



## Workshop on enforcement of road transport of dangerous goods rules

Hybrid Session – Tirana International Hotel and Conference Centre and MS TEAMS

24-26 October 2023 09:00-17:00

### Minutes

1. The Workshop on enforcement of road transport of dangerous goods rules was organized by the TCT Secretariat in cooperation with colleagues from the transport authorities of Albania and the representatives of the Human Environment and Transport Inspectorate of the Netherlands (ILT).
2. The first day included theoretical training and introduction of the scope of work and organizational structure of ILT, with particular focus on 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<sup>1</sup>. It also tackled institutional and operational shortcomings of the Albanian Road Task Force. The second day a practical joint roadside ADR check was performed with the Road Task Force, illustrating in practice the theoretical part presented during the first day of the workshop. Vehicles performing transport of dangerous goods were checked for compliance with ADR. Finally, the third day wrapped up findings from the checks in Regional Partners and Observing Participants, and plans for further development of inspections in the WB region. It reiterated the importance of an increase in administrative capacity and translation of ADR into national languages in each Regional Partner.
3. The agenda of the meeting was adopted after acceptance of an editorial correction as suggested by Montenegro.
4. The workshop was attended in person by representatives of Albania, Montenegro, North Macedonia and Georgia, and online by Bosnia and Herzegovina and Kosovo.
5. Ljuba Siljanoska, TCT Secretariat's Deputy Director welcomed participants and speakers and underlined the importance of enforcement in transport of dangerous goods. She underlined the progress achieved by each Regional Partner in the previous period, namely: the Albanian Road Task Force was congratulated for active coordination of activities on enforcement based on bilateral agreements, developments in North Macedonia concerning enforcement of road transport rules were welcomed, and Montenegro's ongoing project paving the way to further adjustments to their transport of dangerous goods law and explaining the protocols for enforcement according to Directive 2022/1999 and ADR.
6. Roberto Ferravante, Senior expert TDG, DG MOVE C.2 Road Safety, welcomed participants to the Workshop. He reiterated the main aspects of Directive (EU) 2022/1999 of the European Parliament and of the Council on uniform procedures for checks on the transport of dangerous goods by road. The Directive applies to checks carried out by Member States on transport of dangerous goods by road in vehicles travelling in their territory or entering it from a third country. Annex I of the Directive stipulated the checklists used by the competent authorities who perform the checks. Annex II lists infringements listed per 3 different risk categories, and Annex III is a Model standard form for the report to be sent to the Commission concerning infringements and penalties. The importance of harmonizing national laws with the ADR and performing checks in accordance with it in each Regional Partner is reiterated. Moderate progress in Regional Partners in TDG area was noted. Having in mind that the enforcement activities require lot of resources, structured cooperation and trained staff, training programs are very welcomed in order to put in place enforcement activities.
7. Mr. Paul Weststeijn, Head of Unit Supervision Chain Hazardous Substances and Organisms of ILT also sent a video message thanking for the invite to participate in the Workshop organized by the Transport Community and its Regional and Observing Participants. He highlighted the importance of the

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<sup>1</sup> OJ L 274, 24.10.2022, p. 1.

international framework provided for by the ADR Agreement. Mr. Weststeijn also stressed the importance of continued cooperation within the chain of transport, as well as between countries and its authorities, to ensure safe transport of dangerous goods both now and in the future. Independent inspectorates need appropriate procedures of control and training of personnel proves to be a burning issue for ILT also. ILT colleagues present in Tirana are ready to share further their experiences during the days of the Workshop.

