

2nd Progress  
Report on the

# Guidelines on Transport of Dangerous Goods



## Abbreviations

<b>ADN</b>	European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways
<b>ADR</b>	The Agreement concerning the International Carriage of Dangerous Goods by Road
<b>DG ENV</b>	Directorate General for Environment
<b>DG GROW</b>	Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
<b>DG MOVE</b>	Directorate General Mobility and Transport
<b>DG NEAR</b>	Directorate General for Neighbourhood and Enlargement Negotiations
<b>DGSA</b>	Dangerous Goods Safety Adviser
<b>ERA</b>	EU Agency for Railways
<b>EU</b>	European Union
<b>EU DEL</b>	European Delegation
<b>EU MS</b>	European Union Member State
<b>IT</b>	Information Technology
<b>IPA</b>	Instrument for Pre-Accession Assistance
<b>OJ</b>	Official Journal of the European Union or of a Regional Partner
<b>OTIF</b>	Intergovernmental Organisation for International Carriage by Rail
<b>RID</b>	Regulation concerning the International Carriage of Dangerous Goods by Rail
<b>RP(s)</b>	Regional Partner(s) – Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, North Macedonia and Serbia
<b>TCT Secretariat</b>	Transport Community Permanent Secretariat

\* 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.

<b>TDG</b>	Transport of Dangerous Goods
<b>TDG Guidelines</b>	Guidelines on Transport of Dangerous Goods
<b>TDG TC</b>	Transport of Dangerous Goods Technical Committee
<b>TDG Directive</b>	Directive 2008/68/EC on the inland transport of dangerous goods, as amended
<b>TPED</b>	Directive 2010/35 on transportable pressure equipment
<b>Directive (EU) 2022/1999</b>	Directive (EU) 2022/1999 on uniform procedures for checks on the transport of dangerous goods by road (codification)
<b>UNECE</b>	United Nations Economic Commission for Europe



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## Executive summary

Transport of dangerous goods continues to be a focus in the activities of the Transport Community Permanent Secretariat, as goods classified as dangerous for transport purposes under the Directive 2008/68/EC on inland transport of dangerous goods. This Directive takes over the Annexes of the international agreements by road (ADR), rail (RID) and inland waterways (ADN) and applies them to domestic transport.

All Regional Partners and Observing Participants actively sought to comply with the key performance indicators outlined in the guidelines. However, challenges related to budgetary constraints and human resources limited success in this endeavour.

The TCT Secretariat actively encourages progress and is available to foster constructive cooperation and solutions for further developments in the region. The Treaty invites the regional partners to implement the Directive 2008/68/EC on inland transport of dangerous goods as amended. It lays down common rules for the safe and secure transport of dangerous goods within and between countries, by road, rail or inland waterway, taking into account technical and scientific progress as enshrined in the applicable international agreements – i.e. ADR for road and RID for rail.

The above mentioned Directive 2008/68/EC is also contained in Association Agreements applicable to Observing Participants, being a crucial legal act to harmonise. This ensures that the transport of goods posing risks to people, property and the environment is conducted in safe and secure conditions.

The focus of this year was the cooperation between the Ministries of Transport and Ministries of Interior, particularly regarding the capacity of fire and rescue departments to deal with emergencies – accidents and incidents during the transport of dangerous goods.

The successful ongoing implementation of assistance programmes via the European Union's

instrument for capacity building “TAIEX” in Montenegro and Albania opened the way for enhanced cooperation between the two regions. It also highlighted the need of further cooperation in addressing emergencies with chemicals.

Positive progress is evident in the activities of all regional partners.

Albania has developed and received assistance for its emergency services from Sweden and Finland. Discussions are ongoing concerning IPA projects for enhanced rapid intervention. Albania proved to be very active at the international level, in terms of cooperation with neighbouring regional partners, particularly in the area of roadside enforcement and on IMDG. The TCT Secretariat is actively supporting maturation of the projects.

Bosnia and Herzegovina is the regional partner with the lowest progress as no general legal framework has been ensured for this partner.

Kosovo has requested and received assistance to support development of human resources, and is the first regional partner having initiated the translation of ADR and RID into its language.

Montenegro is receiving assistance for fire and rescue services from Poland and Germany and is in the process of translating ADR in Montenegrin within an IPA funded project for a Technical Assistance in implementing the EU Acquis.

North Macedonia is currently planning IPA assistance for translation of ADR and for the classification of tunnels according to ADR.

Serbia has informed the Transport Community about its intention to restart discussions on digitalisation of examinations of dangerous goods safety advisors and ADR drivers.

The Transport Community Permanent Secretariat continues to support the Regional Partners at all levels to facilitate cooperation and exchange of know-how with EU Member States and relevant international organisations operating in the field.

# Regional outlook

## Directive 2008/68/EC on inland transport of dangerous goods

Directive 2008/68/EC applies to transport of dangerous goods by inland transport modes and takes over the Annexes to the international agreements applicable to road (ADR), rail (RID) and inland waterways (ADN). It is applicable as amended by Commission Delegated Directive (EU) 2022/2407 of 20 September 2022, amending the Annexes to Directive 2008/68/EC of the European Parliament and of the Council to take into account scientific and technical progress<sup>2</sup>. Every second year, the Commission issues a Delegated Directive to clarify the fact that “Annexes A and B to the ADR”, “the Annex to the RID” and “the Regulations annexed to the ADN” as applicable as of 1 January 2023 are included as annexes to the Directive and thus replace the outdated Annexes (i.e. the annexes of ADR, RID and ADN 2022).

The added value of Directive 2008/68/EC in the EU context is that it applies international rules to domestic carriages “within” the territory of each EU Member States. This eliminates the administrative burden of a double set of rules.

