



Brussels, 19.8.2021  
COM(2021) 483 final

2021/0275 (COD)

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

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

(Text with EEA relevance)

## EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying the law of the Union so as to make it clearer and more accessible to citizens, thus giving them new opportunities and the chance to make use of the specific rights it gives them.

This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

For this reason a codification of rules that have frequently been amended is also essential if the law is to be clear and transparent.

2. On 1 April 1987 the Commission decided<sup>1</sup> to instruct its staff that all legislative acts should be codified after no more than ten amendments, stressing that this is a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that their provisions are clear and readily understandable.
3. The Conclusions of the Presidency of the Edinburgh European Council (December 1992) confirmed this<sup>2</sup>, stressing the importance of codification as it offers certainty as to the law applicable to a given matter at a given time.

Codification must be undertaken in full compliance with the normal procedure for the adoption of acts of the Union.

Given that no changes of substance may be made to the instruments affected by codification, the European Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

4. The purpose of this proposal is to undertake a codification of Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road<sup>3</sup>. The new Directive will supersede the various acts incorporated in it<sup>4</sup>; this proposal fully preserves the content of the acts being codified and hence does no more than bring them together with only such formal amendments as are required by the codification exercise itself.
5. The codification proposal was drawn up on the basis of a preliminary consolidation, in 24 official languages, of Directive 95/50/EC and the instruments amending it, carried out by the Publications Office of the European Union, by means of a data-processing system. Where the Articles have been given new numbers, the correlation between the old and the new numbers is shown in a table set out in Annex V to the codified Directive.

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<sup>1</sup> COM(87) 868 PV.

<sup>2</sup> See Annex 3 to Part A of the Conclusions.

<sup>3</sup> Entered in the legislative programme for 2021.

<sup>4</sup> See Annex IV, Part A to this proposal.

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**on uniform procedures for checks on the transport of dangerous goods by road**  
**(codification)**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,  
Having regard to the Treaty  on the Functioning of the European Union , and in particular Article  91  thereof,  
Having regard to the proposal from the European Commission,  
After transmission of the draft legislative act to the national parliaments,  
Having regard to the opinion of the European Economic and Social Committee<sup>5</sup>,  
Having regard to the opinion of the Committee of the Regions<sup>6</sup>,  
Acting in accordance with the ordinary legislative procedure,  
Whereas:



(1) Council Directive 95/50/EC<sup>7</sup> has been substantially amended several times<sup>8</sup>. In the interests of clarity and rationality, that Directive should be codified.

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↓ 95/50/EC recital 2 (adapted)

(2) Checks on the transport of dangerous goods by road  should be  carried out in accordance with Regulation (EC) No 1100/2008 of the European Parliament and of the Council<sup>9</sup> and Council Regulation (EEC) No 3912/92<sup>10</sup>.

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<sup>5</sup> OJ C [...], [...], p. [...].

<sup>6</sup> OJ C [...], [...], p. [...].

<sup>7</sup> Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road (OJ L 249, 17.10.1995, p. 35).

<sup>8</sup> See Annex IV, Part A.

<sup>9</sup> Regulation (EC) No 1100/2008 of the European Parliament and of the Council of 22 October 2008 on the elimination of controls performed at the frontiers of Member States in the field of road and inland waterway transport (OJ L 304, 14.11.2008, p. 63).

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↓ 95/50/EC recital 3 (adapted)

- (3) The procedures for checking and the definitions relating to  that  type of transport should  ensure that  compliance with the safety standards laid down in  Directive 2008/68/EC of the European Parliament and of the Council<sup>11</sup>   may  be verified effectively.

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↓ 95/50/EC recital 4

- (4) Member States should ensure a sufficient level of checks on the vehicles concerned throughout their territory while, where possible, avoiding the proliferation of such checks.

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↓ 95/50/EC recital 6 (adapted)

- (5) Checks should be carried out using a list of common items applicable to  the  transport  of dangerous goods  throughout the  Union .

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↓ 95/50/EC recital 7 (adapted)

- (6) It is necessary to  lay down  a list of infringements deemed sufficiently serious by all Member States to result in the application to the vehicles concerned of appropriate measures depending on the circumstances or the requirements of safety, including, where appropriate, refusal to admit the vehicles concerned to the  Union .

