

TDG Committee and 3rd Workshop on enforcement of road transport of dangerous goods rules

**8-10 October 2024
FINAL CONCLUSIONS**

The TDG Committee and 3rd Workshop on enforcement of road transport of dangerous goods rules was held between 8-10 October 2024 in Sarajevo, Bosnia and Herzegovina.

The aim of the meeting was to focus on the approximation and implementation of 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 in connection with Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods .

Interventions focused on the roles of dangerous goods safety advisers, the organization of inspections view to insuring safety and security of transport of dangerous goods by road, and the importance of the biennial amendment of the regulations on dangerous goods transport. It emphasized the need for public administration involvement and adherence to international standards and EU legislation. Key topics included inspections on transport of dangerous goods by road, adjustments to existing laws, and the significance of training and cooperation among stakeholders.

The second day of the workshop also included a practical exercise, a simulation of a roadside inspection. The meeting was developed in cooperation with the representatives of Croatia and Slovenia who shared their experience with the assistance.

Day 1- Theoretical training

The meeting was opened with a presentation of the situation of the approximation of the EU Acquis on transport of dangerous goods in Bosnia and Herzegovina.

Bosnia and Herzegovina hosted the event as it is currently holding the presidency of the TDG Committee. The different authorities having competences in this matter presented their applicable regulations and it was observed that further clarification of the competences, including in terms of representation at international and EU level needs to be considered in the future. The legislation adopted so far in this regional partner is not updated to technical and scientific progress.

Bosnia and Herzegovina was further encouraged to transpose for the entirety of its territory the above mentioned Directives. This will facilitate the training activities for dangerous goods safety advisors and ADR drivers alike, and will create a sound basis for implementation of Directive 2022/1999. It was noted that current practices are primarily focused on authorization and control of Class 1 Explosive substances and Class 7 Radioactive material. However, the majority of dangerous goods in the commercial circuit belong to the other classes, therefore consistent follow-up is to be expected from this regional partner on this matter as soon as possible.

The discussion continued with a presentation of the European Commission concerning the EU Acquis concerning transport of dangerous goods, focusing in particular on the deterrent effect of sanctioning measures comprised in the Annexes to Directive 2022/1999. This Directive which is meant to check compliance of the transport industry and of the upstream economic operators with ADR contains in its annexes a roadside checklist, a set of infringements and a model report to be addressed to the Commission by Member States.

The Commission highlighted that the matter of translation of ADR into local languages is the first and foremost condition towards compliance with the regulations. The availability of the texts of the international agreements in the language(s) any citizen dealing with these substances on a daily basis can read and understand is essential.

Procedures for checks in Directive 2022/1999 cannot be enforced in courts of law in absence of a translation applicable for the respective jurisdiction. Moreover, in case of emergency, it is of utmost importance that the information is understood in a timely manner.

The European Commission invited all the Regional Partners and Observing Participants attending the meeting to explain if the ADR, RID and ADN apply to domestic transport as well on their territories.

Albania answered that it is in the process of ensuring a translation of ADR and RID.

Serbia responded that the approximation of the Directive 2008/68/EC is done and that ADR, RID and ADN apply to national transport.

Kosovo* explained that it is not yet a contracting party to ADR and RID, but that it has done a translation of the ADR and RID 2023 which has been published on the website of the Ministry of Environment, Spatial Planning and Infrastructure. A revision of the legislation is ongoing to

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

align further and to the largest extent possible the legislation with the EU Acquis. Moreover, the Annex I to Directive 2002/1999 has also been translated.

Montenegro also answered that they apply ADR and RID.

Georgia informed that they translated ADR 2023, and that roadside checks in accordance with Directive 2002/1999 are planned to be developed starting from 2025. The process of forming the enforcement staff for roadside checks is ongoing and it benefited from EU assistance recently via the TAIX program. However, further external technical assistance could be useful for the future.

The National Agency of Road Transport in Moldova also informed that there are extended efforts in this Observing participant view to improving the legislation on transport of dangerous goods.

The Commission thanked all Regional Partners and Observing Participants for their contributions and highlighted the interest that the legislation in this field benefits from.

