

Progress report on the Guidelines on Transport of Dangerous Goods

November 2022

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List of Abbreviations

ADN	European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways
ADR	The Agreement concerning the International Carriage of Dangerous Goods by Road
DG ENV	Directorate General for Environment
DG GROW	Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
DG MOVE	Directorate General Mobility and Transport
DG NEAR	Directorate General for Neighbourhood and Enlargement Negotiations
DGSA	Dangerous Goods Safety Adviser
ERA	EU Agency for Railways
EU	European Union
EU DEL	European Delegation
EU MS	European Union Member State
IT	Information Technology
IPA	Instrument for Pre-Accession Assistance
OJ	Official Journal of the European Union or of a Regional Partner
OTIF	Intergovernmental Organisation for International Carriage by Rail
RID	Regulation concerning the International Carriage of Dangerous Goods by Rail
RP(s)	Regional Partner(s) – Albania, Bosnia and Herzegovina, Kosovo ^(*) , North Macedonia and Serbia
TCT Secretariat	Transport Community Permanent Secretariat
TDG	Transport of Dangerous Goods
TDG Guidelines	Guidelines on Transport of Dangerous Goods
TDG TC	Transport of Dangerous Goods Technical Committee
TPED	Directive 2010/35/EU on transportable pressure equipment
UNECE	United Nations Economic Commission for Europe

^(*) This designation is without prejudice to positions on status and is in line with UNSCR 1244 (1999) and the ICJ Opinion on the Kosovo declaration of independence.

1. Executive Summary

The report contains information concerning the EU Acquis on transport of dangerous goods (TDG) and tachographs as comprised in ANNEX I of the Transport Community Treaty. The report covers Guideline measures foreseen to be transposed and implemented in the short-term period (until 2023).

During this reporting period the Transport of Dangerous Goods Technical Committee (TDG TC) which was established on 15 December 2020 based on Decision 2020/08¹ of the Regional Steering Committee has shown willingness to improve the overall situation in this sector. Its role is to identify and take direct measures that will impact positively on safety and security of the TDG within the Western Balkans region. TDG TC aims to improve the road, rail and inland waterways safety and security standards for goods classified as dangerous for transport and which can pose a danger for people, property, and the environment. During 2022, the Technical Committee on Transport of Dangerous Goods (TDG), **drafted and adopted the TDG Guidelines** and contributed on the development of the **Sustainable and Smart Mobility in the Western Balkans**.

During this reporting period January 2021 – October 2022, the TDG Technical Committee met several times, to decide upon the above-mentioned documents and measures, and to debate on challenges concerning the transposition and implementation of the applicable EU Acquis (ANNEX I the TCT), identified within the Guidelines on Transport of Dangerous Goods².

In this respect, the TCT Secretariat played an important role on supporting the Regional Partners on measures related to TDG Guidelines. Three workshops were organised to provide technical assistance for tachograph and transport of dangerous goods in cooperation with relevant institutions from Poland, as well Romania. Workshops were held in Belgrade (December 2021), Skopje (July 2022), and Romania in Bucharest (September 2023). The general aim was to increase the capacities of inspectorates. In addition to that a number of events were organised and supported by TAIEX.

¹ [Decision-8-2020.pdf \(transport-community.org\)](#)

² [Guidelines on Transport of Dangerous Goods \(transport-community.org\)](#)

Brief overview of the Regional Partners:

Albania – has reported progress with the adoption and implementation of the secondary legislation concerning the professional training of ADR drivers and DGSA's for relevant transport modes (road and railways). However, further efforts are needed to align Directive 2008/68/EC on inland transport of dangerous goods.

Bosnia and Herzegovina – reported progress related to the measures defined within the TDG Guidelines during this period is slow (vague). Therefore, authorities are encouraged to make more efforts to strengthen the cooperation and coordination between different institutions in Bosnia and Herzegovina.

Kosovo – initiated and finalised the update of the Multimodal Transport Strategy, which also refers to those measures related to the TDG Guidelines. In addition to that, succeeded to become a beneficiary of the first Regional Workshop on Transport of Dangerous Goods, supported by TAIEX.

North Macedonia – as a chairmanship of the TDG Committee were actively engaged in organising and supporting the TDG technical committee meetings. During this reporting period North Macedonian colleagues, discussed and presented the first informal paper (concerning cards for road transport dangerous goods drivers) at the level of the Working Party on Transport of Dangerous Goods of the UN Economic Commission for Europe (UNECE). However, there is a need for further efforts to be taken to improve the cross-sectoral coordination and to address identified challenges related to financial and human resources.

Montenegro – improved the institutional coordination among different authorities, which will positively impact on the overall implementation of the measures deriving from the TDG Guidelines. However, Montenegro authorities should make more effort on implementation of agreed measures. This year's highlight was the successful application related to firefighter capacity building.

Serbia – is the frontrunner and has the most developed legal system (including enforcement) related to TDG in the region. Progress is identified in aligning with the Directive 2008/68/EC on inland transport of dangerous goods. Moreover, Serbia is the only Regional Partner who attended as an observer at the specialised meeting of the market surveillance and notification authorities dealing with transportable pressure equipment at EU level. However, there is a need for further efforts to improve the area of digitalisation of examination procedures.

In addition to the above, progress is identified by all Regional Partners in the area that will potentially lead towards reciprocal recognition of roadside inspections. All Regional Partners are encouraged to invest more resources – both human and capital – into development and dynamization of enforcement which is a key to the successful functioning of authorities/bodies dealing with TDG.

2. Background on Guidelines Measures

This section of the report is focused on measures/actions deriving from the TDG Guidelines, it assesses the overall progress, pending issues as well as recommendations for each Regional Partner.

The focus of all Regional Partners (RPs) in the upcoming period should be the transposition of Directive 2008/68/EC on inland transport of dangerous goods³, and Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road⁴ (deadline 2023).

Concrete measures need to be taken to comply mutually agreed deadline, as defined within the Guidelines in order to put at the disposal of the public the translation of the Annexes to Directive 2008/68/EC:

- the Agreement concerning the International Carriage of Dangerous Goods by Road (ADR).
- Regulations concerning the International Carriage of Dangerous Goods by Rail (RID) - Appendix C to the Convention concerning International Carriage by Rail (COTIF)
- the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN).