8. Monica Stanciu, TCT Secretariat's Desk Officer for Transport of Dangerous Goods encouraged all Regional Partners and Observing Participants to treat ADR carefully in relation to translation to domestic languages. ADR implementation is necessary to provide proper legal basis for imposing and applying sanctions. Main objective among the KPIs for 2023 is translation of ADR to local languages and transposition of Directive (EU) 2022/1999. In order to be able to approximate Directive (EU) 2022/1999, i.e. to perform roadside checks in accordance with Annex I of the Directive, there is a need that the Annex I.1 of Directive 2008/68/EC on inland transport of dangerous goods, that is ADR is made available in the national language(s) of each Regional Partner.
9. Mr. Afrim Tola, Director of the Road Transport Task Force, welcome all delegates to Albania and thanked the TCT Secretariat and ILT for the assistance offered to his institution which is in the 5<sup>th</sup> year of its institutional functioning and on the point of being transformed into a permanent institution. Mr. H. Telharaj addressed a message on behalf Ms. E. Muka who was announced as a speaker in the Agenda, but unfortunately could not be present at the meeting due to other commitments.
10. Eneida Elezi from the Albanian Railways and TC TDG Chair welcomed participants and presented organizational structure and competencies for performing road checks in Albania. She underlined the importance of creating a permanent inspection body, especially having in mind adoption of the Directive (EU) 2022/1999 and planned alignment with it. The main activities of the TC TDG and ad hoc group for TDG such as workshops, study visits and drafted Guidelines for the WB region were reiterated. Moreover, lack of some institutional capacities, in particular related to performing roadside checks in Albania were underlined.
11. Maurits van den Adel, Senior Advisor from ILT presented organization of ILT in the Netherlands. Legal framework which regulates transport of dangerous goods, as well as the internal organization, mandate and objectives of ILT were shown. ILT is an independent state inspectorate under the Ministry of Infrastructure and Water Management. ILT covers a wide array of topics, including, inter alia, transport of dangerous goods. Apart from transport, ILT's fields of expertise are infrastructure, environment and housing. In order to assure independence, the ILT adopts an Annual Plan which is sent every September by the Minister to the Dutch Parliament. The presentation focused mainly on the inspection activities of ILT as well as providing a brief overview of the relevant legal and organizational framework .
12. André Schenkel, Coordinator dangerous goods road, sr. inspector from ILT introduced the main UN and EU legislation, regulations, agreements and work of various UN bodies in charge of ADR, RID and ADN. National dangerous goods legislation of the Netherlands was also presented. It particularly focused on supervision and enforcement which are in ILT's scope of work. ILT operates and enforces in the whole chain of dangerous goods (targeting all parties/actors mentioned in 1.4 ADR). Preventive activities are performed via training, incident research, company checks, advising policymakers. Repressive activities are performed by applying criminal and administrative laws. It requires both national cooperation (with the Police, Customs, Department of Justice), as well as international (Euro Control Route + Harmonie sub working group on ADR).
13. Sjoerd Tuinstra, Dangerous goods road inspector from ILT presented practical aspects of roadside inspections performed by ILT. Vehicles, specialized equipment like gas detectors, personal protective equipment (PPE), safety standards clothing. The procedures for roadside inspections, the enforcement activities and the measures taken to further ensure user-friendliness of the report were presented. Basically, the checklist in Annex I of the Directive was elaborated at national level and additions were made to make the actions and checks more explicit for inspectors at the beginning of their career. What

seems to be a simple tick in the box exercise, requires actually thorough knowledge of ADR requirements, and to assist in that Direction, continuous and repeated training is required. The level 1 requirement in the Netherlands is DGSA education, to which initial enforcement training is added before being allowed or starting to perform enforcement activities.