The representative of the Ministry of Infrastructure of Slovenia presented the framework legislation on transport of dangerous goods. It was highlighted that the transition to implementation of EU Acquis in TDG was easy to handle in this Member State, as former Yugoslavia was a contracting party of ADR since 1971. In 2004, an update of the legislation was done and participation in WP.15 meetings eased the adaptation process. The risk categorization of infringements according to former Directive 95/50 was introduced in 2006 and the competences were split between the Ministries of Infrastructure and Interior. Currently, the Financial Administration is dealing with the control of TDG as well. An important step in definition of the control policy was the establishment of control points on the highways and the transformation of former toll stations into control points. Cooperation to this end is ongoing with the infrastructure manager, DARS. Slovenia has a significant traffic of trucks as it is the intersection of the Mediterranean and Baltic-Adriatic core networks. Consequently, several measures needed to be taken to streamline traffic of dangerous goods in the core network and to ensure safety through road tunnels when dangerous goods were carried. Taking into account its geographical position – mountain area which does not allow for a choice of alternative routes, it was decided that the ITS systems of the tunnels record the information on the plates of the vehicles carrying dangerous goods and keep it at disposal for the emergency services.

The representative of Serbia wanted to know how were defined the conditions for motorway checkpoints.

It was explained that an agreement was achieved between all the relevant competent authorities – Police, Financial Administration and road company, and it included the

requirements applicable for the physical characteristics (e.g. placing of scales to weigh vehicles) or ITS deployment of signs directing the driver to control points.

The Croatian system for transposition of the Directives was presented afterwards by a representative of the Ministry of the Sea, Transport and Infrastructure (MSTI). It was also highlighted that constant follow-up is necessary for this set of legislation to make sure that the training of drivers, dangerous goods safety advisers and enforcement officers alike is in conformity with the regulations. Croatia benefited initially of assistance from the EU to define its initial legislation on digital tachograph, driving times and rest periods and TDG via IPA funding between 2004-2014. Currently, MSTI has at disposal 22 authorized vehicle inspection centres to perform checks on transport of dangerous goods. One of the control vehicles that is used in daily inspection tasks in Croatia was brought for demonstration purposes in Bosnia and Herzegovina. All the competent authorities and their current activities in regulating transport of dangerous goods in Croatia were presented. The importance of international cooperation was also highlighted to ensure appropriate training of the enforcement officers. Thus, since its accession to the EU Croatia participated as a member in several twinning programs in the region and in the wider neighbourhood and is now ready to start activities as a junior member in the twinning that will soon start being deployed in North Macedonia. Unfortunately, this Regional partner was the only one not represented at this meeting. Croatia is an active member of several organisations such as Euro Contrôle Route European Grouping of Territorial Cooperation Limited (ECR EGTC), European Labour Authority. Once more, it was highlighted that international cooperation exercises bring significant progress in terms of increase of administrative capacity.

The meeting continued with presentations of the equipment in use in Slovenia and Croatia view to roadside and checks at the headquarters of the enterprises.

In Slovenia, the representatives of the Financial Administration are using the TACHOPRO program which includes the software dedicated to controls on road transport of dangerous goods. Three services in the Slovenian administration are sharing the use of this digital tool that is adapted in order to cover road controls on drivers in national and international traffic and dangerous goods. The electronic tool has separate modules covering the checks at the headquarters of road enterprises and the roadside checks. The choice between an ADR or a tachograph check, for example, is done via the application. It allows the input of data about the driver.

The Financial Administration started performing checks on TDG in 2016, after having trained the inspectors to perform such activities. The park of vehicles includes 8 mobile unites and combination vehicles.

It also includes a radiological detector for Class 7 and weighing devices in order to check the compliance with the loads legislation. It is also possible, in case of suspicion of overloading that the Financial Administration stops a vehicle in traffic and then performs the weighing at an industrial facility in case of absence of scales in the neighbourhood.

The most frequent infringements detected are those related to non-correspondence between the documentation of the goods (e.g. safety data sheet) and labels. Other frequent problems detected are:

- Poor quality of the labels used by the transport companies;
- Fire extinguishers without seal or with an expired inspection;
- Cargo securing.

The meeting continued with the presentation of the CRIS – Croatian road inspection system. The software also contains the Annex of Directive 2022/1999, and is supplemented with information concerning ADR in order to orient and facilitate the control activities.