Directive 2008/68/EC offers flexibility in terms of volunteer application of ADN, and the list of RPs who opted out from making ADN compulsory to domestic transport can be retrieved from the Annex of the above-mentioned Guidelines. Taking this into consideration, RPs are encouraged to translate the applicable Annexes to Directive 2008/68/EC in parallel, to prevent an unbalanced approach towards the different transport modes. Furthermore, for the road transport mode, also known as a mode with the widest coverage in the region, road-enforcement procedures should be harmonized according to Directive 95/50/EC 1995 on uniform procedures for checks on the transport of dangerous goods.

General considerations on the technique of drafting the transposition measures on Directive 2008/68/EC

All RPs have a structure put in place to allow for transport of dangerous goods services to be performed. However, transposition of the Directive 2008/68/EC also includes requirements of the ADR, RID and ADN which are the core requirements applicable for all transport modes. These requirements are frequently updated, therefore the legislative technique adopted does not allow the flexibility provided in the system of amendment done every second year to function.

The above mentioned comprehensive legislative technique proves to be challenging for administrations. Due to technical and scientific progress on ADR, RID and ADN need to be updated every second year. Translation of Annexes into the languages of the region is a due diligence requirement for authorities based on the requirements of Directive 2008/68/EC which is reminiscent of the constitutional requirements in all European legal systems that impose those international treaties be translated.

³ OJ L 260, 30.9.2008, p. 13.

⁴ OJ L 249, 17.10.1995, p. 35.

The duty of all administrations to put at disposal of the public legislation in the relevant language(s) is a safety and security matter relevant for all, this includes stakeholders from DGSAs, to transport managers and packers. This will ensure safety and security for all.

For all the above-mentioned reasons, transposition of Directive 2008/68/EC on the inland transport of dangerous goods should include the translation of the Annexes to this Directive in all regional language(s), as applicable in the case of each RPs. A legal act from the 90s or beginning of 2000 is not in-keeping with technical and scientific progress and is misleading for administrations, transport companies, drivers, economic operators from upstream and downstream industrial chains – from package manufacturers to fillers, inspection bodies etc.

Information in relation to the Annexes of Directive 2008/68/EC

All Regional Partners are contracting parties to ADR and RID, except for Kosovo. Serbia is the only contracting party to ADN, while Bosnia and Herzegovina applies ADN on a voluntary basis on Sava River. Based on the information received by Bosnia and Herzegovina, they do not apply the provisions of Annex III, Section III.1, ADN.

Transposition of Directive 2008/68/EC is partially aligned by all RPs, therefore, to allow for transport to be performed in more advanced stages there are further steps to be accomplished in order to address administrative development in relation to this area of EU Acquis. Except for Serbia, updates to technical and scientific progress is not available in the languages of the region, which puts into question commercial activities governed by this legislation.

Guidelines key performance indicators provided for in the:

- *By 1 January 2023, all RPs will put in place the necessary legal framework to implement Directive 2008/68/EC.*
- *By 30 June 2023, all RPs will transpose Directive 2008/68/EC on the inland transport of dangerous goods as amended.*

Due to the above defined deadlines all RPs should make more effort to comply with agreed measures within agreed timeline.

During many meeting discussions, we have understood that the financing for translation of the ADR and RID in the languages of the region seems to be lacking.

Therefore, the TCT Secretariat invites all Regional Partner to assess other potential financial instruments that can support them with the translations of required documents. On that note, TCT Secretariat will remain on disposal if there is a need for advice and technical support to overcome this challenge.

3. Directive 2008/68/EC

3.1 Implementation

Albania: The overall progress on this measure is Good

The Law no. 118 of 13.12.2012 “On the transport of dangerous goods” is partially aligned with Directive 2008/68/EC. Albania also reported the full alignment with Council Directive 95/50/EC and that Directive 2010/35/EU was fully transposed.



While we acknowledge good progress achieved on this matter, in absence of translation of the international treaties, implementation of safety related functions years after they become compulsory for all contracting parties, the above-mentioned declarations concerning full alignment can easily be put into question. Moreover, the enforcement system needs further adjustment, and this will be treated later in the present Report.

Law no. 118 of 13.12.2012 applies ADR and RID to national transport of dangerous goods. It defines a set of procedures, obligations of participants involved in TDG, conditions of training and testing of dangerous goods safety advisers and other participants, while also defining the competences of the different authorities.

The Albanian authorities are in the process of having the Annexes to ADR and RID translated into Albanian, and they already agreed in principle to put it at disposal for other RPs that would be interested to have access to this linguistic version. The General Directorate of Road Transport Services and Albania Railways company are fully committed to proceed with the translation and are kindly invited to consider cross-checking that the terminology used for each transport mode be used in a consistent and coherent manner between modes.

In terms of legislative technique, the Law no. 118/2012 takes over some of the dispositions of the international agreements. As mentioned earlier within the present chapter, this risks to create confusion if the provisions contained in the international agreements are amended every second year and the law cannot be amended at the same pace.

In the context of the systematic translation of the Annexes into Albanian, which is currently being done, a revision of the law might prove necessary in order to eliminate contradictions and unnecessary repetitions.

Albania – is the first Regional Partner that started to align its legislation and fill in the gaps in transposition of Directive 2008/68/EC as amended. Moreover, successfully adopted two Guidelines in 2022:

- Guideline no. 5 of 03.02.2022 of the Minister of Infrastructure and Energy, “On the program, training, testing and issuance of certificate for safety advisers in the transport of dangerous goods and related tariffs”; (*OJ of the Republic of Albania no. 25 of 15.02.2022*).

- Guideline no. 4 of 03.02.2022 of the Minister of Infrastructure and Energy, “On the program, training, testing and issuance of certificate for drivers of vehicles carrying out transport of dangerous goods and related tariffs; (OJ of the Republic of Albania no. 25 of 15.02.2022).

The Guidelines fill in a gap in the implementation of RID and ADR, concerning training and certification of dangerous goods safety advisers (DGSA) and ADR drivers. These programs for training are currently being implemented, and support was offered by Spain, and Romania concerning the development of the curricula for these activities. Further cooperation is needed for capacity building and institutional development.