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↓ 95/50/EC recital 8 (adapted)

- (7) In order to  ensure  compliance with safety standards for the transport of dangerous goods by road, it is necessary to make provision for checks to be carried out in undertakings as a preventive measure or when serious infringements of laws on the transport of dangerous goods have been recorded at the roadside.

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↓ 95/50/EC recital 9

- (8) The checks in question should apply to all consignments of dangerous goods transported by road wholly or partly within the territory of the Member States, irrespective of the point of departure or the destination of the goods or the country in which the vehicle is registered.

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<sup>10</sup> Council Regulation (EEC) No 3912/92 of 17 December 1992 on controls carried out within the Community in the field of road and inland waterway transport in respect of means of transport registered or put into circulation in a third country (OJ L 395, 31.12.1992, p. 6).

<sup>11</sup> Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13).

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↓ 95/50/EC recital 10

- (9) In the event of serious or repeated infringements, the competent authorities of the Member State in which the vehicle is registered or in which the undertaking is established may be asked to take appropriate measures and they should inform the requesting Member State of any follow-up measures taken.

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↓ 95/50/EC recital 11

- (10) The application of this Directive should be monitored on the basis of a report to be submitted by the Commission.

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↓ 2019/1243 Art. 1 and Annex, pt. IX(1), introductory wording (adapted)

- (11) In order to adapt  this  Directive to scientific and technical progress, the power to adopt acts in accordance with Article 290  of the Treaty on the Functioning of the European Union  should be delegated to the Commission  in respect of amending  Annexes I, II and III, in particular to take account of amendments to Directive 2008/68/EC. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>12</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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↓ 95/50/EC recital 5 (adapted)

- (12)  Since the objective of this Directive, namely providing for a high level of safety as regards the transport of dangerous goods, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of such an action, be better achieved at Union level, the Union may adopt measures, in accordance with  the principle of subsidiarity  as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective .

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- (13) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for the transposition into national law of the Directives set out in Annex IV, Part B,

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<sup>12</sup> OJ L 123, 12.5.2016, p. 1.

HAVE ADOPTED THIS DIRECTIVE:

*Article 1*

1. This Directive shall apply to checks carried out by Member States on the transport of dangerous goods by road in vehicles travelling in their territory or entering it from a third country.

It shall not apply to the transport of dangerous goods by vehicles belonging to or under the responsibility of the armed forces.

2. This Directive shall not affect the Member States' right, with due regard to  Union  law, to carry out checks on the national and international transport of dangerous goods within their territories performed by vehicles not covered by this Directive.

*Article 2*

For the purposes of this Directive  , the following definitions apply :

- (a) 'vehicle'  means  any motor vehicle intended for use on the road, whether complete or incomplete, which has at least four wheels and a maximum design speed exceeding 25 km/h, together with its trailers, with the exception of vehicles which run on rails, of agricultural and forestry tractors and of all mobile machinery;
- (b) 'dangerous goods'  means  dangerous goods as defined in  Article 1(b) of the Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR), concluded at Geneva on 30 September 1957, and in Annexes A and B to that Agreement, as referred to in Section I.1 of Annex I to Directive 2008/68/EC ;
- (c) 'transport'  means  any road transport operation performed by a vehicle wholly or partly on public roads within the territory of a Member State, including the loading and unloading of goods covered by Directive  2008/68/EC , without prejudice to the arrangements laid down by the laws of the Member States concerning liability in respect of such operations;
- (d) 'undertaking'  means  any natural or legal person, whether or not profit-seeking, any association or group of persons without legal personality, whether or not profit-seeking, and any body coming under a public authority, whether itself possessing legal personality or dependent on an authority having such personality, which carry, load or unload dangerous goods or cause them to be carried and those which temporarily store, collect, package or take delivery of such goods as part of a transport operation and are located in the territory of the  Union ;
- (e) 'check'  means  any check, control, inspection, verification or formality carried out by the competent authorities for reasons of safety inherent in the transport of dangerous goods.

*Article 3*

Member States shall ensure that a representative proportion of consignments of dangerous goods transported by road is subject to the checks laid down by this Directive, in order to check their compliance with the laws on the transport of dangerous goods by road.