14. The personal protective equipment used depends on the specialization of the inspector, as for those inspectors who are trained and involved in sample analysis in order to check proper classification of dangerous goods the standards to be complied with are more stringent.
15. It was reiterated that when chemicals are concerned, the proper personal protection equipment is of outmost importance. Moreover, inspectors should be aware about the dangers that they are exposed to daily, and measures should be taken for their protection. The equipment and park need to be developed on a risk analysis, always bearing in mind that declarations of transport operators can be faulty, as drivers sometimes do not understand the gravity of the risks to which they are exposed and to which they expose the others.
16. Moreover, all participants were invited to check their domestic labor laws and the obligations on training and specialization of the staff, as these arguments could also be used in order to intensify the training of inspectors. HR services in the inspectorates should take into account and include in the working time of inspectors – training programs to learn ADR, and then every uneven year (e.g. 2025 – a course on the latest modifications of ADR).
17. In the course of 2024, as proposed by Regional Partners, issues to be addressed are the situation of dangerous goods safety advisors, competence supervision of driving schools and curricula of driving schools.
18. The last presentation of the first day held by André Schenkel was dealing with the topic of company checks. Checks made before the transport will start, which could prevent infringements or incidents further on in the chain of transport. Cooperation between and with the companies is very important to achieve common objectives and increase awareness. If the safety advisor of the company is able to carry out his duties, the first big step has been taken to ensure a safe transport.
19. The second day of the Workshop was dedicated to roadside checks of general goods and dangerous goods vehicles on the highway connecting Elbasan to Tirana.
20. Participants to the workshop were divided in two groups, and checks were conducted in parallel, lead by Mr. Andre Schenkel and Mr. Sjoerd Tuinstra.
21. The findings of the inspection show that:
  - None of the drivers received or knew about the Instructions in writing foreseen in section 8.1.2.1 b) and 5.4.3.4 of ADR.
  - The equipment that the driver has to have with him during transport according to 8.1.5.2 and 8.1.5.3 was always incomplete.
  - The firefighting equipment was not always sufficient or tested appropriately.
22. During the exchange of expertise, it was acknowledged that there is no awareness of the dangers to which work with dangerous goods exposes people. For example, corrosive material can cause significant eye damage – so protective goggles are necessary during checks and also gloves are recommended to be used, in particular in cases in which the tank plate (the metal part on which the date of the last periodic inspection is written) needs to be cleaned for check purposes.
23. A presentation which is an integral part of the present report was drafted by the trainers, and the attendance was advised to use it in order to familiarize themselves with the requirements of ADR.
24. Each case should be used for internal training by the Regional Partner and there where infringements acknowledged concerned international transport the Regional Partners or EU Member States will be invited kindly courtesy of the Transport Community Permanent Secretariat to check further the activities performed by the relevant economic operators.
25. Albania did not transpose yet Directive 2002/1999, and the Task Force was not in a position to stop very dangerous transport operations from being performed, even if they were posing a high degree of

immediate danger to people, goods and the environment. For example, a tank carrying UN 1203 Petrol was inspected, and because it was leaking a bucket was being used to gather these leaks out of the discharging line. Petrol is a flammable liquid and any naked fire could light up the content of the bucket and instantly light up the content of the complete tank via the discharge line.