Bosnia and Herzegovina: The overall progress on this measure is Stagnant

Transport of dangerous goods is not in line with the EU Directives at the level of Council of Ministers of Bosnia and Herzegovina.

At the level of entity, trade, procurement and transport of dangerous goods, as well as supervision over the application of the above are defined in accordance with two separate laws, namely: The Law on Transport of Dangerous Goods (“Official Gazette of the Republic of Srpska” No. 15/16) and the Law on Trade in Explosives and Flammable Liquids and Gases from 2011.

Other than the Law on Transport of Dangerous Goods this sector is regulated by several bylaws:

- (i) Rulebook on the professional training of security advisors and the conditions that must be met by institutions that provide professional training of security advisors,
- (ii) Rulebook on mandatory training of drivers of motor vehicles for the transport of dangerous goods and other persons participating in the transport of dangerous goods,
- (iii) Rulebook on the method of taking samples of explosive substances for analysis in the process of inspection supervision,
- (iv) Rulebook on the method of transporting dangerous substances in road traffic,
- (v) Rulebook on violations of provisions on the transportation of dangerous goods
- Rulebook on vehicle inspection.



From the information provided, a precedent exists in the Law on Radiation and Nuclear Safety in Bosnia and Herzegovina, which establishes the State regulatory Agency for Radiation and Nuclear Safety, as mentioned in the documents provided so far.

A similar state level law should define the role of the central administration, the distribution of attributions and complementarity areas in competences between the different administrative levels. Transport of dangerous goods needs to be coherently regulated all over the region.

Kosovo: The overall progress on this measure is Slow - Moderate

Law no. 04/L-183 on land transport of dangerous goods was also screened by TCT Secretariat. The law seems to be a summary of the requirements in the Directives 2008/68/EC and 95/50/EC as well as of those contained in the applicable international agreements to which Kosovo cannot be a contracting party due to political reasons. It is recommended that ADR and RID be implemented to the largest extent possible given the

circumstances and that a pragmatical solution is found with the neighbours to cater for technical and scientific progress updates of ADR and RID.

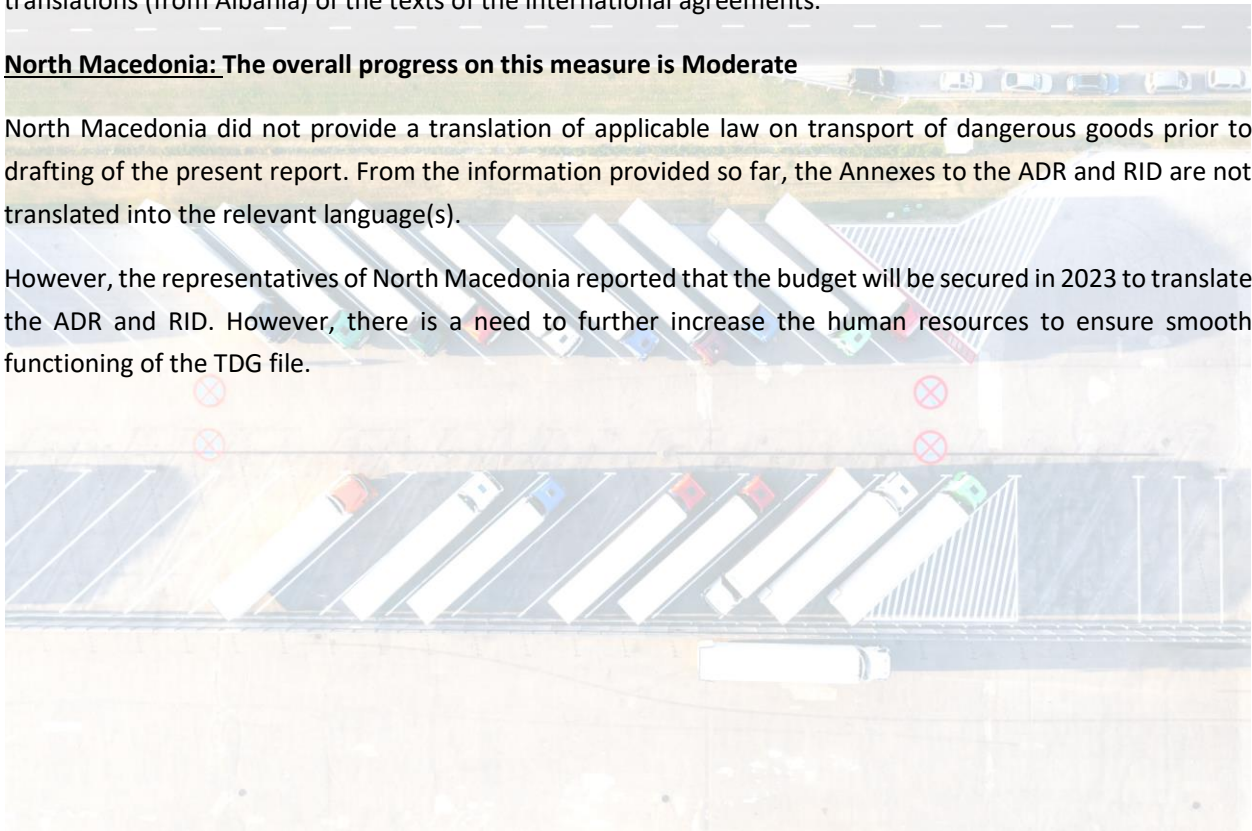
The above-mentioned law applies the international agreements to national transport, in keeping broadly with the exemptions provided for in Art. 1 (1) of Directive 2008/68/EC. However, when it comes to integrating the more dynamic part deriving from the Annexes to ADR and RID, challenges occur since the law has not incorporated amendments brought to ADR and RID since 2013. Authorities reported that concrete steps have been taken to supplement and amend the legal framework for the transport of dangerous goods through the Government's Strategic Operational Plan.

Kosovo is not a contracting party of RID and ADR, it is encouraged to make the widest use of already existing translations (from Albania) of the texts of the international agreements.

North Macedonia: The overall progress on this measure is Moderate

North Macedonia did not provide a translation of applicable law on transport of dangerous goods prior to drafting of the present report. From the information provided so far, the Annexes to the ADR and RID are not translated into the relevant language(s).