The two-year cycle of amendment is commonly agreed upon by the international community and has been made a part of the EU Acquis because substances and articles classified as dangerous goods are produced as a part of a wider commercial circuit and need to circulate worldwide.

As highlighted in the previous Progress Report, some regional partners do not have a system to apply the international agreements to domestic transport of dangerous goods. Translating the entire Annexes of these international agreements proves to be a challenging task, requiring potential further assistance in the future.

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<sup>2</sup> OJ L 317, 9.12.2022, p. 64.

The availability of the text in domestic languages is essential to ensure that the law is accessible to all citizens, not only drivers, in a language that they can “read and understand”.

The availability of the Annexes to the international agreements in the official language(s) is important to ensure legal certainty and to ensure that all citizens involved in manufacturing, packing, loading, unloading, commerce with goods qualified as dangerous for transport receive the appropriate training and knowledge to handle them safely.

Moreover, due to technical and scientific progress, every two years, a series of new provisions are added, sometimes as preventive measures. Disregard of the cycle of amendments can mean that exactly the most frequently used dangerous goods are not included in the legislation.

Even if driving schools or different authorities have excerpts of these agreements tailor-made for specific purposes and activities, handbooks do not hold legal validity. For example, the Ministry of Interior in Serbia, in cooperation with the Ministry of Construction, Transport and Infrastructure, prepares a handbook for the road traffic police officers conducting controls under Directive (EU) 2022/1999, and these specific purpose excerpts are based on the requirements of the law.

The KPIs foreseen for this Directive were as follows:

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

Regarding the first KPI, most of the regional partners, with the exception of Bosnia and Herzegovina, have a legal framework for implementing this Directive.



The second KPI relates to the translation of the Annexes of Directive 2008/68/EC as amended by Commission Delegated Directive (EU) 2022/2407 of 20 September 2022 amending the Annexes to Directive 2008/68/EC of the European Parliament and of the Council to consider scientific and technical progress<sup>3</sup>.

In the first session of the TDG Committee held in 2023, the latest updates to the Annexes of ADR and RID were briefly introduced by a representative of the OTIF Secretariat<sup>4</sup>. Where applicable, the absence of the contracting parties in the negotiations of these international agreements can create gaps in interpretation and understanding of the technical requirements. TCT meetings and EU-developed programmes aim to increase the administrative capacity; however, they cannot substitute or replace the exchange of information between the contracting parties during the negotiation of the international agreements. In the future, the main competent authorities, Ministries of Transport or Ministries of Interior, should encourage international representation of their countries at the United Nations, International Organisation for International Carriage by Rail (OTIF), Sava or Danube Commission etc. – as applicable. The framework for further integration is based on the technical requirements contained in the international agreements. Wherever the status does allow for involvement at an international level, ministries are encouraged to exercise their authority.

Moreover, due to globalisation pressures and specialisation of production, compliance with the international norms at the domestic level is a natural solution. Production of non-ADR tanks or cylinders could become more expensive than the internationally accepted solution.

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<sup>3</sup> OJ L 317, 9.12.2022, p. 64.

<sup>4</sup> <https://www.transport-community.org/wp-content/uploads/2023/03/06-Adaptation-to-technical-and-scientific-progress-RID-and-ADR-2023-OTIF-Secr-2.pdf>

Additional details concerning the new provisions in ADR and RID can be found on the UNECE and OTIF respective websites. A summary of the amendments that entered into force on 1 January 2023 is available on the Transport Community website, courtesy of the OTIF Secretariat<sup>5</sup>. ERA has also presented the strategy for the greening and digitalisation of railways, connecting the transport of dangerous goods with the EU Acquis<sup>6</sup>.

The main challenges concerning involvement in the TDG file remain limited capacity and human resources. The TCT Secretariat will continue working with EU delegations and Commission services to support regional partners and the observing participants in developing the administrative capacity of the institutions in this field.

A Rolling Plan concerning capacity building has been developed and published on the Transport Community website. The document will be regularly updated concerning the activities already performed.

The TDG Committee members are invited to encourage officials working with ADR to use the LearnITC tool, an e-learning platform developed by the United Nations<sup>7</sup>.

## Directive (EU) 2022/1999 on uniform procedures for checks on the transport of dangerous goods by road

Directive (EU) 2022/1999 of the European Parliament and of the Council of 19 October 2022 on uniform procedures for checks on the transport of dangerous goods by road is a codification of Directive 95/50/EC.

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<sup>5</sup> [PowerPoint-Presentation \(transport-community.org\)](#)

<sup>6</sup> [Building Capacity TDG by Rail \(transport-community.org\)](#)

<sup>7</sup> [UNECE LearnITC The Inland Transport and Trade Connectivity eLearning platform](#)



The newly adopted Directive abrogated the previous one, retaining the same content.

However, its adoption should be considered as an impetus for regional partners to consider further investment in their enforcement activities.

The Directive on ADR checks is a significant step in harmonising the procedures of the Member States. It was originally adopted in the context of abolishing checks at borders for import and export of dangerous goods transported by road. It is significant that the European Union, which initially adopted Directive 95/50/EC, comprised only 15 Member States at that time.

Transposing this Directive is important as it provides a standard check procedure – adequate for the means of transport and the dangerous goods contained within. Enforcing compliance with the rules is the first step to ensure safe transport and serves as an important safeguard for a fair transport market.

A partial application of the checklist can result in certain safety related features of vehicles are not checked, increasing the potential for accidents involving dangerous goods.

The TCT Secretariat has continued the discussions aimed to facilitate the application of Directive (EU) 2022/1999.

