DIRECTIVE 2000/18/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 17 April 2000

on minimum examination requirements for safety advisers for the transport of dangerous goods by road, rail or inland waterway

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 75(1)(c) thereof,

Having regard to the proposal from the Commission [1],

Having regard to the opinion of the Economic and Social Committee [2],

After consulting the Committee of the Regions,

Acting in accordance with the procedure referred to in Article 251 of the Treaty [3],

(1) Whereas the improvement of transport safety and the protection of the environment, especially within the context of the transport of dangerous goods by road, rail and inland waterway, are important issues, as is also the human element in the safe operation of these modes of transport.

(2) Whereas under the terms of Council Directive 96/35/EC of 3 June 1996 on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway [4], all undertakings the activities of which include the transport of dangerous goods, as well as the loading or unloading related to that type of transport, are obliged to appoint one or more safety advisers. The said Directive does not contain any detailed provisions aimed at the harmonisation of examination requirements for safety advisers or any provisions applicable to examination bodies.

(3) Whereas Member States should set up a common minimum framework for the examination of safety advisers and the conditions for the examination bodies in order to guarantee a certain level of quality and to facilitate the mutual recognition of EC certificates of training.

(4) Whereas the examination of safety advisers will as a minimum include a written test consisting of questions relating at least to the subjects listed in Annex II to Directive 96/35/EC and a case study whereby the candidates can demonstrate that they have the ability to carry out the tasks of a safety adviser.

(5) Whereas Member States may provide that candidates who intend to work for undertakings whose activities are concerned only with specific dangerous goods will be examined only on subject matters related to their activities. In this case, the EC certificate of training should clearly indicate the limits of its validity.

(6) Whereas the examination organised by the examination bodies will be subject to approval of the Member States' competent authorities. Member States will define the criteria applicable to examination bodies should be technically competent, reliable and independent.

(7) Whereas Member States should assist one another in the implementation of this Directive,

HAVE ADOPTED THIS DIRECTIVE:

CHAPTER I

Scope and definitions

Article 1

1. This Directive lays down the minimum examination requirements for the examination needed to obtain the EC certificate of training as safety adviser for the transport of dangerous goods provided for in Directive 96/35/EC.

2. Member States shall take all necessary measures to ensure that safety advisers for the transport of dangerous goods are examined in such a way that they satisfy these minimum requirements.

Article 2

For the purposes of this Directive:

(a) 'safety adviser for the transport of dangerous goods', hereinafter referred to as 'adviser', shall mean any person specified in Article 2(b) of Directive 96/35/EC;

(b) 'dangerous goods' shall mean goods defined in Article 2 of Directive 94/55/EC [5] and Article 2 of Directive 96/49/EC [6];

[1] OJ C 148, 14.5.1998, p. 21, and OJ C 52, 23.2.1999, p. 16.
[2] OJ C 407, 28.12.1998, p. 118.
[3] Opinion of the European Parliament of 20 October 1998 (OJ C 341, 9.11.1998, p. 29), confirmed on 16 September 1999, Council Common Position of 29 March 1999 (OJ C 36, 8.2.2000, p. 1) and Decision of the European Parliament of 18 January 2000 (not yet published in the Official Journal). Council Decision of 28 March 2000.
[4] OJ L 145, 19.6.1996, p. 10.
[5] Council Directive 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road (OJ L 319, 12.12.1994, p. 7). Directive amended by Commission Directive 96/86/EC (OJ L 335, 24.12.1996, p. 43 and OJ L 251, 15.9.1997, p. 1).
[6] Council Directive 96/49/EC of 23 July 1996 on the harmonisation of the laws of the Member States with regard to transport of dangerous goods by rail (OJ L 235, 17.9.1996, p. 25). Directive amended by Commission Directive 96/87/EC (OJ L 335, 24.12.1996, p. 45).