However, the representatives of North Macedonia reported that the budget will be secured in 2023 to translate the ADR and RID. However, there is a need to further increase the human resources to ensure smooth functioning of the TDG file.



Montenegro: The overall progress on this measure is Moderate

The Law on transport of dangerous goods of Montenegro covers road, rail, maritime and air transport modes. Its scope is broader than the scope of Directive 2008/68/EC, as maritime and air transport are not regulated therein. However, the law is insufficient taking into consideration the services regulated therein – road, rail, maritime and air transport of dangerous goods and the fact that the agreements seem not to be available in the relevant language.

The names of the international agreements regulating land modes - ADR and RID - are only mentioned in Article 29, in relation with the education of the dangerous goods safety advisor, but not specified in the scope of the law as being applicable – not even for international transport.

There are also requirements concerning the “Transport document for the transport of dangerous goods and written instructions for the measures in case of an accident or an emergency situation” (Article 12). These requirements do not reflect the appropriate requirements of ADR. Moreover, the written instructions provided to the driver are not in line to the applicable requirements in ADR and seem to be copying the versions before the systematisation of the Instructions in writing which happened in recent years.

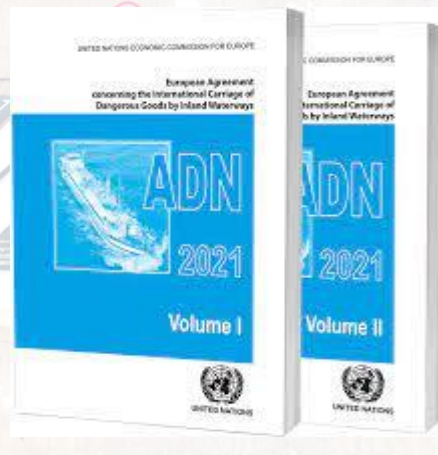
The expectations concerning reaction of the carrier/driver in case of accident during transport of dangerous goods should be reviewed in the TAIEX programme for firefighters of Montenegro.

Serbia: The overall progress on this measure is: Good

Reported that full transposition is finalised for Directive 2008/68/EC, Directive 95/50/EC and Directive 2010/35/EU. The Annexes to ADR, RID and ADN are translated into Serbian every second year, published on their official webpage⁵ and made available to the public since 2009. The historical view is extremely important because it allows a better understanding for the user in terms of transitional provisions of the international agreements.

Serbia is currently planning a revision of a part of the legislation related to TDG, but is faced with a serious human resources issue.

Digitalisation of the current tasks of the administration – when successfully achieved and swiftly running – is likely to decrease the pressure of the department dealing with transport of dangerous goods. This initiative is welcomed and TCT Secretariat will continue to offer its support.



⁵ [Transport opasne robe | Ministarstvo građevinarstva, saobraćaja i infrastrukture \(mgsi.gov.rs\)](https://mgsi.gov.rs)

3.2 Recommendations

A more substantive coordination is needed in all administrations and the Annexes to ADR and RID need to be translated as soon as possible in the regional languages. The absence of the international agreements in a language that every relevant stakeholder – from drivers to carriers, consignees, consignors, loaders, fillers, packaging manufacturers, packers etc. - can read and understand is multiplying the inherent dangers of dangerous goods.

The summary of the main requirements in ADR and RID seems to be a general practice in the region, but this keeps technical and scientific progress reserved for a limited number of people who then in turn are called upon to inform and teach the others.

The RPs are kindly reminded that the Annexes of Directive 2008/68/EC are a minimum set of standards adopted at international level to ensure safe and secure transport of dangerous goods. Incomplete transposition not in-keeping with technical and scientific progress can endanger safety and security of people, goods and the environment, both internally and abroad.

Albania is encouraged to speed up the translation process of the Annexes and to continue the process of filling in the gaps in transposition. Several applications for capacity building and assistance on which EU funding will be needed are to be expected in the future.

Bosnia and Herzegovina is encouraged to regulate TDG at the level of its Council of Ministers and to engage into concerted actions in order to address efficiently the sector.

Kosovo is encouraged to continue clarification of its existing legislation and to enhance cooperation with neighbours and EU Member States to address the pending issues in this file.

Montenegro is encouraged to revise the current legislation to update to technical and scientific progress and continue intensifying cooperation between the different authorities with competences in the field of transport of dangerous goods.

North Macedonia is encouraged to update the existing legislation to technical and scientific progress and to enhance cooperation between the different competent authorities.

Serbia is encouraged to review its current legislation and to progress as soon as possible view to adaptation of its administrative practices in line with the existing discussions of digitalisation.

3.3 Cooperation between the different administrative structures of the Regional Partners

The coordination and cooperation between the different authorities having competences in the field of transport of dangerous goods needs further improvement by all Regional Partners.

The TCT Secretariat takes the opportunity of the present report in order to invite the members of the TDG Committee to consider that a more nuanced composition of the delegations is expected in the future. For example, where Class 7 Radioactive material issues are debated on the agenda of a specific meeting, the TDG Committee Members are invited to share this information with the relevant authorities having competences in this field who could be interested in following up these specific points only. Similarly, if issues related to enforcement are foreseen, then Inspectorates are expected to be invited in the delegation or when emergency procedures in case of accident with dangerous goods are discussed, representatives of the firefighters should be included in the team attending the meeting either in person or remotely, in keeping with the rules of TCT Secretariat.

However, it has to be mentioned that certain forms of cooperation between different authorities in charge of different topics in the transport of dangerous goods file, similar to the TDG implementation groups in the Guidelines, are foreseen in the legal documents of several R Ps.

Albania - established an Inter-Ministerial Committee for the Transport of Dangerous Goods whose aim is to ensure effectiveness in the implementation of the TDG file. It was reported that the Inter-Ministerial Committee will start meeting on monthly basis to discuss and to tackle relevant issues related to transposition and implementation.

Kosovo – the Law on transport of dangerous goods also contains a provision creating an Inter-Ministerial Committee on Transport of Dangerous Goods to ensure efficient implementation of this Law (Article 54 of the Law no. 04/L-183 on land transport of dangerous goods).