## Directive 2010/35/EU on transportable pressure equipment

Although Directive 2010/35/EU on transportable pressure equipment approximation by the regional partners is outlined in the Guidelines with a deadline in 2025, several administrations have reported progress on this item.

Namely, the Serbian competent authority informed the TDG Committee about its existing database of approved tanks and cylinders. The Serbian administration recently decided to add to the portfolio of the Ministry of Construction and Infrastructure another Directive comprised

in ADR, Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to aerosol dispensers (the Aerosols Directive). This addition will be subject to further developments under the TAIEX framework.

Albania is in the process of applying for a TAIEX programme concerning the implementation of Directive 2010/35/EU. This will be an opportunity for the competent authority in Albania to review its working procedures and further engage in EU and regional cooperation.

## TAIEX assistance

Under this chapter dedicated to Directive 2008/68/EC, the assistance deployed by the Commission services via the TAIEX programme related to capacity building is currently ongoing in some regional partners.

The programmes listed below are presented at length in the chapters related to specific regional partners. Assistance programmes have been developed at the initiatives of individual regional partners.

In order to explain the TAIEX assistance mechanism to the newcomers in the group – either new officials in WB6 or to the representatives of the observing participants, a special informal session of the TDG Committee was organised. A representative of the TAIEX team in DG NEAR explained the structure of the programme and the manner in which administrations can use this form of assistance in order to enhance their capacities and to transfer knowledge from the EU Member States.

Regional partners and observing participants were invited to consider making their administrative procedures more flexible in order to be able to access such programmes more easily.

All regional partners and observing participants are kindly invited to consider developing TAIEX assistance programmes in a structured manner, in connection with other tools and instruments for funding and capacity growth.

TAIEX	Subject
81894	<b>Emergency services capacity building in case of accident during transport of dangerous goods</b>
Beneficiary: <i>Montenegro</i> (only) EU MSs offering expertise: Poland and Germany <ul style="list-style-type: none"> <li>✓ Workshop in Montenegro - 22-23 March 2023</li> <li>✓ Ongoing series of events</li> </ul>	
84111	<b>Fire prevention capacity building in case of accidents during the transport of dangerous goods</b>
Beneficiary: <i>Albania</i> (only) EU MSs offering expertise: Finland and Sweden Date of commencement: <ul style="list-style-type: none"> <li>✓ Study visit - to Finland&amp;Sweden - 26-30 June 2023</li> <li>✓ Expert Mission – Tirana – 18-20 September 2023</li> <li>✓ Workshop and field exercise on 20-21.11.2023</li> </ul>	
84532	<b>Adjustment of procedures applicable for implementation of IMDG Code in the context of the implementation of Directive 2008/68/EC</b>
Beneficiary: <i>Albania</i> <ul style="list-style-type: none"> <li>✓ Initial approval received, the series of events is still to be organised.</li> <li>✓ The first Workshop on the IMDG will be organised on 6-8 November 2023 in Durres, Albania. It will be attended by officials from Montenegro also.</li> </ul>	
TBS	<b>Implementation of Directive 2010/35/EU in Albania</b>
Beneficiary: <i>Albania</i> <ul style="list-style-type: none"> <li>✓ The request is still to be launched by the State Institute for Industry and Technology (ISHTI) in Albania.</li> <li>✓ A part of the events could be open to the other regional partners and observing participants.</li> </ul>	

## Emergency intervention in case of accident and incident involving transport of dangerous goods

Two parallel assistance programmes are currently being run to assist regional partners in developing their emergency intervention operational procedures and to stimulate cross-border cooperation with the EU Member States for emergency response.

Montenegro started receiving assistance in March this year, and Albania followed as of June.

As a follow-up of the programmes developed by TAIEX, the following objectives and results have been achieved:

- RSC discussed a Concept note on the implementation of 112 and eCall at its October session
- Montenegro is in the process of being included in the external aid schemes of Poland, for follow-up of their project in the future.

All other regional partners that have not benefited from the assistance for firefighters related to the Directive 2008/68/EC on inland transport of dangerous goods are kindly invited to contact the TCT Secretariat on this matter at their earliest convenience.

### IPA assistance

Each Regional Partner expressed interest in asking for EU support via the IPA programme.

Montenegro showcases a success story, with a Technical Assistance for the implementation of EU Acquis to facilitate the development of the ADR in Montenegrin. Work in this programme is ongoing.

Similar assistance is currently being considered by the Republic of North Macedonia and Kosovo.

vo. The TCT Secretariat is in discussions with the EU Delegations to address these issues.

Albania is currently looking for funding for a Multifunctional Training Center for the Rapid Intervention and other Structures of the State Police as a follow-up of the ongoing discussions concerning the development of emergency intervention ongoing since July 2022. The discussions led to the organisation of the TAIEX series of events on fire prevention, as mentioned above.

More systematic discussions with EU Delegations are currently being considered, as the Montenegrin Technical Assistance programme could be further replicated by other regional partners seeking assistance with the EU Acquis.

## Cooperation with EU and its Member States

The TCT Secretariat hereby wishes to express its gratitude to the Commission services, its Agencies, and the EU Member States for their constant cooperation in the development of the activities in this field.

The TCT Secretariat has actively cooperated with the EU Member States in developing its own activities in transport of dangerous goods, as follows:

- Romania – September 2022 – Workshop on enforcement of road transport of dangerous goods
- Belgium – December 2022- Back-to-back meeting of the TDG and the Waterborne Committee organised in Antwerp
- Poland and Germany offered support for a TAIEX series of events for Montenegro to update its emergency procedures in case of accidents and incidents during transport of dangerous goods
- Sweden and Finland offered support for a TAIEX series of events for Albania to update its emergency procedures in

case of accident and incident during transport of dangerous goods

- Netherlands – 24-26 October 2023 – will join the TCT Secretariat for a Workshop on enforcement of transport of dangerous goods rules in Tirana.

