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PROPOSAL

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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
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Subject:	ANNEXES to the DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on uniform procedures for checks on the transport of dangerous goods by road (codification)

Delegations will find attached document COM(2021) 483 final – Annexes 1 to 5.

Encl.: COM(2021) 483 final – Annexes 1 to 5

EUROPEAN
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Brussels, 19.8.2021
COM(2021) 483 final

ANNEXES 1 to 5

ANNEXES

to the

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on uniform procedures for checks on the transport of dangerous goods by road (codification)

↓ 2004/112/EC Art. 1 and Annex I (adapted)

ANNEX I

Checklist

⌦ (referred to in Article 4) ⌫

1. Place of check ..... 2. Date ..... 3. Time .....

4. Vehicle nationality mark and registration number .....

5. Trailer/semi-trailer nationality mark and registration number .....

6. Undertaking carrying out transport/address .....

7. Driver/driver's assistant .....

8. Consignor, address, place of loading [1] [2] .....

9. Consignee, address, place of unloading [1] [2] .....

10. Total quantity of dangerous goods per transport unit .....

11. ADR 1.1.3.6 quantity limit exceeded	☐ yes	☐ no	
12. Mode of transport	☐ in bulk	☐ package	☐ tank
Documents on board			
13. Transport document	☐ inspected	☐ infringement established	☐ not applicable
14. Instructions in writing	☐ inspected	☐ infringement established	☐ not applicable
15. Bilateral/multilateral agreement/national authorisation	☐ inspected	☐ infringement established	☐ not applicable
16. Certificate of approval for vehicles	☐ inspected	☐ infringement established	☐ not applicable
17. Driver's training certificate	☐ inspected	☐ infringement established	☐ not applicable
Transport operation			
18. Goods authorised for transport	☐ inspected	☐ infringement established	☐ not applicable
19. Vehicles authorised for goods carried	☐ inspected	☐ infringement established	☐ not applicable
20. Provisions related to the mode of transport (bulk, package, tank)	☐ inspected	☐ infringement established	☐ not applicable
21. Mixed loading prohibition	☐ inspected	☐ infringement established	☐ not applicable
22. Loading, securing of the load and handling [3]	☐ inspected	☐ infringement established	☐ not applicable
23. Leakage of goods or damage to package [3]	☐ inspected	☐ infringement established	☐ not applicable
24. UN packaging marking/tank marking [2] [3] (ADR 6)	☐ inspected	☐ infringement established	☐ not applicable
25. Package marking (e.g. UN no) and labelling [2] (ADR 5.2)	☐ inspected	☐ infringement established	☐ not applicable
26. Tank/vehicle placarding (ADR 5.3.1)	☐ inspected	☐ infringement established	☐ not applicable

[1] To be filled only if relevant for an infringement.
[2] To be stated under 'remarks' for groupage transport operations.
[3] Check of visible violations.

27. Vehicle/transport unit marking (orange plate, elev. temp.) (ADR 5.3.2-3)	☐ inspected	☐ infringement established	☐ not applicable

Equipment on board

28. General purpose safety equipment specified in ADR	☐ inspected	☐ infringement established	☐ not applicable
29. Equipment according to the goods carried	☐ inspected	☐ infringement established	☐ not applicable
30. Other equipment specified in the instructions in writing	☐ inspected	☐ infringement established	☐ not applicable
31. Fire extinguisher(s)	☐ inspected	☐ infringement established	☐ not applicable
39. The most serious risk category of established infringements, if any	☐ Category I	☐ Category II	☐ Category III

40. Remarks .....

41. Authority/officer having carried out the inspection .....

↓ 2004/112/EC Art. 1 and Annex II (adapted)

ANNEX II

Infringements

For the purposes of this Directive, the following non-exhaustive list, classified into three risk categories (category I being the most serious), gives a guideline on what is to be regarded as ⌦ an ⌫ infringement.

The determination of the appropriate risk category must take account of the particular circumstances and be left to the discretion of the enforcing body/officer at the roadside.

Failures that are not listed under the risk categories shall be classified according to the descriptions of the categories.

In the event ⌦ that ⌫ there are several infringements per transport unit, only the most serious risk category (as indicated under item 39 in Annex I) shall be applied for reporting purposes (⌦ in compliance with the model standard form set out in ⌫ Annex III).

1. Risk Category I

Where failure to comply with relevant ADR provisions creates a high-level risk of death, serious personal injury or significant damage to the environment, such failures would normally lead to taking immediate and appropriate corrective measures such as immobilisation of the vehicle.

Failures are:

1. the dangerous goods being carried are prohibited for transport;
2. leakage of dangerous substances;
3. carriage by a prohibited mode or an inappropriate means of transport;
4. carriage in bulk in a container which is not structurally serviceable;
5. carriage in a vehicle without an appropriate certificate of approval;
6. the vehicle no longer complies with the approval standards and presents an immediate danger (otherwise it goes in risk category II);
7. non-approved packaging is used;
8. ⌦ the ⌫ packaging does not conform to the applicable packing instruction;
9. the special provisions for mixed packing have not been complied with;
10. the rules governing the securing and stowage of the load have not been complied with;
11. the rules governing mixed loading of packages have not been complied with;
12. the permissible degrees of filling of tanks or packages have not been complied with;
13. the provisions limiting the quantities carried in one transport unit have not been complied with;
14. carriage of dangerous goods without any indication of their presence (for example, documents, marking and labelling on the packages, placarding and marking on the vehicle);

15. carriage without any placarding and marking on the vehicle;

16. information relevant to the substance being carried enabling determination of a risk category I offence is missing (for example, UN number, proper shipping name, packing group);

17. ⌦ the ⌫ driver does not hold a valid vocational training certificate;

18. fire or an unprotected light is being used;

19. the ban on smoking is not being observed.