Montenegro - the law stipulates that a Council be formed by the Government for strategic management and inter-institutional co-ordination in the field of transport of dangerous goods (Article 73a of the Law on transport of dangerous goods). There is not clear information received concerning the activities of the Council.

However, the Ministry of Capital Investments in Montenegro achieved a high level of coordination from the very beginning of the TDG Committee. The fact that representatives of different Ministries are working together to tackle implementation issues is an example of good practice. TDG Committee of Montenegro consist of experts from the following institutions having competences in the field: Ministry of Interior, Ministry of Ecology, Spatial Planning and Urbanism, Environment Protection Agency, Administration of Inspection Affairs⁶.

Serbia, Bosnia and Herzegovina, and North Macedonia did not submit information in this regard.

⁶ Institution names were those applicable at the last session of the TDG Committee, 14 June 2022.

3.4 Recommendations

All Regional Partners are encouraged to establish a functional coordination body by gathering all the relevant authorities with competences in the field of transport of dangerous goods. The coordination body should focus on discussing the items on the agendas of the sessions of the TDG Committee, and most importantly to address the measures deriving from the TDG Guidelines, and the conclusions of the TDG technical committee meetings. It should also ensure smooth coordination on issues of common competences with general transport law.

TCT Secretariat recommends that all Regional Partners follow the proactive example of: Albania, Kosovo, Montenegro, who invested time and resources in such coordination and thus succeeded to secure already capacity building support.



4. Enforcement

4.1 Directive 95/50/EC

4.1.1 Implementation

A questionnaire on the implementation of Directive 95/50/EC was addressed to the RPs in May 2022. As a result of that questionnaire, only one RP was able to deliver an estimation of its ongoing activities concerning enforcement of TDG.

Albania: The overall progress on this measure is Good

Albania reported that the rate of non-compliance with ADR is so high that almost half of the checks carried out resulted in violations in which transport operators received fines. Concurrences of competences and lack of clarity of activities division make the enforcement ineffective.

Albania was the only regional partner able to quantify the enforcement activities performed.

Bosnia and Herzegovina: The overall progress on this measure is Stagnant

No report for the entire Regional Partner was received. At entity level, enforcement is performed only for class 1 explosives by some entities.

Kosovo: The overall progress on this measure is Slow - Moderate

Road Transport Inspectorate within the Ministry of Environment and Spatial Planning and Road Traffic Police have competences to stop and check vehicles in traffic. All other questions received negative answers concerning TDG specific activities. Hence, enforcement of TDG is still to be developed.

Montenegro: The overall progress on this measure is Slow - Moderate

Montenegro – reported from various institutions. After analysing received reports we can conclude that the enforcement is still not at the level it is desired. Further efforts should be made on clarification of competences between the different institutions.

North Macedonia: The overall progress on this measure is Stagnant

North Macedonia did not answer to the questionnaire.

Serbia: The overall progress on this measure is Slow-Moderate

The Law on Transport of Dangerous Goods that defines that control is performed on a representative sample of roads and consignments. However, due to the small number of inspectors (currently four) controls on the road are carried out in accordance with Law on Inspection Supervision and risk assessment. Cooperation with other institutions dealing with such issues is highly recommended.

4.1.2 Recommendations

Based on information received from sent questionnaires, we can conclude that the human resources and the equipment for roadside checks are insufficient, need to be enhanced and renewed. The number of enforcement officers able to check ADR should be proportionate with the traffic volumes of TDG at each RP.

Enforcement is an integral part of transport policy, including in the field of dangerous goods. Therefore, continuous dialogue is highly encouraged between enforcement and the other competent authorities, in particular the Ministry of Transport.



4.2 Tachograph

The Transport Community Treaty contains provisions in Annex I.3 covering tachographs⁷. To cover pragmatically this subject, it was decided internally in TCPS that this item be treated and included for the time being under the remit of TDG Technical Committee.

The TCT Secretariat organized in cooperation with the Polish General Inspectorate for Road Transport two workshops dedicated to implementation of the tachograph rules on 8-10 December 2021 in Belgrade and 29 June – 1 July 2022 in Skopje. The events were organised with the excellent support of the Embassies of Poland to Belgrade and Skopje, and this allowed a wider in-person attendance for inspectors from all Regional Partners.

The General Inspectorate for Road Transport visited the region to offer much needed first-hand in person training on the regulations and rules regarding driving time and rest periods of drivers, the use of tachographs, their calibration and inspection. Instructions were also provided to the participants on how to combat and identify tachograph manipulation. Another important area of checks which was subject to the demonstrative control was the technical requirements for commercial road transport vehicles, including periodic roadworthiness tests of vehicles.

The General Inspectorate for Road Transport kindly agreed to demonstrate in practice all the procedures put in place in Poland to comply with the EU Acquis governing the above-mentioned activities and presented fully equipped vehicles used for such roadside checks. The vehicles which had been acquired with EU financing, are equipped with all the relevant devices and IT tools as used daily on Polish roads to combat illegal transport operations. Within the mechanism of follow-up of the implementation of tachograph regulations thus created, RPs will be invited to present their policy developments.

To offer a pragmatic solution to the needs of further cooperation of the RPs regarding issues applicable for to road commercial transport, such as tachograph rules, this item was added on an Ad-hoc basis on the Agenda of the TDG Committee of 14 July 2022.

Challenges issuing tachographs cards were reported to the Commission by Slovenia who offered to support a RP who is currently struggling to update their national policy and to issue tachograph cards for its drivers. Consequently, a Mutual Assistance regarding smart tachograph cards in the framework of the Treaty establishing the Transport Community (TCT) was discussed in principle at the July 2022 extraordinary session of the TDG Committee. Discussions with the Commission and finalization of the framework for mutual assistance in the context of the future deadlines for implementation of Regulation (EU) 2021/1228 are to be expected towards the end of the year.

⁷ See pages 17-18 of Annex I.3 as amended [Transport Community and the EU Acquis - Transport Community \(transport-community.org\)](https://transport-community.org).

4.2.1 Recommendations

All RPs are currently implementing the Tachograph Acquis. The technical progress which the Regulation (EU) 2021/1228 caters for needs to be complemented with appropriate trainings and equipment for the inspectors called to ensure enforcement of such rules.