The European Union Agency for Railways has also supported the activities of the TDG Technical Committee. Further activities related to railways will be developed in the future.

The TCT Secretariat hereby wishes to invite TDG experts from the EU Member States and the Commission and its agencies to continue this cooperation in the future.

## Cooperation with International Organisations

The TCT Secretariat continued cooperating with the relevant international organisations specialised in the field.

Thus, the Dangerous Goods Section of the Sustainable Transport Division of the United Nations Economic Commission for Europe offered the participants to the TDG Committee the possibility to attend the ADR training course within the UN system free of charge.

The Dangerous Goods Department of the Intergovernmental Organisation for International Carriage by Rail (OTIF) actively supported the Committee and provided useful insights into their activities during their in person and online session.

Similarly, the International Association of Fire Services (CTIF) contributed to the initial definition of the works related to accident and incident intervention.

The TCT Permanent Secretariat herewith wishes to express its gratitude to all the representatives of governmental and non-governmental organisations who have contributed or constantly followed the meetings of the TDG Committee.

# Outlook per Regional Partner

## Albania

### The overall progress in this Regional Partner is good

Albania currently holds the presidency of the TDG Technical Committee and is very active in cooperating both at the national and international levels.

### *Implementation and transposition of Directive 2008/68/EC*

The Inter-Ministerial Committee for the Transport of Dangerous Goods established according to Article 53 of the Law no. 118/2012 for the transportation of dangerous goods **is active** in organising activities related to implementation of the specific EU Acquis. However, the main key performance indicator for 2023 – i.e. the translation of the Annexes to Directive 2008/68/EC into Albanian – although anticipated to occur this year, has not been accomplished yet.

Nevertheless, promising steps have been made and the TCT Secretariat is currently awaiting the latest news concerning the translations of the Annexes. This will increase the level of preparedness and knowledge of both the transport industry and authorities.

Moreover, access to ADR and RID will also generate a more dynamic approach to institutional building and international cooperation. Further cooperation can be recommended to that end with all other areas of administration, such as the Ministry of European Integration and Foreign Affairs and the Ministry of Interior.

### *Participation in the TDG Committee*

Several aspects concerning the activities of the different areas of expertise in transport of dangerous goods were illustrated in the TDG Technical Committee meetings.

A systemic lack of human resources in certain areas of expertise and the lack of finances for investment in technical specialised equipment

(e.g. testing equipment for the Institute for Science and Technology, protection equipment, vehicles for intervention and appropriate tools for General Directorate for Fire Protection and Rescue Services, modern handling devices for ports etc.) has been reported. However, further cooperation and better planning of actions at domestic level could solve the issue.

In the context of the need to green transport, the existing equipment – where possible – should be upgraded to reduce the negative impact of transport.

Albania reported issues in implementing the Guidelines adopted the previous year concerning the training of vehicle drivers<sup>8</sup> and dangerous goods safety advisers<sup>9</sup>. Albania is advised to encourage the trainers in driving schools to be more active in international non-governmental organisations that provide such assistance. As already explained in the TDG Committee – Member States only supervise the activities of such institutions which are completely liberalised.

### *TAIEX capacity building programmes*

- 1) **TAIEX 84567 - Fire prevention capacity building in case of accidents during the transport of dangerous goods<sup>10</sup>**

The Albanian team has proved to be very efficient and goal oriented over the past year, with the main achievement being the successful cooperation between the Ministry of Infrastructure and Energy and the General Directorate of Fire Protection and Rescue of the Ministry of Interior. As a result, a series of events is currently being

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<sup>8</sup> Guideline no. 4 of 03.02.2022 of the Minister of Infrastructure and Energy, “On the program, training, testing and issuance of certificate for vehicle drivers carrying out transport of dangerous goods and respective tariffs”

<sup>9</sup> 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 respective tariffs”

<sup>10</sup> [84111 - Search \(europa.eu\)](#)

deployed to peer review the activities related to prevention of emergencies, and IPA assistance is expected to address soon the needs of the firefighting services in Albania.

During a study visit to Finland and Sweden from 16-30 June 2023, officials from the Ministry of Interior and Albanian Railways visited the two EU Member States and concluded that the most critical issue to be implemented is the coordination service "112" and that further steps should be taken towards integration of policies of different institutions involved. To that end, enhanced inter-institutional cooperation should be envisaged between the different competent actors. The development of specialised materials, such as a Pocket book/ App that could be used by all the relevant institutions in case of need, should also be considered.

Annual joint training between different institutions involved in emergency situations management should be envisaged. In this context, the superposition of competences between different authorities should be avoided in the future. More can be done in raising awareness of both the industry and the population concerning the incumbent dangers in transport of dangerous goods.

However, the significant lack of equipment and tools in the fire service represents a danger for national safety, especially regarding the absence of appropriate knowledge and tools at the first responders' level. Prevention of manmade disasters is an aspect for which investments should be dully assessed for emergency intervention. Preventive measures such as acquisition of material that can be used in case of accident (gas detectors, vehicles etc.) are more cost-effective than the aftermath of accidents. Moreover, the investment in continuous training and preparedness throughout the country is to be expected as a follow-up of the ongoing capacity building efforts. Discussions can be furthered with the EU Delegation in Tirana about this point.

The Ministry of Interior is to establish a training plan in cooperation with the Ministry of Infra-

structure and Energy. This programme could be further expanded to include other relevant institutions (e.g. ambulance, hospitals, etc.).