2. Risk Category II

Where failure to comply with relevant ADR provisions creates a risk of personal injury or damage to the environment, such failures would normally lead to taking appropriate corrective measures such as requiring rectification at the site of control if possible and appropriate, but at the completion of the current transport movement at the latest.

Failures are:

1. the transport unit comprises more than one trailer/semi-trailer;

2. the vehicle no longer complies with the approval standards but does not present an immediate danger;

3. the vehicle is not carrying operational fire extinguishers as required; a fire extinguisher ⌦ may ⌫ still be deemed operational if only the prescribed seal and/or the expiry date are missing; however, this ⌦ shall ⌫ not apply if the fire extinguisher is visibly no longer operational, for example, pressure gauge at 0;

4. the vehicle does not carry the equipment required in the ADR or in the instructions in writing;

5. test and inspection dates and use periods of packaging, IBCs or large packaging have not been complied with;

6. packages with damaged packaging, IBCs or large packaging or damaged uncleaned empty packaging are being carried;

7. carriage of packaged goods in a container which is not structurally serviceable;

8. tanks/tank containers (including ones that are empty and uncleaned) have not been closed properly;

9. carriage of a combination packaging with an outer packaging which is not closed properly;

10. incorrect labelling, marking or placarding;

11. there are no instructions in writing conforming to the ADR, or the instructions in writing are not relevant to the goods carried;

12. the vehicle is not properly supervised or parked.

3. Risk Category III

Where failure to comply with relevant provisions result in a low level of risk of personal injury or damage to the environment and where appropriate corrective measures do not need to be taken at the roadside but can be addressed at a later date at the undertaking.

Failures are:

1. the size of placards or labels or the size of letters, figures or symbols on placards or labels does not comply with the regulations;
2. information in the transport documentation other than that in risk category I/(16) is not available;
3. the training certificate is not on board the vehicle but there is evidence that the driver holds it.

↓ 2004/112/EC Art. 1 and Annex III

ANNEX III

Model standard form for the report to be sent to the Commission concerning infringements and penalties

Country: ..... Year: .....

CHECKS ON THE TRANSPORT OF DANGEROUS GOODS BY ROAD

		Place of registration of vehicles (1)			Total number
		Country of check	Other EU Member States	Third countries	
Number of transport units checked on the basis of the contents of the load (and ADR)					
Number of transport units not conforming to ADR					
Number of transport units immobilised					
Number of infringements noted, according to risk category (2)	Risk category I				
	Risk category II				
	Risk category III				
Number of penalties imposed, according to penalty type	Caution				
	Fine				
	Other				

ESTIMATED TOTAL QUANTITY OF DANGEROUS GOODS TRANSPORTED BY ROAD:	**..... t**	**or ..... t.km**

(1) For the purposes of this Annex the country of registration is that of the motor vehicle.
(2) In the event that there are several infringements per transport unit, only the most serious risk category (as indicated under item 39 in Annex I) shall be applied.

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ANNEX IV

Part A

Repealed Directive with list of the successive amendments thereto (referred to in Article 13)

Council Directive 95/50/EC (OJ L 249, 17.10.1995, p. 35)	
Directive 2001/26/EC of the European Parliament and of the Council (OJ L 168, 23.6.2001, p. 23)	
Commission Directive 2004/112/EC (OJ L 367, 14.12.2004, p. 23)	
Directive 2008/54/EC of the European Parliament and of the Council (OJ L 162, 21.6.2008, p. 11)	
Regulation (EU) 2019/1243 of the European Parliament and of the Council (OJ L 198, 25.7.2019, p. 241)	only point IX(1) of the Annex

Part B

Time-limits for transposition into national law (referred to in Article 13)

Directive	Time-limit for transposition
95/50/EC	1 January 1997
2001/26/EC	23 December 2001
2004/112/EC	14 December 2005
2008/54/EC	–

ANNEX V

CORRELATION TABLE

Directive 95/50/EC	This Directive
Article 1	Article 1
Article 2, introductory wording	Article 2, introductory wording
Article 2, first indent	Article 2(a)
Article 2, second indent	Article 2(b)
Article 2, third indent	Article 2(c)
Article 2, fourth indent	Article 2(d)
Article 2, fifth indent	Article 2(e)
Article 3(1)	Article 3, first paragraph
Article 3(2)	Article 3, second paragraph
Article 4(1), first sentence	Article 4(1), first subparagraph
Article 4(1), second sentence	Article 4(1), second subparagraph
Article 4(2) to (5)	Article 4(2) to (5)
Article 5	Article 5
Article 6(1)	Article 6(1), first subparagraph
Article 6(2), first subparagraph	Article 6(1), second subparagraph
Article 6(2), second subparagraph	Article 6(2)
Article 7	Article 7
Article 8, first sentence	Article 8, first subparagraph
Article 8, second sentence	Article 8, second subparagraph
Article 9(1), introductory wording	Article 9(1), introductory wording
Article 9(1), first indent	Article 9(1)(a)
Article 9(1), second indent	Article 9(1)(b)
Article 9(1), third indent	Article 9(1)(c)
Article 9(1), fourth indent	Article 9(1)(d)

Article 9(1), fifth indent	Article 9(1)(e)
Article 9(2)	Article 9(2)
Article 9*a*	Article 10
Article 9*aa*	Article 11
Article 10(1)	–
Article 10(2)	Article 12
–	Article 13
Article 11	Article 14
Article 12	Article 15
Annexes I, II and III	Annexes I, II and III
–	Annex IV
–	Annex V