Opinion on the proposal for a Council Directive on vocational training for certain drivers of vehicles carrying dangerous goods by road

(89/C 56/12)

On 5 July 1988 the Council decided to consult the Economic and Social Committee, under Article 75 of the Treaty, on the abovementioned proposal.

The Section for Transport and Communications, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 7 December 1988. The Rapporteur was Mr Corell Ayora.

At its 261st plenary session (meeting of 14 December) the Economic and Social Committee unanimously adopted the following Opinion.

1. General comments

1.1. *Current regulations on the carriage of dangerous goods by road and compulsory training for drivers*

1.1.1. Safety training for drivers of vehicles carrying dangerous substances has been a longstanding and constant concern of transport organizations, unions and haulage firms.

1.1.2. In the wake of the accident at Los Alfaques (near Tarragona, in Spain) on 11 July 1978, compulsory training was introduced in a number of European countries for drivers of vehicles carrying dangerous national and international consignments in tanks, batteries or receptacles and tank-containers with a total capacity of over 3 000 litres per transport unit.

Training became mandatory as of 1 January 1980 in twenty European countries, including all the EEC Member States apart from Greece and Ireland, under the European agreement concerning the international carriage of dangerous goods by road (ADR) of 30 September 1957.

Greece became a signatory to the agreement on 27 June 1988, which means that Ireland is now the only EEC Member State which does not yet apply international regulations on the carriage of dangerous goods by road [1].

1.1.3. The contracting parties to the ADR agreement decided, in the Spring of 1987, to extend until 1996 the requirement that drivers of vehicles carrying dangerous substances from one country to another in package should undergo compulsory training.

According to work carried out so far, the extension would appear to raise a number of delicate problems, because it is difficult to foresee the wide range of circumstances that exist in practice and because of the scale of the operation—training would cover all drivers of commercial vehicles in addition to all dangerous-substance consignments.

Packaged bulk shipments of dangerous substances very rarely make up full lorry loads (unlike consignments in tanks), however. Such packages are generally transported—by road, rail, air, sea and inland waterway—by ordinary distribution services, including postal services.

1.1.4. The Committee would stress here that, in accordance with current international legislation, the intrinsic safety of dangerous goods transported in packages—as opposed to tanks, batteries or receptacles and tank-containers—lies essentially in the quality of the packaging required for each type of product and the use of appropriate vehicles, rather than in the driver's handling. Training should therefore take account of this.

1.1.5. According to statistics on the carriage of packages, virtually no accidents arise from faulty packaging. The proportion of dangerous goods transported in packages is relatively small in relation to the total amount of dangerous goods transported by road, and carries few risks.

Conversely, road transport of dangerous goods normally carried in tanks—gas (class 2) inflammable liquids (class 3), toxic substances (class 6.1) and corrosive substances (class 8)—account for more than three quarters of dangerous goods transported by road. Although these transports of dangerous goods are more common, and more dangerous, the level of safety is higher than that of general road transport in Europe, thanks to the effectiveness of the regulations in force, the professional competence of firms and drivers, and the quality of the equipment used. According to a survey of accident statistics carried out under the TOPAS [2] project in the Federal Republic of Germany, a conventional road vehicle has on average one accident resulting in injury every million kilometres, whereas tankers are involved in such accidents only every 6,6 million kilometres. Furthermore, an analysis of statistics in the United Kingdom has shown that the risk of death as a result of being struck by lightning is four times greater

[1] See appendix for the list of contracting parties to the ADR agreement.

[2] TOPAS = *Tankfahrzeug mit optimierten passiven und activen Sicherheitssystem* (Tanker with optimized passive and active safety system).

than death as a result of dangerous goods transported by road.

A large number of road accidents are attributable to a lack of training and experience on the part of some drivers. For this reason, the Committee deeply regrets that the draft Directive devotes itself to specific vocational training before the basic professional training requirements for all drivers, contained in Directive 80/1263/EEC, have been supplemented and amended at Community level.

1.1.6. The problem with hazardous waste lies not in the risks posed or the special measures required during transportation, but in the growing difficulty in disposing of it or storing it in a way which conforms to environmental protection criteria. The Committee therefore feels that, if there is to be an improvement in the ecological management of hazardous waste, it is not only drivers, but also haulage frims, who should receive training in the control, identification and notification procedures involved in the transport of hazardous waste, pursuant to Directives 78/319/EEC and 84/631/EEC.

