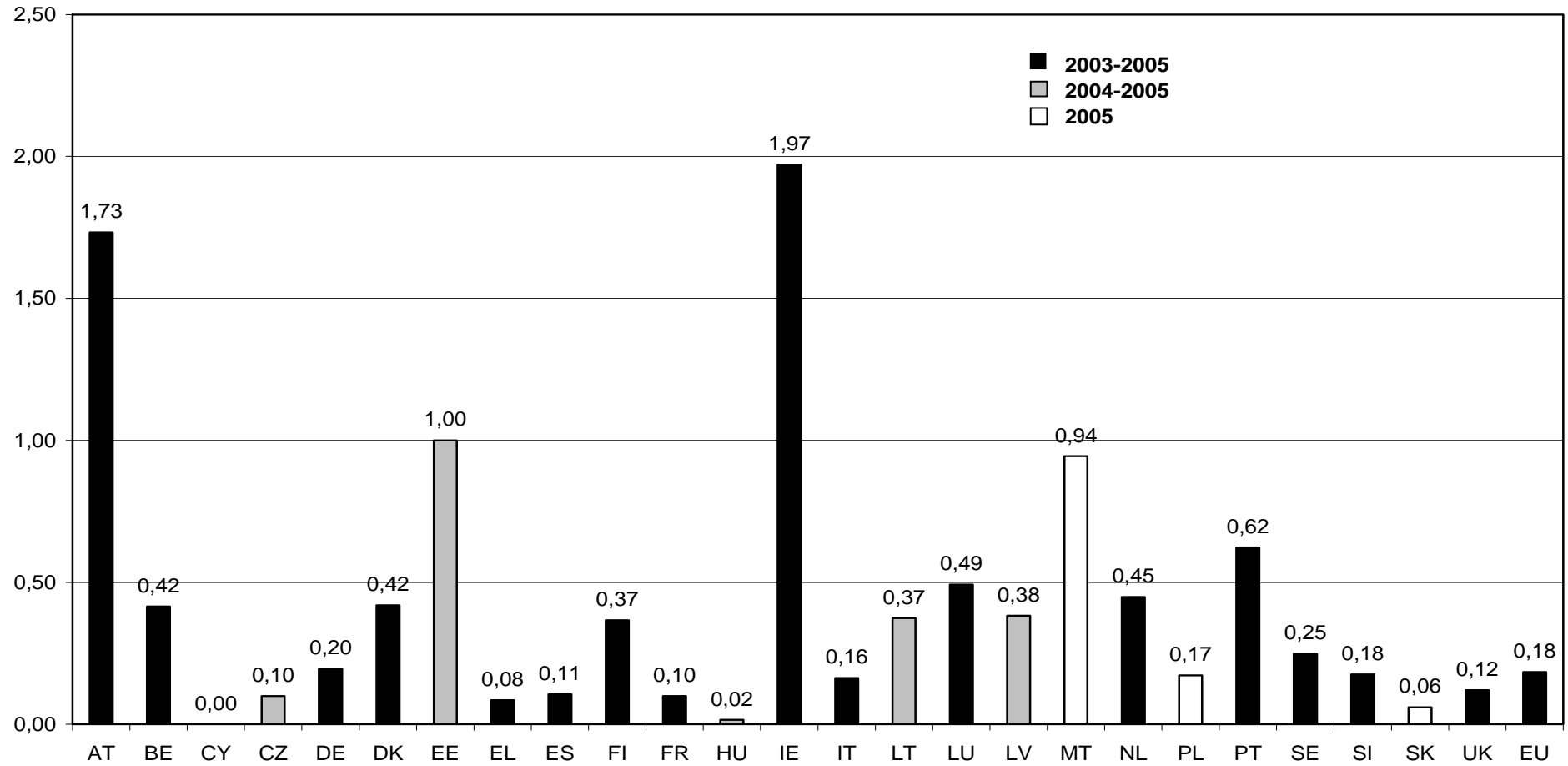
ANNEX II: NUMBER OF CHECKS PER NUMBER OF JOURNEYS MADE BY VEHICLES TRANSPORTING DANGEROUS GOODS
(%) 2003-2005 (NEW MEMBER STATES 2004-2005)



**ANNEX III: NUMBER OF CHECKS AND PROPORTION OF FOREIGN VEHICLES
(2003–2005)**

Country	Country of check	Other EU	Non-EU	Not known	Total Number	% OF CHECKS ON FOREIGN VEHICLES
AT	8517	4874	3133	0	16524	48,46
BE	7159	2768	67	0	9994	28,37
CY	0	0	0	0	0	/
CZ	21066	6804	1260	0	29130	27,68
DE	198720	72098	28725	0	299543	33,66
DK	1314	293	33	0	1640	19,88
EE	147	4	0	0	151	2,65
EL	1362	73	67	0	1502	9,32
ES	87741	10311	1174	0	99226	11,57
FI	6109	325	897	0	7331	16,67
FR	58343	14540	1531	0	74414	21,60
HU	72110	11292	32753	0	116155	37,92
IE	731	36	0	0	767	4,69
IT	8844	547	504	0	9895	10,62
LT	325	110	12	0	447	27,29
LU	151	422	29	0	602	74,92
LV	574	215	22	0	811	29,22
MT	36	0	0	0	36	0,00
NL	4055	1320	311	0	5686	28,68
PL	10601	2054	850	0	13505	21,50
PT	379	51	0	0	430	11,86
SE	15546	2083	576	500	18705	14,22
SI	4697	2682	2206	0	9585	51,00
SK	77	6	0	0	83	7,23
UK	19632	1005	38	9	20684	5,04
EU	528236	133913	74188	509	736846	28,24

ANNEV IV: NUMBER OF INFRINGEMENTS PER CHECK 2003-2005



ANNEX V: PENALTIES BY TYPE 2003-2005