26. Lack of consistence of documents accompanying transport with the orange plates – e.g. the same tank mentioned above was signaled UN 1202 Diesel on the tank per se. The difference between substances is important as it generates the difference in packing group.
27. Another significant deficiency observed was lack of periodical inspections on tanks and lack of checks of chassis. Periodical inspections are essential in order to make sure that the chassis can uphold the loads of dangerous goods in the tank and repeated infringements were noticed from an Albanian inspection body which was detected on the internet as being authorities to perform periodic inspections and checks for Class 2. The issue should be brought to the attention of the relevant Albanian authorities involved in authorization, accreditation and market surveillance.
28. Immobilization for Risk category I infringements seems needs to be fast implemented in the Albanian legislation because many of the infringements acknowledged were posing a significant risk for people, property and the environment, and because the Task Force was not in a position to immobilize them, only notifications were sent to the transport operators in absence of real coercive measures. The fact that the transport operation continued after a check detecting such serious infringements means that the second day or maybe that same day transport operations were resumed with those defective means of containment, endangering the citizens on their way.
29. Albania should speed up implementation of Directive 2022/1999 and adjust the sanctioning regime in order to prevent the dangers in dangerous goods from manifestation. Many of the tanks checked were not having appropriate filling level meters, had overflow pipes leaking gas or had closures which were left open during transport thus allowing dangerous goods to escape which endangers – drivers and citizens lives as these substances have health impacts, the environment as pollution increases significantly with each valve which is supposed to close a closure and is not used.
30. During the discussions held in the third day of the workshop, the ILT team recommended the following steps to be taken:
  - Create a legal basis for supervision and enforcement.
  - Create awareness among all parties involved, from inspectors to drivers it was clear that ADR remains a mystery subject if only available in English, French and Russian on the UN webpage: [ADR 2023 - Agreement concerning the International Carriage of Dangerous Goods by Road | UNECE](#)
  - Translate ADR in the domestic languages
  - Define the competent authorities mentioned in ADR and continuously make sure that they are performing their activities constantly and according to the regulations
  - Test tanks and make sure that testing is traceable by 1) tank plate which is never removed from the tank, 2) tank record (documents of the tank which include the certificate for periodic inspection)
  - Safety advisor training and exam according to 1.8.3.8, 1.8.3.10 should be prioritized and should be enhanced
  - Block/forbid transport, based on section 1.8.1.4 ADR and Article 5 of Directive (EU) 2022/1999, allow the inspection authority to remove from traffic and required to be brought into conformity before continuing their journey. It can be a safety and security issue for your citizens.
  - Train and equip the staff for such activities.
  - Create a platform for questions/help
  - Perform enforcement in steps to create trust and a support base – information-warning-fine.
  - Depending on infringement, direct action on the spot (e.g. immobilization or return to loader to unload from a vehicles which is too defective to continue the journey) or decide for a later action with follow-up.

31. TCT Secretariat explained that discussions are currently ongoing on many areas and that the TDG Technical Committee is a platform where such discussions are ongoing. It was highlighted that the harmonization effort of procedures for roadside checks is a means of facilitating lives of the inspectors and implementation of this Directive is a compulsory means of support for appropriate implementation of ADR.
32. Information concerning the ADR, links where all the dangerous goods regulations can be found, even summaries of the new amendments are all made available via the TC Website and transport of dangerous goods is not an area in which information is lacking. One of the first invitations addressed to the TDG Committee members was to disseminate the information acquired via meeting as wide as possible with the institutions in their respective Regional Partners or Observing Participants.
33. Regardless of economic problems, some infringements are fully avoidable with appropriate training of drivers and DGSA training, therefore the driving school(s) should be encouraged to cooperate further in the region and within relevant international fora, such as the IRU Academy.
34. Participants encouraged TC to look into ways for enhancing quality of driver and DGSA training based on pre-existing forms of cooperation.
35. Each Regional Partner and Observing Participant was invited to think about a medium and long term plan of capacity building for inspectors and of the definition of a human resource policy in this field. TAIEX, Twinning and IPA programs could be envisaged for initial exchanges of experience and learning programs, but they should be followed and accompanied by a continuous screening of the internal human resources.
36. Each Inspectorate was invited as well to form teams of people who are available and can play a role in developing projects. The development of enforcement activities includes a continuous assessment of the risks and dangers of the job, and also needs a clear mandate for the institution per se. Independency of the inspection should be warranted and heavy procedures – such as reconfirmation of the roadside checks results outside of a court of law should be avoided once enforcement officials exercise their duty. The right to administrative appeal can be exercised directly to the competent tribunal.
37. All participants were invited to announce the competent authorities where transport is originating about the lack of conformity observed in traffic. TC Secretariat will assist in this endeavor and will also launch correspondence on this item with the relevant Regional Participants and EU Member States.
38. All recommendations contained into these Minutes will be considered and included in the upcoming revision of the Guidelines on TDG which is due to take place next year.
39. As Instructions in writing were never detected on board of the vehicles, all Regional Partners were invited to translate into their domestic languages the Instructions in writing and to present them at the next session of the TDG Technical Committee.
40. TCT Secretariat announced that the next Technical Committee meeting will take place on 16 November 2023 in Pristina, hotel Sirius.