The TDG Technical Committee is hereby inviting the Regional Steering Committee and the EU Delegations to consider allocating further financing for acquisition of control vehicles, IT equipment for purposes of tachographs checks. This is a *sine-qua-non* condition to ensure a level playing field and a fair road transport market. Moreover, as already mentioned in the section dedicated to enforcement of TDG, inspection services should become more active, and their activities should be included in the development of the transport policy.

Enforcement of road transport rules, such as driving and resting times, weights and dimensions and ADR are essential to prevent deterioration of the existing road network and to prevent loss of human lives.

4.3 General Recommendations on enforcement activities

All Regional Partners are encouraged to:

- a) Advertise further to higher political levels their ongoing work and the needs of the TDG sector.
- b) Secure appropriate contacts in the funding departments of the Ministries of Transport, and also in the Ministries of EU integration and Ministries of Finance in order to make sure that they will be able in the future to ensure financing for their own projects.
- c) Continue coordinating their works with TCT Secretariat where assistance is currently being provided.

5. Activities of the TDG Technical Committee 2021-2022

The TDG TC held 7 meetings and the documents discussed at these meetings, as well as the conclusions of the meetings are available at [Technical Committees - Transport Community \(transport-community.org\)](https://transport-community.org/technical-committees).

The current list of participants includes 71 members and the TCT Secretariat observed that the maintenance of a hybrid format allowed a larger number of experts to attend remotely the meetings. Remote access to meetings seems to be key to participation in the meeting where physical travel is not an option.

A general introduction on the substance of the file, namely Directive 2008/68/EC, was performed and several aspects related to transposition were raised. The speakers coming from different services and agencies of the Commission (DG MOVE, DG NEAR, DG ENV, DG GROW, ERA), different international fora (UNECE and OTIF Secretariat), different EU Member States and even non-governmental organisations representing the industry. At the same time, some of the RPs actively contributed with presentations reflecting their situation – i.e., Albania, Serbia.

In parallel, a series of bilateral meetings were held with each RP to define the contribution to the Smart and Sustainable Mobility Strategy⁸ and Guidelines on Transport of Dangerous Goods⁹.

During 2022, a Roadmap concerning the enforcement activities for TDG was negotiated, which will create the incentive for the establishment for an IT application to be used by all the RPs in implementation of Directive 95/50/EC on roadside checks for transport of dangerous goods. Discussions are currently ongoing view to possible planning of this development of a pilot project.

Reciprocal recognition of inspection results between the RPs is also an item on which TCT Secretariat is expecting progress after the 2023 deadline of implementation of Directive 95/50/EC. To that end, a dedicated workshop will be organised in 2023.

A stepwise approach was chosen in order to dynamize cooperation between the RPs, the EU and the other relevant international institutions, as a transport of dangerous goods contains by default an international component. As circulation of these goods is global, competent authorities in the Western Balkans are hereby invited to invest more in this field as the list of dangerous goods is enlarging.

The TCT Secretariat welcomes the engagement and effort made by the delegations of the RPs involvement in the activities of the Committee. Faced with the need to increase awareness on the TDG file, the TCT Secretariat mobilised a large number of resources to address different legal requirements of Directive 2008/68/EC. Similarly, RPs are encouraged to enhance their cross-sectoral cooperation and cooperation with their relevant stakeholders in order to stimulate compliance with the international agreements and ease their implementation at national level.

⁸ [Strategy for Sustainable and Smart Mobility in the Western Balkans - Transport Community \(transport-community.org\)](https://transport-community.org/strategy-for-sustainable-and-smart-mobility-in-the-western-balkans)

⁹ [Guidelines on Transport of Dangerous Goods \(transport-community.org\)](https://transport-community.org/guidelines-on-transport-of-dangerous-goods)

5.1 Technical Assistance – Workshops supported through TCT Secretariat, TAIEX and/or IPA Instrument

The TCT Secretariat in cooperation with the relevant services of the EU Commission (TAIEX) offered technical assistance and support in drafting of the applications and organising the following workshops:

- The TAIEX Regional Workshop on Transport of Dangerous Goods¹⁰ (event number 81223) was organized 6-8 December 2021. Kosovo applied for a capacity building training which was opened to all RPs (Regional application). It offered an opportunity for 103 officials' experts from the region, and EU to gain further knowledge on ADR and RID, as well as improve the understanding of the procedures. This event was supported by German and Polish experts.
- The Ministry of Interior in Montenegro will receive support in defining a request for capacity building under the TAIEX to prepare their emergency response in case of accident in transport of dangerous goods. Discussions are ongoing to replicate the event in every RPs. The event will be essential in evaluating the state of preparedness of personnel and the existing park of vehicles for emergency intervention.
- Serbia project application concerning tachographs and digitalization of dangerous goods safety related functions examination could not find support under IPA 2018 program as initially targeted, in spite of the efforts of the Secretariat for support. Therefore, the TCT Secretariat together with relevant authorities will assess other possible financial resources for this important project that will decrease administrative burden, and contribute to the greener working environment.
- After number of meetings organised by the TCT Secretariat with the EU DEL and North Macedonia authorities, the EU DEL y expressed availability to consider including under IPA financing a project related to transport of dangerous goods, and discussions resume in due time.
- A Workshop dedicated to Enforcement of transport of dangerous goods rules by road was held in Bucharest, between 5-7 September 2022. The workshop was organised by the TCT Secretariat in cooperation with the Ministry of Transport and Infrastructure, the State Inspectorate for Road Transport Control (ISCTR), the Road Transport Authority (ARR), and other relevant institutions in Romania. Preparations for the workshop were launched with the Questionnaire and Roadmap presented on the 19th of May 2022 session of the TDG Committee. The answers provided served as a basis for development of the workshop, as it allowed trainers to adjust their presentations to the needs of the participants. A theoretical training concerning the checklist contained in Annex I of Directive 95/50/EC was provided to all representatives of the RPs. The workshop also included relevant information on the development of the administrative structures in Romania concerning enforcement of dangerous goods and application of Directive 2008/68/EC and a perspective of the implementation of the e-Freight Regulation¹¹ in Romania.