Nevertheless, the efforts of the Ministry of Interior cannot be achieved without an official translation of ADR being performed by the Ministry of Infrastructure and Energy within the 2023 deadline.

A subsequent expert mission from Finland and Sweden took place in Tirana and Durres from 18-20 September 2023. The final workshop within this series of events is scheduled for November 2023.

***Envisaged follow-up of the programme in the coming period:***

- 2023 or 2024 – an extension of an IPA project to address the urgent needs of the fire services in Albania and enhance the park of vehicles and the equipment at disposal in case of accident with chemicals;
- 2024 – further enhanced cooperation between the different Governmental institutions at internal level related to the implementation of 112;
- The Ministry of Interior is kindly invited to consider further international cooperation, particularly regarding specialised cooperation in dedicated international institutions.

**2) TAIEX 33346/84532 - Adjustment of procedures applicable for the implementation of IMDG Code in the context of the implementation of Directive 2008/68/EC**

Albania is a maritime country that imports and exports dangerous goods. Therefore, the requirements of the applicable legislation concerning transport of dangerous goods by sea need to be further screened and updated to technical and scientific progress.

Based on the updated procedures, further actions and funding could be necessary in the fu-

ture to address challenges in the implementation. The programme will be deployed in the near future, but there are no clear timelines at the moment.

At the local level, different institutions have put active efforts to enhance their knowledge on TDG.

### **Implementation and transposition of Directive (EU) 2022/1999**

Albania's main challenge is the definition of competences in their administration, particularly regarding competences of the Road Task Force, Directorate for Road Transport in the Ministry of Infrastructure and Energy as well as the Police.

The Task Force for Road Transport is still an institution whose mandate is temporary. The yearly mandate<sup>11</sup> of the institution makes employment in this institution demanding, in particular with regard to specialisation of personnel for complex tasks that need constant follow-up in time, such as checks based on Directive (EU) 2022/1999.

Nevertheless, the institution and its management must be praised for ensuring further cooperation with immediate neighbours and active cooperation at the regional level.

Thus, since the beginning of the year, several control activities have been organised involving counterparts from Kosovo and the Republic of North Macedonia. The common enforcement programmes are a useful exercise of cooperation highlighting common issues and problems of different enforcement institutions.

The Task Force hosted the Workshop on enforcement of Directive 2022/1999 from 24-26 October 2023. The high level of infringements

observed during the roadside check indicates that there is an urgent need of professionalisation of all activities related to ADR, from training of drivers to enforcement practices.

The TCT Secretariat encourages the Albanian authorities to take necessary measures to establish a permanent institution competent for enforcing commercial and technical road transport rules, as well as ADR enforcement, and integrate it in the transport policy. As a follow-up, other forms of capacity building could also be envisaged once the translation of ADR is finalised and the status of the Task Force is upgraded to a stable institution.

### **Implementation and transposition of Directive 2010/35/EU TPED**

The Institute of Industry and Technology is currently applying for a TAIEX assistance aimed at implementing Directive 2010/35/EU on the Albanian territory. The main challenge is the lack of financing.

The dual nature of the institute, as a market surveillance authority and an inspection body, generates a constant need for professional testing of equipment to ensure that the transportable pressure equipment – tanks and cylinders – circulating on the market and in use by individuals, complies with the type-approval<sup>12</sup> and maintenance rules.

Inspection is an activity where professionals need to be constantly updated on the latest technical and scientific developments and motivated to perform their duties in a flawless manner. Informal reports indicate that mission budgets and headquarters inspections as inspection body of ISHTI are not included in the institution's annual budget, which can lead to challenges conducting their duties.

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<sup>11</sup> Decision no. 895, dated 29.12.2022 to amend the Decision no. 465, dated 26.7.2018, of the Council of Ministers, "On the creation of a task force for improving the level of control of motor vehicles and their trailers", as amended.

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<sup>12</sup> Decision no. 430 of 26.6.2019 "On the approval of technical rule on the essential requirements and conformity assessment of the portable pressure equipment"



Moreover, the main challenge of the testing regime for TPED is the fact that the standards for construction and testing of the tanks and cylinders contain specific technical information about which ISHTI is not always informed. Further cooperation with the standardisation body in Albania and other institutions under the Ministry of Finance and Economy is recommended.

In the future, budget allocations for inspection should be reconsidered, taking into consideration the need of permanent supervision of the tanks and cylinders available on the market. Liberalisation of the market has developed an industry that needs constant supervision from the authorities and inspection bodies need to be endowed with appropriate testing equipment to make sure that the tanks and cylinders are safe.

Albania is likely to receive TAIEX assistance on this, and further adjustments in the current affairs related to inspection bodies should be envisaged.

## Bosnia and Herzegovina

**During the reporting period, there has been no progress in Bosnia and Herzegovina concerning the transport of dangerous goods.**

The lack of a regulatory framework at the level of Bosnia and Herzegovina hinders concerted action on transport of dangerous goods and diminishes the presence of this regional partner in international cooperation in general, particularly in the Transport Community.

Sometimes the meetings facilitated by TC are not attended. Local entities, in some cases, challenge the coordinating role of the central administration. This competition needs fast regulation as the international obligations assumed by the regional partner need to be complied with.

The Ministry of Communications and Transport of Bosnia and Herzegovina, and in particular the Sector for Transport, lacks clearly defined responsibilities concerning the transport of dangerous goods, despite the country being a contracting party to the international agreements. As mentioned in the previous Progress Report, there is some legislation adopted at the entity level, but that does not cover all the obligations assumed by the country at the international level. Outdated legislation persists in some entities.

To further prioritise the TDG file in Bosnia and Herzegovina, the existing exercises of cooperation should be further examined and taken as a model.