Such checks shall be carried out in the territory of a Member State in accordance with Article 3 of Regulation (EC) No 1100/2008 and Article 1 of Regulation (EEC) No 3912/92.

#### *Article 4*

1. In order to carry out the checks provided for in this Directive, the Member States shall use the checklist  set out  in Annex I. A copy of  that  checklist or a certificate showing the result of the check drawn up by the authority which carried it out shall be given to the driver of the vehicle and presented on request in order to simplify or avoid, where possible, subsequent checks.

The first subparagraph shall not prejudice Member States' right to carry out specific measures for detailed checks.

2. The checks shall be random and shall as far as possible cover an extensive portion of the road network.

3. The places chosen for the checks must permit infringing vehicles to be brought into compliance or, if the authority carrying out the check deems it appropriate, to be immobilised on-the-spot or at a place designated for that purpose by the said authority without causing a safety hazard.

4. Where appropriate, and provided that this does not constitute a safety hazard, samples of the goods transported may be taken for examination by laboratories recognised by the competent authority.

5. Checks shall not exceed a reasonable length of time.

#### *Article 5*

Without prejudice to other penalties which may be imposed, vehicles in respect of which one or more infringements of the rules on the transport of dangerous goods, in particular infringements listed in Annex II, are established may be immobilised either on-the-spot or at a place designated for  that  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, depending on the circumstances or the requirements of safety including, where appropriate, refusal to allow such vehicles to enter the  Union .

#### *Article 6*

1. Checks may also be carried out at the premises of undertakings, as a preventive measure or where infringements which jeopardise safety in the transport of dangerous goods have been recorded at the roadside.

The purpose of such checks shall be to ensure that safety conditions for the transport of dangerous goods by road comply with the relevant laws.

2. Where one or more infringements, in particular those listed in Annex II, have been established in respect of the transport of dangerous goods by road, the transport in question shall be brought into conformity before the goods leave the undertaking or shall be subject to other appropriate measures.

#### *Article 7*

1. Member States shall assist one another in order to give proper effect to this Directive.

2. Serious or repeated infringements jeopardising the safety of the transport of dangerous goods committed by a non-resident vehicle or undertaking must be reported to the competent authorities  of  the Member State in which the vehicle is registered or in which the undertaking is established.

The competent authorities of the Member State in which serious or repeated infringements have been recorded may ask the competent authorities of the Member State in which the vehicle is registered or in which the undertaking is established for appropriate measures to be taken with regard to the offender or offenders.

The latter competent authorities shall notify the competent authorities of the Member State in which the infringements were recorded of any measures taken with regard to the transporter or the undertaking.

#### *Article 8*

If the findings of a roadside check on a vehicle registered in another Member State give grounds for believing that serious or repeated infringements have been committed which cannot be detected in the course of that check in the absence of the necessary data, the competent authorities of the Member States concerned shall assist one another in order to clarify the situation.

Where, to that end, the competent Member State carries out a check in the undertaking, the other Member States concerned shall be notified of the results.

#### *Article 9*

1. Each Member State shall send the Commission for each calendar year not later than twelve months after the end of that year a report, drawn up in accordance with the model  standard form set out  in Annex III, on the application of  Directive 95/50/EC and  this Directive, including the following particulars:

- (a) if possible,  the  determined or estimated volume of dangerous goods transported by road in tonnes transported or in tonnes/kilometres;
- (b)  the  number of checks carried out;
- (c)  the  number of vehicles checked by place of registration (vehicles registered nationally, in other Member States or in third countries);
- (d)  the  number of infringements recorded  according to risk category .
- (e)  the  type and number of penalties imposed.

2. 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  Directive 95/50/EC and  this Directive by the Member States, stating the particulars in accordance with paragraph 1.



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↓ 2019/1243 Art. 1 and Annex, pt. IX(1)(1) (adapted)
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#### Article 10

The Commission is empowered to adopt delegated acts in accordance with Article 11 ☒ concerning the amendment of ☒ Annexes I, II and III, in order to adapt them to scientific and technical progress in the fields covered by this Directive, in particular to take account of amendments to Directive 2008/68/EC .

