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EUROPEAN COMMISSION

Brussels, 21.2.2011
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COMMISSION RECOMMENDATION

of 21.2.2011

on reporting of checks concerning the transport of dangerous goods by road

COMMISSION RECOMMENDATION

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on reporting of checks concerning the transport of dangerous goods by road

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road¹ establishes an annual reporting obligation on the Member States;
- (2) Annex III to Directive 95/50/EC as amended by Commission Directive 2004/112/EC of 13 December 2004² specifies the model standard form for reporting such checks;
- (3) Uniform reporting by Member States is fundamental for ensuring accurate and fair analysis of the information concerning the checks;
- (4) Reporting practices have been shown to vary in relation to certain important elements. In particular, some reports from the Member States record several infringements for one check although only the most serious one should be reported, or lack information on the penalties imposed due to problems in tracking the outcome of the juridical process;
- (5) In order to ensure greater consistency and clarity, the reporting of penalties should be limited to cover only the decisions made by the enforcement official following the check;
- (6) In these circumstances, the Commission considers it important to provide guidelines in order to seek to resolve such reporting problems,

¹ OJ L 249, 17.10.1995, p. 35

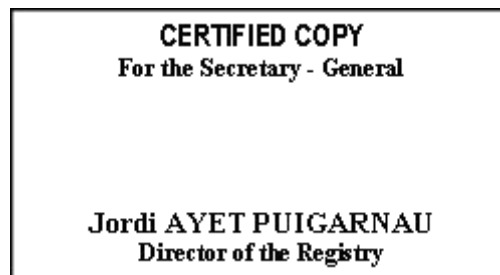
² OJ L 367, 14.12.2004, p. 23

HAS ADOPTED THIS RECOMMENDATION:

Member States should follow the guidelines set out in the Annex when completing the annual report on checks concerning the transport of dangerous goods by road.

Done at Brussels, 21.2.2011

For the Commission
Siim Kallas
Vice-President



ANNEX

GUIDELINES FOR THE COMPLETION OF THE ANNUAL REPORT ON CHECKS CONCERNING THE TRANSPORT OF DANGEROUS GOODS BY ROAD

1. DETAILED GUIDELINES FOR THE COMPLETION OF THE ANNUAL REPORT

The annual report shall conform to the model standard form of Directive 95/50/EC as amended by Commission Directive 2004/112/EC.

The results of the checks shall be grouped into three categories according to the place of registration of the motor vehicle (country of check, other EU Member States or third countries). The sum of these three categories shall always be equal to the total number presented in the fourth column of the annual report.

1.1. Number of transport units checked on the basis of the contents of the load (and ADR)

The number of transport units that have been checked for reasons of safety inherent in the transport of dangerous goods shall be reported on this line.

1.2. Number of transport units not conforming to ADR

Each transport unit which has one or more infringements shall be counted only once. In each column the number must be smaller than or equal to the corresponding number on the previous line. The number can be equal only if none of the checked transport units of a certain origin were conforming to the rules.

The phrase “transport unit not conforming to ADR” does not mean only that the transport unit per se is not in compliance with the relevant rules on equipment construction and approval. For these purposes, without prejudice to applicable derogations, any infringement of the provisions of Annex I, Section I.1 to Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods³ shall be taken as meaning that the transport unit is not conforming to ADR.

1.3. Number of transport units immobilised

The number of transport units immobilised following their check shall be reported on this line. In each column the number must be smaller than or equal to the corresponding number on the previous line.

The information regarding immobilisations shall be reported on this line only and shall not be included in the penalty types "caution", "fine" or "other".

It is recalled that immobilisation means halting the journey of the transport unit either on-the-spot or at a designated place until corrective measures are taken to bring the transport unit into conformity, whatever the duration of such a halt.

1.4. Number of infringements noted, according to the risk category

If a transport unit has more than one infringement, only the most serious infringement shall be reported, as indicated in footnote 2 to the model standard form. The information on the most serious infringement shall be indicated on line number 39 of the checklist (Annex I to Directive 95/50/EC).

³ OJ L 260, 30.9.2008, p. 13

As only one infringement per transport unit is reported, for any geographical area the sum of infringements by risk categories shall be equal to the number of transport units not conforming to the provisions.

1.5. Number of penalties imposed, according to penalty type

The number and type of penalties reported shall reflect the decisions of the enforcement official by the roadside irrespective of any subsequent decisions by the judicial system. The penalty type "other" means any other infringement follow-up action, notably including referral to the national legal system.

There may be more than one penalty per transport unit checked. If so, all of these penalties shall be recorded and included in the annual report. As there is no agreed categorisation on the severity of penalty types the approach is different from that regarding the reporting of infringements.

1.6. Estimated total quantity of dangerous goods transported by road

The information provided on this line is voluntary, as indicated in Article 9(1) of Directive 95/50/EC. When Member States do not report this information, or there are reasons to doubt the quality of the estimate, the Commission may use alternative information sources in its analysis.

This information is an estimate of the total quantity of transport of dangerous goods by road during the reporting period in the Member State. It is not an estimate relating to the transport units that were checked.

1.7. Final remarks

If it is not possible to provide the required information, this should be indicated by "N.A." (for "not available") instead of a zero or leaving a blank space, allowing correct analysis of the statistics.

If the annual report cannot be made according to this Recommendation, an explanation should be provided to indicate where the differences are and the reason for the divergence.

2. BASIC CONVENTIONS REGARDING THE ANNUAL REPORT

The table below presents the basic formulae that should be applied in order to ensure a correct completion of the annual report. Furthermore, for infringements the following equations shall be applied:

- $R_{I1} + R_{II1} + R_{III1} = D$;
- $R_{I2} + R_{II2} + R_{III2} = E$; and
- $R_{I3} + R_{II3} + R_{III3} = F$.

Where

- R_{I1} is number of infringements of category I noted in checks relating to vehicles registered in the country of check;
- R_{II1} is number of infringements of category II noted in checks relating to vehicles registered in the country of check;
- R_{III1} is number of infringements of category III noted in checks relating to vehicles registered in the country of check;

- R_{I2} is number of infringements of category I noted in checks relating to vehicles registered in other EU Member States;
- R_{II2} is number of infringements of category II noted in checks relating to vehicles registered in other EU Member States;
- R_{III2} is number of infringements of category III noted in checks relating to vehicles registered in other EU Member States;
- R_{I3} is number of infringements of category I noted in checks relating to vehicles registered in third countries;
- R_{II3} is number of infringements of category II noted in checks relating to vehicles registered in third countries; and
- R_{III3} is number of infringements of category III noted in checks relating to vehicles registered in third countries.

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)	A	B	C	A + B + C	
Number of transport units not conforming to ADR	D (≤A)	E (≤B)	F (≤C)	D + E + F	
Number of transport units immobilised	G (≤D)	H (≤E)	I (≤F)	G + H + I	
Number of infringements noted, according to risk category ⁽²⁾	Risk category I	R _{I1}	R _{I2}	R _{I1} + R _{I2} + R _{I3}	
	Risk category II	R _{II1}	R _{II2}	R _{II1} + R _{II2} + R _{II3}	
	Risk category III	R _{III1}	R _{III2}	R _{III1} + R _{III2} + R _{III3}	
Number of penalties imposed, according to penalty type	Caution	J	K	L	J + K + L
	Fine	M	N	O	M + N + O
	Other	P	Q	S	P + Q + S

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