The checklist is handed over to the driver in order to avoid check repetition and as proof of performance of this administrative activity. The aspects checked include the CMR, vehicle type approval and proofs of the periodic inspections and checks, the presence of ADR kit in the cabin of the vehicle, the fire extinguishers in compliance with the standards. The check can result in an immobilisation, interdiction of the vehicle to continue the journey, until the applicable requirements of ADR are complied with. Performance of roadside checks is ensured with 26 dedicated vehicles with interceptors (red lights presenting the message „Follow me!“). The logos of the inspection were removed from the vehicles as it was considered that this draws too much attention to them. The incognito presence of the inspectors on the road, allows them to proceed to controls easier.

The representative of Georgia wanted to know if check procedures applicable for implementation of Directive 2022/1999 could be shared. It was agreed to discuss this bilaterally.

The day finished with a brief presentation of the perspectives for further work in supporting transposition and implementation of TDG via TAIEX. The instrument has been used by some of the Regional Partners and both the European Commission and TCT representative, Mr. Goran Temovski, who took over the position of EU Acquis officer, offered further assistance on developing future projects. It was highlighted that the quality of the requests determines the response of the European Commission services. Moreover, duplication of work should be avoided, including in terms of double funding.

Day 2 - Policy & Practice

The second day was opened with a high level panel. Mr Matej Zakonjsek, Director of the TCT Secretariat, expressed gratitude for the event, underscoring the importance of solidarity in the region. He highlighted recent initiatives aimed at assisting Bosnia and Herzegovina. He emphasized the necessity of improving safety measures, in particular those concerning dangerous goods, and the importance of education to prevent accidents.

Minister Edin Forto from the Ministry of Communication and Traffic of Bosnia and Herzegovina advocated for harmonized legislation to build trust between nations for the safe transport of dangerous goods and acknowledged the challenges faced by Bosnia in aligning with EU standards.

The representative of EU DEL, Ms Antonella Di Sandri, acknowledged regional cooperation's economic benefits and the importance of aligning with EU transport standards to access funding and resources. She emphasized the need for harmonized regulations to streamline transport operations and enhance efficiency.

The day continued with a simulation of a roadside check in the parking spot of HIFA Petrol Vogosca. The simulation of the roadside checks was performed by the inspectors from Croatia and Slovenia on tanks of the company. The identified breaches could not be enforced due to absence of legislation in the area where the control was performed, but all participants – from inspectors to drivers and representatives of the company were informed to the largest extent possible about the safety issues observed.

HIFA Petrol also shared with the transport inspectors from the region their commitment to ensuring safe transport of dangerous goods and its contribution to the community, in particular, in sponsoring Bosnia and Herzegovina athletes.

Day 3 - Discussions and Conclusions

The final day focused on the results of the roadside checks and the enforcement of ADR regulations for dangerous goods transport.

It opened with a review of the check activities performed.

The Croatian delegation illustrated how the filled in checklist would look if the check would have been performed with their software.

The breaches observed concerned the absence of a portable lighting apparatus according to 8.1.5.2 and the fact that the batteries were not placed in the self-standing warning signs. This was considered a Risk category II breach according to the categorization contained in Annex II of Directive 2022/1999 and the irregularity was corrected at the place of the check. Another breach observed was the fact that the labels used on the front of the vehicle are not compliant with the requirements of ADR 5.3.2.2.2: "The hazard identification number and the UN number shall be indelible and shall remain legible after 15 minutes engulfment in fire."

This requirement is of particular importance for safety reasons to transmit the information on the substance to the emergency services.

All participants, inspectors and ADR trainers alike, were invited to draw the attention to the transport industry and drivers, on all occasions, about this important safety issue.

Also, according to ADR rules, logos of the firms producing labels, or orange-coloured plates should not be accepted inside the labels.

The infringement was considered a Risk category III infringement.

It was highlighted that the penalties for transport companies range in Croatia from 660 EUR to 66.000 EUR depending on the type of breach. Those applicable for the drivers vary from 200 EUR to 1320 EUR.