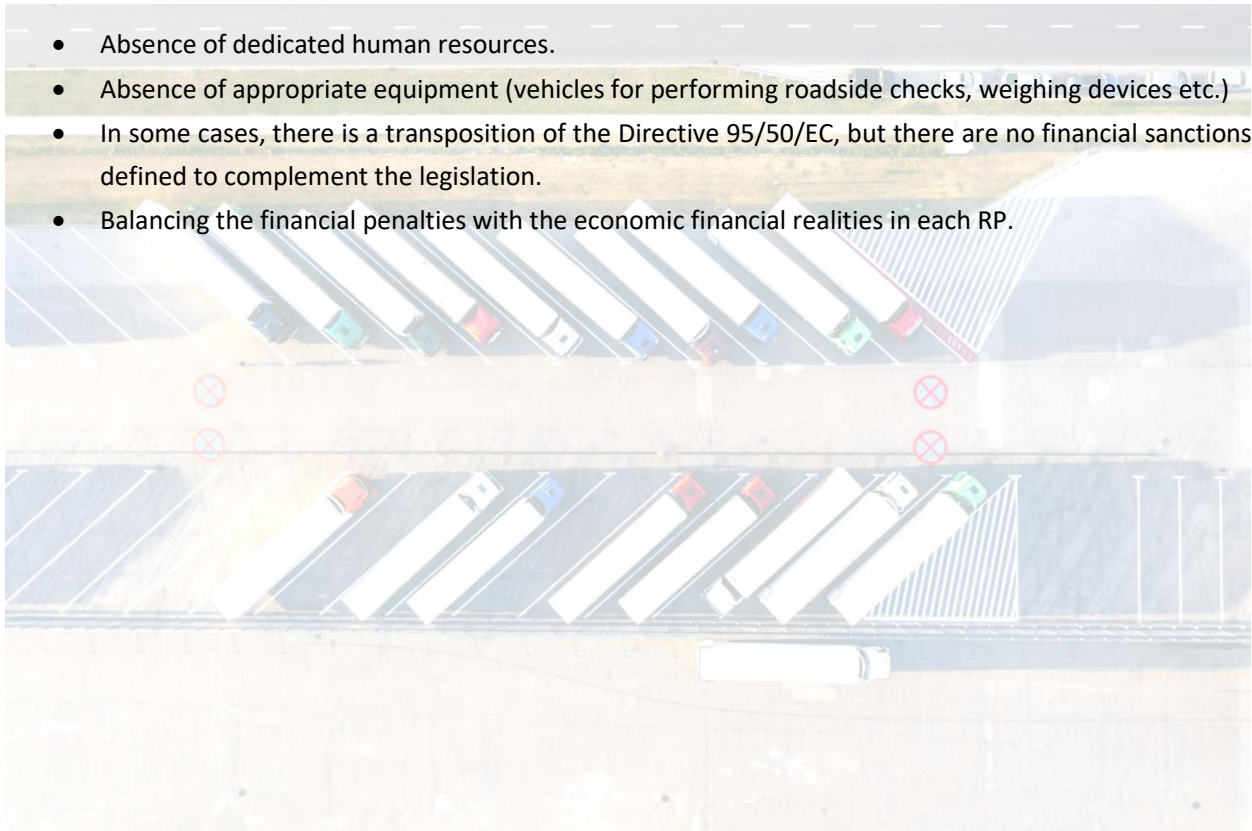
¹⁰ [Search \(europa.eu\)](#)

¹¹ Regulation (EU) 2020/1056 of the European Parliament and of the Council of 15 July 2020 on electronic freight transport information, OJ L 249, 31.7.2020, p. 33.

To the largest extent possible, the workshop aimed to offer practical examples and solutions to challenges that the RPs reported in recent times. The theoretical training was complemented with a targeted check of tanks used for carriage of flammable liquids and gases. It provided all RPs an opportunity to further improve their knowledge on how the roadside checks are performed in Romania. The procedures put in place by the private sector to comply with ADR were also presented and the representatives of RPs were also invited to continuously consult the relevant industry representatives.

During the discussions held in Bucharest, it resulted that the region is confronted with the following challenges:

- Absence of dedicated human resources.
- Absence of appropriate equipment (vehicles for performing roadside checks, weighing devices etc.)
- In some cases, there is a transposition of the Directive 95/50/EC, but there are no financial sanctions defined to complement the legislation.
- Balancing the financial penalties with the economic financial realities in each RP.



5.2 Cooperation with the EU Member States and International Organisations

Interventions were held in different international fora by the representatives of the TCT Secretariat to highlight the importance of the area and the development needed in this field and to further enhance cooperation with EU Member States and relevant international organisations.

Presentations of the TCT Secretariat activities were performed by the Desk Officer in charge of the file for the Commission TDG Expert Group, the Sub-Committee of Experts for Transport of Dangerous Goods of the United Nations, the Working Party for Transport of Dangerous Goods (WP.15), ADN Safety Committee (WP.15/AC.1) etc.

It is noteworthy from this point of view of the TCT Secretariat the fact that two Regional Partners started to be more active in the international arena.

Serbia attended the meeting of the Administrative Cooperation (ADCO) Group on 24 February 2022 and presented its problems related to entry into the territory of Serbia of non-compliant transportable pressure equipment. Transportable pressure equipment imported from the EU was not accompanied by the appropriate records for tanks or cylinders, blocking sometimes the Serbian border or the premises of the inspection bodies. The Chair of the ADCO Group welcomed the information received and invited the Serbian authorities to forward all complaints concerning the activities of the notified bodies in the EU to the competent authorities notifying them. Also, for reasons of efficiency, it was suggested that an increase in taxes and sanctions applicable for non-compliance could be a useful means of speeding up reactions on the side of distributors and importers. A part of the problems Serbia is facing are due to incomplete transpositions of the EU Acquis on wider economic and justice affairs, more specifically those related to the movement of goods. This aspect is not under the remit of the transport authorities.

North Macedonia presented its informal document INF. 25 – Information on the temporary change of model for ADR driver certificates ([United Nations \(unece.org\)](https://www.unece.org)) to the 111th session of the Working Party on the Transport of Dangerous Goods (WP.15), 9-13 May 2022. The document presented the new temporary card model issued by the Republic of North Macedonia and informed the Inspection services of the other contracting parties that this will be valid until the expiration of the current batch. The intervention was important in order to defend the interest of North Macedonian transport industry – carriers and drivers alike - , as it asked the contracting parties not to sanction ADR driver certificates under the new model.