The Framework Law on Protection and Rescue (number: 195/08) serves as a valid example of how the competences between the BiH Council of Ministers and the different entity-level authorities can work together to meet international obligations. At this level, the implementation of the 112 and eCall services are currently being deployed.

Transport of dangerous goods is a ubiquitous and opaque area of transport, where the im-

portance of international regulations increased to cover substances, and, most importantly, objects or articles from recent times. The absence of a harmonised legal regime across the entire territory of Bosnia and Herzegovina raises concerns about the ability of all authorities to enforce the rules applicable for such transport.

In the future, clarification of the competences of the central administration and the entities regarding the transport of dangerous goods is vital. Cooperation practices cannot be developed without an appropriate legal system.

### **Directive (EU) 2022/1999 – stagnant progress**

Data on enforcement activities are not available for Bosnia and Herzegovina and activities are fragmented between different authorities.

The presence of some enforcement for certain dangerous goods in traffic, more specifically for class 1, is not an argument for appropriate treatment of the issue. For instance, flammable liquids and gases that are constantly used and available in the market to allow for transport services, require constant inspection according to this Directive.

Bosnia and Herzegovina is not in a position to provide an outline of the transport of dangerous goods taking place in its territory for the time being.

### **Recommendations**

Bosnia and Herzegovina is encouraged to consider further rendering their structures more flexible, as a contracting party to the international agreements, and to be able to keep up with technical and scientific progress.

- Absence of a clear distribution of tasks is likely to create market imbalances.
- Translations into the official languages of this regional partner of the Annexes to Directive 2008/68/EC should be undertaken as soon as possible.
- Cooperation should continue to define a general policy on enforcement of TDG rules by road.

- Cross-sectoral cooperation should be enhanced in the future: the first set of actions should be organised to ensure preparedness for emergency situations in case of accidents and incidents in transport of dangerous goods.

## Kosovo

**The overall progress in this Regional Partner is good.**

Kosovo is impacted by the impossibility of becoming a contracting party to the Agreements. However, there is significant progress in coordinating different competent authorities in this regional partner.

A significant achievement is the inclusion of the transport of dangerous goods in the Multimodal Transport Strategy adopted in early 2023. A three-year action plan for implementing the Strategy has been developed, as well as activities concerning the transport of dangerous goods.

The Ministry of Environment and Spatial Planning (MESPI) actively participated in all exercises of cooperation proposed by the Transport Community. They have actively pursued developments regarding the revision of the Law no. 04/L-183 for the land transport of dangerous goods.

In 2023, a concept document is expected highlighting the legislative changes necessary to be done in 2024.

Moreover, the 2023 versions of the Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), and the Regulation concerning the International Carriage of Dangerous Goods by Rail (RID) are being translated into the local language for the first time. This lays the foundation for successful compliance with the requirements of the KPIs on Directive 2008/68/EC.

MESPI has expanded its mandate this year to include the Agency for Radioactive Protection and Nuclear Safety, currently reviewing the Law on Nuclear Safety. A potential assessment and capacity enhancement is being considered in cooperation with the TCT Secretariat. The administration is encouraged to attract new human capital in its institutions and to include MESPI, transport, and radioactive protection

among the financed fields within EU funded programmes, especially for highly skilled human resources, such as PhD scholarships. Schemes ensuring participation of students in the administration should also be extended in order to attract young resources to the sector.

Nevertheless, the biggest challenge of the Kosovo administration is the imminent retirement of several officials whose experience keeps the field going, in particular at the Agency for Radioactive Protection and Nuclear Safety.

Kosovo has formed a team to draft the Intelligent Transport Systems Strategy and to address the relevant aspects concerning transport of dangerous goods.

### **Directive (EU) 2022/1999**

Kosovo has approved the Administrative Instruction No. 06/2014 on the content and form of the checklist for the control of dangerous goods, which addresses the obligations arising from Directive 95/50/EC. Kosovo has also taken actions related to the implementation of Directive (EU) 2022/1999. The Inspectorate Department in MESPI, as the authority responsible for the supervision and control of the transport of dangerous goods, in cooperation with the Traffic Police, has developed a checklist based on the model in the Directive. Such forms for control are expected to commence at the beginning of 2024.

### **Directive 2010/35/EU**

Kosovo has approved the Law no. 06/L-031 for Equipment under Pressure in 2018, which transposes Directive no. 2010/35. Also, the Ministry of Economy, as the competent authority, has approved Regulation no. 13/2022 for transportable equipment under pressure, further aligning with the Directive.

In addition, this draft law stipulates that the detailed transposition should be done through by-laws after the approval of the law.

It is also worth mentioning that MESPI has completed all the procedures of the concept document addressing the railways of Kosovo,

which is expected to be approved by the Government during this month. This concept addresses the requests and recommendations issued by the TCT. Subsequently, two draft laws will be developed, impacting the safe TDG by rail.

In this context, the Ministry of Internal Affairs has developed the Draft Law on Explosive Devices, which has an impact on the fulfillment of the obligations of the TDG. This draft law endorses the transposition of the following:

- Directive 2013/29/EU on the harmonization of the laws of the member states regarding the making available on the market of pyrotechnic articles
- Commission Directive 2008/43/EU of 4 April 2008, establishing a system for the identification and traceability of explosives for commercial use in accordance with Council Directive 93/15/EEC
- Directive 2014/28/EU on the harmonization of the laws of the member states regarding the making available on the market and the supervision of explosives for civil use
- Commission Implementing Directive 2014/58/EU of April 16 2014 for the establishment of a traceability system for pyrotechnic articles in accordance with Directive 2007/23/EU of the European Parliament and of the Council.