The Slovenian team observed infringements concerning the transport document as follows:

- The absence of the proper shipping name in one of the official languages of ADR when carrying an international carriage (see 5.4.1.4.1 – second paragraph). The presence of the proper shipping name in Croatian only is not sufficient for an international transport, English, French or German should also be used;
- Non-conformity concerning the packing group and absence of a reference to the environmentally hazardous mark for the substance carried.

It was also observed that the transport document was not in compliance with the requirements in section 5.4.1.1.6.2.3 concerning the return of the empty means of containment, uncleaned, and the modifications to be done in the transport document.

It was observed in both cases, in the Croatian and Slovenian checked tanks, that the rules concerning the choice of the proper shipping names need to be complied with.

“3.1.2.2 When a combination of several distinct proper shipping names are listed under a single UN number, and these are separated by "and" or "or" in lower case or are punctuated by commas, only the most appropriate shall be shown in the transport document and package marks.”

The representatives of the relevant authorities were invited to discuss this issue more in depth with the DGSA's in the industry.

Other infringements detected concerned the presence of leakage and residue in the piping area of the tank which the driver should have removed immediately following the unloading of the tank. The presence of metallic equipment (shovel) that can cause sparks in the area where the piping and unloading of the vehicles is done was also observed as a breach.

It was highlighted that the shovel requested in accordance with the instructions in writing should be kept in the vehicle's cabin and not in that area which has significant ignition potential and can lead to explosions easily.

Other breaches observed concerned the fact that the safety switches of the vehicles were neutralized for fear that they could be inadvertently activated by poor conditions of the pavement.

Last but not least, the vehicle was containing an additive device in accordance with the special provision SP 664. There was no information in the transport document concerning the substances contained therein which is in breach of point e) in SP 664.

If the breaches would have been detected on Slovenian territory, sanctions would have been addressed to the filler, driver, dangerous goods safety adviser of the filler/consignor and the carrier.

All Regional Partners and Observing Participants were invited to invest more work in further educating the relevant actors in the industry and preparing thoroughly for implementation of Directive 2002/1999.

A presentation from Albania followed concerning the activities related to road safety and the efforts of the Albanian Police to comply with the requirements of EU Acquis. The ongoing activities of enforcement performed by the Police concern mainly road safety rules and the most frequent infringement is driving without a valid driving license.

Monica Stanciu thanked the Albanian delegation for the contribution but drew attention that TDG requires further specialization and that the Albanian Government is invited to proceed with the translation of ADR and to create a basis for transposition of Directive 2022/1999.

The representatives of the Road Task Force in Albania also took the floor to inform that they continue performing checks. The Workshop organised by TC in 2023 in Albania helped in increasing the capacity to deal with such checks of the inspectors in the Road Task Force. Further assistance was requested for the future in the context in which the Road Task force is expecting a revision of its temporary status. The General Directorate of Road Transport Services in Albania confirmed interest in further cooperation on ADR and Directive 2022/1999, and indicated interest for more in depth activities, eventually requesting support from the EU.

At the end of the meeting, Mr. Tomislav Bojic, Seconded Expert to the Transport Community from Bosnian and Herzegovina also intervened in order to inform the colleagues from the TDG Committee concerning his 6 months secondment. He presented briefly his activity and cooperation with the TC and the lessons learnt after this experience.

A debate followed concerning plans for further cooperation in road TDG.

The Serbian delegation also took the floor to inform that they are revising the law on transport of dangerous goods. The project was taken note of and the Serbian delegation was invited to communicate the table of concordance of the new law with the relevant Directive at its earliest convenience.

The Albanian Institute of Applied Physics and the Radiation Protection Agency of Albania also expressed willingness to address the issues related to Class 7 Radioactive material more in depth. Even if EURATOM chapter is separate, the requirements applicable from ADR need a more in-depth approach. Checks of compliance with the requirements in the EU would need to be understood to enhance cooperation between the relevant areas of administration in Albania.

The representatives of Croatia explained that in their country – as far as they are aware – checks are performed together with the police as the entire journey to the nuclear plant, hospitals etc is known in advance by the authorities.

The discussion that followed highlighted a need to have more clarity on the training regime of drivers also, in particular concerning class 7 in Albania.

Further discussions on the above-mentioned issues should be envisaged for the upcoming period.