The Committee welcomes the fact that, at its meeting of 22 September 1988, the ACP-EEC joint assembly voted against unwarranted movements of hazardous waste (Muntingh Resolution). The Committee also feels that universally binding rules should be included in the Convention currently being drawn up by the United Nations Environment Programme (UNEP) on transports of hazardous waste, to ensure that it is disposed of ecologically.

1.1.7. Moreover, Community imports and exports of specific chemical products listed in Appendix 1 to Regulation (EEC) No 1734/88 should, in consideration of the notification procedure laid down for these substances, be carried out only by haulage firms whose hauliers have received appropriate training or can prove that they are qualified.

1.1.8. Requirements concerning the transport of pollutants will be included in the new class 9 of the ADR agreement currently being prepared for publication in 1990. The list contained in Annex 1(a) to the present draft Directive may duplicate the forthcoming class 9 list.

The Committee recognizes that the Commission should make provision for the vocational training of drivers of vehicles transporting pollutants. However, a draft Directive on compulsory training for drivers cannot be issued until criteria for classifying pollutants and methods of transporting, eliminating and storing them have been clearly covered by adequate international rules.

1.1.9. For all these reasons and in line with the principle of free movement of goods, particularly dangerous goods in the Community, it is imperative for the Commission to ensure that the Member States adopt regulations on national road transport, based on the same principles as those governing international ADR transport regulations, and that national rules be gradually aligned with the international agreement.

1.2.0. To achieve this objective, the Commission must in future play a more prominent role in drawing up ADR regulations, by coordinating the positions of Member States with a majority vote in ADR negotiations and encouraging them to press for harmonization as a means of simplifying national, Community and international regulations.

1.2.1. The Committee endorses the aims of the draft Directive, but would like Article 7(1) to contain a reference to current international ADR regulations, so as not to duplicate existing requirements or lists of dangerous substances.

1.2.2. This is the only way of strengthening existing Community regulations, without making them more complex, at the same time as ensuring that the liberalization of transport by 1993 goes hand in hand with the harmonization of terms of competition between hauliers in the different Member States.

2. Specific comments

2.1. *Content of the proposed Directive*

2.1.1. Explanatory memorandum

2.1.1.1. The Committee would point out that although only a limited number of drivers at present undergo compulsory training—i.e. drivers of vehicles transporting dangerous goods in tanks, batteries or receptacles and tank-containers with a total capacity of over 3 000 litres per transport unit—these drivers nevertheless handle over three-quarters of all dangerous goods transported by road.

2.1.1.2. If compulsory training were to be extended to transports of packages, it would then have to cover all types of dangerous goods. If compulsory training for drivers does become a more widespread requirement, it must not result in a decline in standards of training. However, the Committee fears that this requirement will have the unintended effect of lowering the standard of drivers of tank-vehicles transporting dangerous sub-

stances, which pose by far the greatest danger to both man and the environment.

2.2. *Text of the proposed Directive*

2.2.1. The Committee feels that it is unwise to limit application of the Directive according to the maximum permissible weight of the road vehicle as opposed to the maximum quantity of dangerous goods transported (Article 1). On the one hand this would be contrary to the principles of the international ADR regulations regarding exemptions from quantity limits (Marginal 10.011). On the other hand, failure to recognize the principle of free limits would result in significant discrimination between drivers transporting dangerous substances in light delivery vehicles, even private cars, and drivers using vehicles which exceed the maximum permissible limit of 3,5 tonnes. As the ADR experts pointed out when they adopted it, the present ADR text on the training of drivers transporting packages should be amended to take account of Marginal 10.011 and the particular requirements concerning transport of Class 1 and Class 7 substances.

2.2.2. The Committee notes that the dangerous substances listed in Article 2(8) differ from those listed in the ADR regulation.

The list of dangerous substances given in Annex 1 corresponds to all intents and purposes to the ADR list, but three other types of substance have been added:

— the list of polluting goods (Annex 1a) which, astonishingly, is based on the list of pollutants which endanger marine life. This list is therefore not indicative of the dangers inherent in pollutants transported overland by road,

— an arbitrary list of hazardous waste (Annex 1b) which lacks any indication of the selection criteria for disposal in accordance with environmental requirements,

— other substances which experience has shown, or may show, to be of such a dangerous character that the provisions of the draft Directive should be applied (see Annex 1, last indent).

The Committee is convinced that establishing a Community list for these three types of substance will inevitably lead to a proliferation of requirements, as well as making them more complicated in both practical and legal terms. As a result, the effectiveness of existing regulations will be undermined. The Committee would make the same comments in respect of Article 2(9) and Article 6.