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↓ 2019/1243 Art. 1 and Annex, pt. IX(1)(2) (adapted)
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#### Article 11

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 10 shall be conferred on the Commission for a period of five years from 26 July 2019. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Article 10 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 10 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

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↓ 95/50/EC (adapted)

*Article 12*

Member States shall communicate to the Commission the text of the  main  provisions of  national  law which they adopt in the field governed by this Directive.

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*Article 13*

Directive 95/50/EC, as amended by the acts listed in Annex IV, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time-limits for the transposition into national law of the Directives set out in Annex IV, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex V.

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↓ 95/50/EC (adapted)

*Article 14*

This Directive shall enter into force on the  twentieth  day  following that  of its publication in the *Official Journal of the European Union*.

*Article 15*

This Directive is addressed to the Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*



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)**

## ANNEX I

### Checklist

☒ (referred to in Article 4) ☒

- |  |                                    |   |
|--|------------------------------------|---|
| 1. Place of check<br>.....   | 2. Date .....                      | 3. Time .....   |
| 4. Vehicle nationality mark and registration number<br>.....                     |                                    |   |
| 5. Trailer/semi-trailer nationality mark and registration number<br>.....        |                                    |   |
| 6. Undertaking carrying out transport/address<br>.....                           |                                    |   |
| 7. Driver/driver's assistant<br>.....  |                                    |   |
| 8. Consignor, address, place of loading <sup>(1)</sup> <sup>(2)</sup><br>.....   |                                    |   |
| 9. Consignee, address, place of unloading <sup>(1)</sup> <sup>(2)</sup><br>..... |                                    |   |
| 10. Total quantity of dangerous goods per transport unit<br>.....                |                                    |   |
| 11. ADR 1.1.3.6 quantity limit exceeded  | <input type="checkbox"/> yes       | <input type="checkbox"/> no   |
| 12. Mode of transport  | <input type="checkbox"/> in bulk   | <input type="checkbox"/> package <input type="checkbox"/> tank                            |
| <b>Documents on board</b>  |                                    |   |
| 13. Transport document   | <input type="checkbox"/> inspected | <input type="checkbox"/> infringement established <input type="checkbox"/> not applicable |
| 14. Instructions in writing  | <input type="checkbox"/> inspected | <input type="checkbox"/> infringement established <input type="checkbox"/> not applicable |
| 15. Bilateral/multilateral agreement/national authorisation                      | <input type="checkbox"/> inspected | <input type="checkbox"/> infringement established <input type="checkbox"/> not applicable |
| 16. Certificate of approval for vehicles   | <input type="checkbox"/> inspected | <input type="checkbox"/> infringement established <input type="checkbox"/> not applicable |
| 17. Driver's training certificate  | <input type="checkbox"/> inspected | <input type="checkbox"/> infringement established <input type="checkbox"/> not applicable |
| <b>Transport operation</b>   |                                    |   |
| 18. Goods authorised for transport   | <input type="checkbox"/> inspected | <input type="checkbox"/> infringement established <input type="checkbox"/> not applicable |
| 19. Vehicles authorised for goods carried  | <input type="checkbox"/> inspected | <input type="checkbox"/> infringement established <input type="checkbox"/> not applicable |
| 20. Provisions related to the mode of transport (bulk, package, tank)            | <input type="checkbox"/> inspected | <input type="checkbox"/> infringement established <input type="checkbox"/> not applicable |
| 21. Mixed loading prohibition  | <input type="checkbox"/> inspected | <input type="checkbox"/> infringement established <input type="checkbox"/> not applicable |
| 22. Loading, securing of the load and handling <sup>(3)</sup>                    | <input type="checkbox"/> inspected | <input type="checkbox"/> infringement established <input type="checkbox"/> not applicable |
| 23. Leakage of goods or damage to package <sup>(3)</sup>                         | <input type="checkbox"/> inspected | <input type="checkbox"/> infringement established <input type="checkbox"/> not applicable |
| 24. UN packaging marking/tank marking <sup>(2)</sup> <sup>(3)</sup> (ADR 6)      | <input type="checkbox"/> inspected | <input type="checkbox"/> infringement established <input type="checkbox"/> not applicable |
| 25. Package marking (e.g. UN no) and labelling <sup>(2)</sup> (ADR 5.2)          | <input type="checkbox"/> inspected | <input type="checkbox"/> infringement established <input type="checkbox"/> not applicable |
| 26. Tank/vehicle placarding (ADR 5.3.1)  | <input type="checkbox"/> inspected | <input type="checkbox"/> infringement established <input type="checkbox"/> not applicable |

<sup>(1)</sup> To be filled only if relevant for an infringement.

