

Transport of dangerous goods by road, inland waterways or rail: examination requirements for safety advisers

1998/0106(COD) - 29/03/1999 - Council position

The Council's common position takes the amended Commission proposal on board, subject to amendments relating to: - the flexibility in the breakdown of examination questions and a greater discretion as to the minimum content of tests; - the division of subjects into three groups; - the approval of the conditions of examination of candidates intending to work for specialised undertakings; - the setting of the transposition date at 31/12/1999 for both Directives; - the introduction of a system of penalties which the Council did not see any need for if the Directives were infringed. Furthermore, the Council has followed the amended Commission proposal in adopting the content, if not the wording, of the following European Parliament amendments: the common position takes on board: - the first part of amendment 1, which is in addition to the wording of to indicate the area of activity covered by the safety advisers, viz., the transport of dangerous goods; - the second part of amendment 1, which is intended to make clear that the provisions of the Directive constitute minimum requirements. The common position takes account of: - amendment 2, which is designed to define more accurately the knowledge which candidates must demonstrate in order to perform the duties of an advisor; - amendment 4, which provides that the compulsory written examination may be supplemented by an oral test; - amendment 5, which is designed to amend Article 3(5)(a) of the amended Commission proposal to state that requirements laid down as regards questions on the subjects listed in Annex II to Directive 96/35/EC constitute minimum requirements. In addition, the common position takes on board: - amendment 7, which is intended to increase Member States' ability to grant exemptions restricting the number of subjects for examination and to issue specific certificates; and it takes account of amendment 9, which is designed to improve the efficiency of the exchange of information on the catalogue of questions as it provides that Member States are to forward this catalogue to the Commission, which will inform the other Member States thereof. Moreover, the European Parliament's amendments which were not adopted by the Council and not accepted by the Commission include amendments referring to: - the provision on the mutual recognition of EC certificate of training by the Member States and the EEA; - the provision also requiring candidates to demonstrate their ability to perform the duties of an adviser by making a case study; - the addition of a new paragraph on the period of validity and renewal of the diploma; - the addition that the examining bodies must allow candidates to use certain documents during the examination. The European Parliament's amendment which was not adopted by the Council and accepted by the Commission relates to the adjustment of the deadline for notification of penalties referred to in Article 9(3) of the amended Commission proposal.