In terms of cooperation, the TCT Secretariat wishes hereby to thank the following EU Member States for the excellent support and expertise provided by their experts to the Regional Partners during the first two years of functioning of the TDG Committee: Estonia, France, Germany, Latvia, Netherlands, Poland, Romania, Slovenia and Spain.

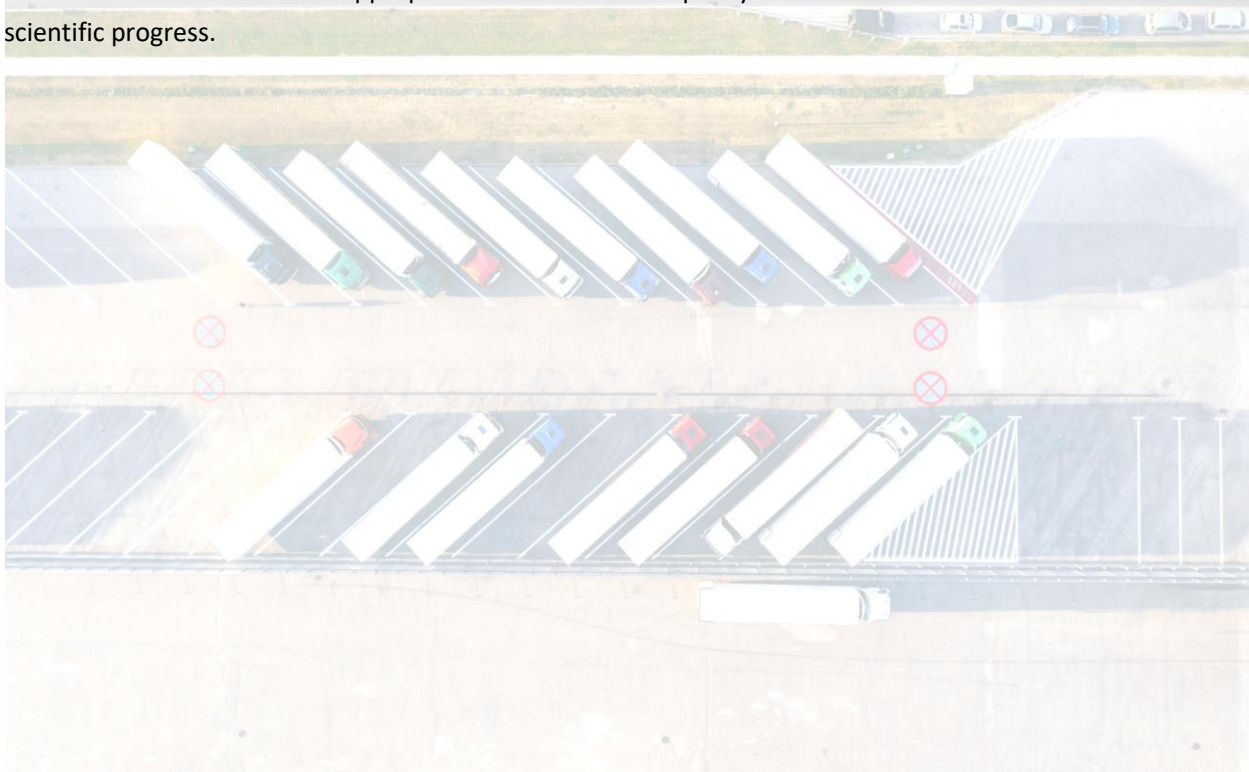
Important support was also received from the European Union Agency for Railways (ERA), Euro Control Route (ECR) etc.

All representatives of the EU Member States and of the industry attending the TDG Committee meetings are kindly invited to consider further ways of cooperation with the TCT Secretariat and to propose further areas of development of the activities therein. TCT Secretariat is available for further enhanced cooperation with all relevant stakeholders.

5.3. Recommendations

All RPs are kindly invited to enhance both regional and international cooperation on all issues related to transport of dangerous goods. As mentioned earlier, global circulation of such goods cannot be prevented, and authorities need to be prepared to cover all the relevant topics.

Follow-up of the wider international Agenda, i.e., OTIF and UN meetings, and documents presented therein is advisable in order to ensure appropriate administrative capacity and to be able to follow the technical and scientific progress.



6. Way forward

The TDG file is difficult as it covers a lot of areas relevant for our modern life, from radioactive material used in hospitals for radiography to lithium-ion batteries in our computers, perfumery products or fuels in our cars, every type of goods that pose a danger needs to be regulated to be subject to transport.

To have safe and secure transport of dangerous goods all RPs are hereby being invited to:

- TDG Implementation Groups to be established and/or made operational, as well as receive continued investments. TDG Groups should consist of competent authorities, from environment, economy, and finance to enforcement;
- Each RP needs a seamless communication between officials dealing with these files. In their turn, officials can and should continue a constant dialogue with the industry concerning the implementation of the ADR and RID;
- A good safety record can only be achieved in presence of active links between the administration and the industry;
- Translate the Annexes to ADR, RID as defined within Guidelines deadline (2023). The RPs are kindly reminded that the Annexes of Directive 2008/68/EC are a minimum set of standards adopted at international level to ensure safe and secure transport of dangerous goods. Transposition not in line with the technical and scientific progress can endanger safety and security of people, goods and the environment;
- Further efforts are needed to complete the ongoing projects and continue identifying areas where further support could be offered by the TCT Secretariat, EU Member States, and other EU and/or other relevant international organisations;
- TCT Secretariat will continue its work of further ensuring coherence of activities with all the relevant stakeholders – the EU Commission, and other relevant EU Institutions.
- The Commission already highlighted that “safety is fundamental to any transport system; it must always be the top priority”¹². The ever-changing transport market needs appropriate human resources, financial, protective uniforms, and proper equipment (example: vehicles, boat, etc) to prepare for tomorrow's mobility.

¹² COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS EUROPE ON THE MOVE Sustainable Mobility for Europe: safe, connected, and clean, COM (2018) 293 final