<sup>(2)</sup> To be stated under 'remarks' for groupage transport operations.

<sup>(3)</sup> 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 .....

## 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.
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**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 <sup>(1)</sup>			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 <sup>(2)</sup>	Risk category I			
	Risk category II			
	Risk category III			
Number of penalties imposed, according to penalty type	Caution			
	Fine			
	Other			

<b>ESTIMATED TOTAL QUANTITY OF DANGEROUS GOODS TRANSPORTED BY ROAD:</b>	..... t	or ..... t.km
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<sup>(1)</sup> For the purposes of this Annex the country of registration is that of the motor vehicle.

<sup>(2)</sup> 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.



## **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 9a	Article 10
Article 9aa	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

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## COM 483 (2021)

**1. Proposal**

*Proposal for a Directive of the European Parliament and of the Council on uniform procedures for checks on the transport of dangerous goods by road (codification)*

**2. Date of Council document**

*19.08.2021*

**3. Number of Council document**

*11640/21*

**4. Number of Commission document:**

*COM (2021) 483*

**5. Dealt with in Brussels by**

*Transport Council (Committee on the transport of dangerous goods  
Directorate-General for Mobility and Transport  
Directorate C - Land  
C.2 - Road Safety)*

**6. Department with primary responsibility**

*Department of Enterprise, Trade and Employment.  
(As the lead Department for the Inland Transport of Dangerous Goods by Road,.)*

**7. Other Departments involved**

*Department of Transport (As the Department with responsibility for Road Safety)  
Department of Justice and Law Reform (as Department with responsibility for An Garda Síochána and Explosive Licencing)  
Department of Environment, Climate and Communications (as Department with responsibility for Radioactive materials)*

**8. Short summary and aim of the proposal**

*The purpose of this proposal is to undertake a codification of Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road<sup>3</sup>. The new Directive will supersede the various acts incorporated in it; the proposal will fully preserve the content of the previous EU Legislation being codified and hence does no more than bring them together with only such formal amendments as are required by the codification exercise itself.*

**9. Legal basis of the proposal**

*The proposal is in accordance with the procedure laid down in Article 251 of the EC Treaty.*

**10. Voting Method**

*Ordinary legislative procedure, via accelerated adoption as set out in the agreement of 20 Dec 1994 between Commission, Council and Parliament for codification instruments.*

**11. Role of the EP**

*The European Parliament has agreed along with the Council and the Commission that as codification does not involve changes of substance to the instruments affected an accelerated procedure may be used to fast-track adoption.*

**12. Category of proposal**

*The proposal is a codification of the provisions of Directive 95/50/EC as amended by Directive 2008/54/EC and to take account of the provisions of Directive 2008/68/EC on the inland transport of dangerous goods.*

**13. Implications for Ireland**

*None expected. The provisions of Directive 95/50/EC were incorporated into the transposition measures for the relevant ADR provisions, it is likely, therefore that the provisions of the proposed Directive will be included in the transposition measures for Directive 2008/68/EC on the inland transport of dangerous goods.*

**14. Impact on the public**

*There will no additional impact on the public.*

**15. Have any consultations with Stakeholders taken place or are there any plans to do so?**

*No*

**16. Are there any subsidiarity issues for Ireland?**

*No*

**17. Anticipated negotiating period**

*Not Known*

**18. Proposed implementation date**

*Not Known*

- 19. Consequences for national legislation**  
*The provisions of the proposed Directive will be incorporated into the transposition measures of Directive 2008/68/EC.*
- 20. Method of Transposition into Irish law**  
*Statutory Instrument*
- 21. Anticipated Transposition date**  
*2 years after adoption*
- 22. Consequences for the EU budget in euros annually**  
*None*
- 23. Contact name, telephone number and e-mail address of official in Department with primary responsibility**

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**Date**  
**31<sup>st</sup> August 2021**