As the legal framework applicable for marketing explosives and their precursors is complemented with harmonised transport rules, it might be envisaged in the future to introduce a TAIEX programme to address the Class 1 requirements applicable for transport.

The TCT Secretariat will continue offering support for such programmes. Discussions are already ongoing view to a possible assistance for implementing the EU Acquis, enabling the development of more tailor-made programmes concerning the regulation of the road and rail

transport market in general, with a specific focus on the transport of dangerous goods.

#### **Recommendations:**

Kosovo is invited to consider the development of an action plan to enhance human capacity and expertise in the transport of dangerous goods and related fields, in line with the EU Acquis regulating commercial transport by road and rail.

To optimise the use of the available resources, exchanges of experience between the different departments should be envisaged.

For specific areas, such as the transport of nuclear and radioactive material, the development of bilateral activities should be envisaged.

## Montenegro

The overall progress in this Regional Partner is good.

### Directive 2008/68/EC – positive progress

A solution to the problem of translating the Annex I.1 of Directive 2008/68/EC into Montenegrin was found via an EU -funded project, the Technical Assistance for Capacity Support to the Transport Sector and EU Acquis Alignment in Montenegro. Thus, the translation of ADR and a revision of the current enforcement rules for checks on transport of dangerous goods are foreseen to be deployed by the end of 2023.

Even if the activities of the inter-ministerial group for TDG decreased at the beginning of the year, we are hopeful that, once the situation is clarified for road transport, this will function as an incentive for further progress in rail as well.

The joint efforts of the Ministry of Capital Investments and the Ministry of Interior have paid off and lead to the successful deployment of the first event in the series **TAIEX 81894 – Emergency services capacity building in case of accident during transport of dangerous goods**.

The first workshop was organised on 22-23 March 2023, with the support of experts from Poland and Germany. The series of events is ongoing, aiming to further develop projects concerning enhanced intervention capacities for emergency procedures in case of accident and incident involving the transport of dangerous goods.

Although the project has been deployed partially, the experts in the initial workshop concluded that the emergency services in Montenegro are not sufficiently prepared to deal with hazards associated with TDG at the moment. There is a lack of equipment to deal with this type of accidents, as well as a lack of operational plans and training programmes for this kind of emergency.

Moreover, consistency with manmade disaster prevention strategies and Chemical, Biological, Radiological and Nuclear (CBRN) strategies needs to be ensured.

Enhanced cooperation is needed internally, between different levels in administration - e.g. local and central – in order to prioritise preparedness for manmade disasters.

The current internal expertise should be further used in developing practical trainings for all municipalities in Montenegro. Further efforts are to be expected to bridge the communication gap between the central level and municipalities to ensure emergency preparedness, particularly for the transport of dangerous goods accidents.

Montenegro was praised for having implemented, in cooperation with international institutional actors, the emergency number 112 and eCall across its entire territory 24/7.

As Montenegro is a frontrunner in the field, the TCT Secretariat is considering ways to use this best practice example in order to stimulate other regional partners to implement the two services which are essential for road safety in general, not only for the road transport of dangerous goods.

Similarly to 112 convergence, all activities concerning TDG need a clear coordination to activate further the national experts working on the transport of dangerous goods. The coordination role of the Ministry of Capital Investments and the Ministry of Interior is essential to ensure a level playing field in the transport market.

Another area to improve is to facilitate financial procedures between different ministerial departments, e.g. the exemption of VAT for newly acquired equipment used for emergency intervention by the Ministry of Interior. This is one of the findings of the TAIEX Workshop in Podgorica and Danilovgrad held on 22-23 March 2023.

Moreover, Montenegro is invited to consider facilitation of procedures for receiving international assistance and aid, especially when it comes from EU Member States as a donation.

### **Directive (EU) 2022/1999 – positive progress**

The enforcement of transport of dangerous goods are in the competence of several ministries, which creates challenges in the implementation of the Directive.

The information received so far indicates a superposition of competences between the Ministry of Interior and the Ministry of Capital Investments, which will hopefully be surpassed through a follow-up of the implementation of the ongoing Technical Assistance project.

The general need to invest in enforcement is doubled by a need to acknowledge that preventive actions for ensuring compliance with relevant EU Acquis, in particular the annex of the Directive 2008/68/EC applicable for road transport, are essential.

Clarification of competences is the first issue that needs to be resolved between the Ministry of Interior and the Ministry of Capital Investments. This will also facilitate the allocation of funding by international organisations and financing institutions.

### **Directive 2010/35/EU on transportable pressure equipment – no progress**

Discussions on the implementation of this Directive remained scarce. It is not clear to what extent has the Directive 2010/35/EU been transposed.

### **Recommendations**

- Clarification of administrative structure and avoidance of superposition of competences between different ministries, in particular between the Ministry of Capital Investments and the Ministry of Interior
- Montenegro to be invited to present the 112 service in the 112 & eCall dedicated events of the TCT Secretariat
- Coordination structure to be established for the municipalities to address the local implementation of the National Plan of Technical and Technological accident/incidents

- Once the Montenegrin translation of the ADR is available, provide further training for all relevant stakeholders
- Explore further solutions for tunnel classification and procure the adequate equipment for tunnel intervention
- The Ministry of Interior is invited to cooperate further with the Ministry of Finance to address the issue of financing the National Plan for Technical and Technological accidents/incidents and deployment of local plans by municipalities
- Allocations for the prevention of manmade disasters should be considered by the Ministry of Interior and the local authorities
- Foster further dialogue and risk assessment to prevent conflicts of interpretation of laws.



## North Macedonia

**The overall progress in this Regional Partner is good.**

### **Directive 2008/68/EC – no progress**

The representatives of North Macedonia in the TDG Committee requested that the translation of the Annexes of Directive 2008/68/EC be included in the work programme of the Government. However, a positive response has not yet been reported to the Transport Community Permanent Secretariat.

The central administration is struggling with the absence of human resources. This is particularly difficult considering the need to reissue professional documents based on the requirements of other relevant international agreements and in the context of the pre-existent challenges in implementing the tachograph policy, leading to an expression of intent for assistance from the EU Member States.

All activities related to road transport seem to be successfully managed by a limited number of officials who are overloaded with activities related to the functioning of the road transport market. An action plan for enhancement of human resources could be a positive solution for this issue. Even though – in comparison with Kosovo – the number of officials available for such activities seems more limited.

Inclusion of international relations activities in the budget of the Ministry could also be an issue in the future.

### **Directive (EU) 2022/1999 – positive progress**

The main competent authority in North Macedonia, the State Inspectorate for Road Transport, has increased its enforcement activities after the Workshop organised in North Macedonia last year.

A project with EU financing could be envisaged for the future to address enforcement of road transport rules, including Directive (EU) 2022/1999.

The State Inspectorate for Road Transport is actively involved in international cooperation with immediate neighbors, particularly with the Albanian Road Transport Task Force and Kosovo.

### **Directive 2010/35/EU on transportable pressure equipment**

The discussions with this regional partner have not commenced yet, but it was included in the agenda of a workshop held in September 2023.

### **Recommendation**

Allocation of further resources, both financial and human, is to be considered for the future to address the transposition and implementation of the TDG file.

International technical agreements need constant follow-up to be up-to-date in line with technical and scientific progress. The status of a contracting party to an agreement comes – indeed – at a great cost, and it should be included in the annual allocations of the country view to its representation in EU and UN relations. International cooperation is an important principle of international law and is materialised in the presence of delegations in international fora.

The activities of the Road Transport Inspectorate should be maintained at the current level, in particular regarding the development of projects view to the enhancement of human capacities and enforcement procedures.

## Serbia

**The overall progress in this Regional Partner is good.**

### **Directive 2008/68/EC – positive progress**

The administrative practices put in place view to the transposition of Directive 2008/68/EC seem to be complete in Serbia. The Ministry of Construction, Transport and Infrastructure regularly publishes versions of the international agreements on their website, every second year. A repository of the subsequent versions of the translations of the agreements are put at disposal online.

Moreover, during the 3<sup>rd</sup> informal meeting of the TDG Technical Committee, Serbia's representative presented the process of national consultation necessary to check the accuracy of Serbian translations of the technical agreements<sup>13</sup>. The Serbian delegation stressed the need for a working group to provide an expert opinion on the translations.

The Serbian delegation actively manages the discussions among different competent authorities – such as the Ministry of Internal Affairs, Environmental Protection Agency, ADR driver training centres, advisors in the transport of dangerous goods ADR/RID/ADN and ADN experts, etc. The list of consulted agencies and economic operators is wider and includes all relevant stakeholders.

The Serbian delegation's example of cross-sectoral cooperation could be followed by other regional partners.

It is important to mention that the Ministry of Construction, Transport and Infrastructure is actively involved in cooperation with the Ministry of Interior, Traffic Police Directorate. The cooperation is intensive and includes the regular update of training material for police officers.

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<sup>13</sup> [Republic of Serbia \(transport-community.org\)](https://transport-community.org)

In 2023, the TCT Secretariat was invited to attend an international conference organised by the industry on transport, handling and deposit of dangerous goods, organised by the Faculty of Novi Sad. The meeting drew attention to the fact that professional capacity of all stakeholders involved in TDG is essential. Therefore, the level of training in Serbia and in the regional partners for drivers and Dangerous Goods Safety Advisers should be improved. Also, a training on emergency intervention and equipment of both first responders and experts who may be called upon to assist in such cases should be improved. More attention should be given to the established procedures for intervention. The industry also expressed a wish that the tunnels in Serbia be classified according to ADR. The fact that both the Ministry of Interior and the Ministry of Construction, Transport and Infrastructure were present ensured a promising perspective for these activities.

There has been limited and hesitant progress concerning the access to EU funding for modernisation and digitalisation of Governmental activities.

### **Directive (EU) 2022/1999 – limited progress**

The implementation of Directive (EU) 2022/1999 is ensured in collaboration between the Ministry of Construction, Transport and Infrastructure (MCTI) and the Traffic Police Directorate of the Ministry of Interior. The experts from MCTI are actively cooperating with the Police in developing the curricula for police officers involved in daily enforcement activities.

Cooperation of the TCT Secretariat with the Ministry of Interior has only started during 2023, so further actions and measures will be proposed in the future, based on further dialogue.

### **Directive 2010/35/EU – positive progress**

The implementation of Directive 2010/35/EU created further opportunities for cooperation with the ADCO Chair.

Serbia is performing market surveillance in a very coordinated manner, which allows the suc-

successful functioning of an app for tracking of tank records for the vehicles and cylinders which are inspected on Serbian territory.

The Serbian delegation has recently informed the TCT Secretariat about their plans to transpose the Aerosols Directive, considering a TAIEX programme as a support.

**Recommendations:**

- Enhance international cooperation for both the Ministry of Construction, Transport and Infrastructure and the Ministry of Interior
- Make the intra-governmental procedures more flexible to ensure faster involvement in international projects
- The Ministry of Construction, Transport and Infrastructure should consider assuming more leadership in all areas of competence
- The Ministry of Interior should find ways to be more active in the TDG Technical Committee
- Stimulate further inter-sectoral cooperation.