2.2.3. Article 3 allows the introduction of waivers which are based on arbitrary criteria and have not been defined by international regulations. The Committee feels that such waivers could undermine the basic principle that a regulation guaranteeing transport safety and identical terms of competition amongst firms should be applied uniformly throughout the Community.

2.2.4. The Committee feels that in Article 4, the term 'where appropriate' (last sentence of paragraph 1) should be deleted. Training for drivers should automatically include practical experience.

Article 4(2) exempts drivers with five years' or more experience. In the interests of safety, all drivers, including those with previous experience, should undergo training; the Committee therefore recommends that Article 4(2) be deleted.

2.2.5. The Committee feels that the validity of certificates of competence (Article 5) should be limited to three years, in line with current legal requirements in a number of Member States. Drivers of vehicles carrying dangerous substances would thus be required to undergo specific training every three years.

2.2.6. The Committee considers that the introduction by the Member States of the laws and regulations laid down in Article 7 of the Directive duplicates the mandate given by these same Member States to the UN's Economic and Social Council and its subsidiary bodies which, for the past thirty years, have been responsible for drawing up regulations on transports of dangerous goods.

Responsibility should continue to rest with these international bodies, to avoid duplicating work and to ensure that a standard set of regulations is developed.

2.3. *Action to be taken at Community level*

2.3.1. The draft Directive is designed to tighten regulations on the carriage of dangerous substances, by requiring drivers and hauliers to possess an appropriate professional qualification. The Committee feels that it is perfectly possible to achieve this objective without undermining existing ADR regulations.

To this end, a number of specific measures should be immediately undertaken, on an independent basis but nevertheless in line with the ADR:

— As regards the first Council Directive of 4 December 1980 (80/1263/CEE—JO No L 375 of 31 December 1980) on the introduction of a Community driving licence: addition to Annex 2 (minimum requirements concerning safety and accidents) of a new requirement consisting of a basic theoretical training in safety measures to be taken in the event of an accident or emergency involving the transport of dangerous substances by road. Training should cover the following:

a) the main types of risk presented by the different dangerous substances in the ADR classification and by other dangerous substances which could endanger man and the environment;

b) the prevention and safety measures required for each different type of risk;

c) how to proceed in the event of an accident (first aid, traffic safety, basic knowledge of how to use protective equipment etc.);

d) the meaning of labels and danger signs on vehicles and packages containing dangerous substances.

— As regards Council Directive 74/561/EEC on access to the occupation of road haulage operator for goods in the field of national and international transport: addition to the minimum programme for professional training, contained in the Annex, of special provisions governing the carriage of dangerous goods by road.

This additional provision should in particular cover training of drivers in the procedures concerning control and notification of transport of dangerous goods subject to Regulation (EEC) No 1734/88 and of special hazardous waste subject to Directive 84/631/EEC to ensure that international trade therein takes account of the need to protect man and the environment, and that hazardous waste is disposed of in sites which have been specially approved by the appropriate authorities as environmentally safe.

Finally, if firms which market dangerous substances were to employ specialists, this would do much to reduce the hazards of handling dangerous substances.

2.3.2. Top priority should be given by the Commission to ensuring that the rules of the international ADR agreement on the carriage of dangerous substances by road, to which eleven EEC Member States are already contracting parties, out of a total of 21, should be applied in their entirety by all Member States to both national and international road consignments.

In order to attain this objective:

1. The Commission should propose that Member States apply and enforce ADR recommendations for both international and national consignments.

2. The Commission should propose that ADR rules be applied in a standardized manner by the Member States.

3. The Commission should not replace, as proposed by the draft Directive, the international bodies such as the UN, IMO, ADR and the international Regulations concerning the carriage of dangerous goods by rail (RID) which are already responsible for laying down safety rules in the different modes of transport.

   This is imperative, as multiple rules on the same subject would be confusing and could therefore undermine safety standards.

   If existing rules are inadequate, the Commission should be instrumental in encouraging cooperation amongst Member States, so that they present common proposals to the competent international authorities.

4. The EEC should ensure that Marginal 10.315 (compulsory training for drivers of vehicles transporting dangerous substances) is applied in the Member States and that the necessary measures are taken to harmonize conditions of application by proposing standard training programmes, as indicated in the last recital of the proposed Directive.

Done at Brussels, 14 December 1988.

The Chairman

of the Economic and Social Committee

Alberto MASPRONE

APPENDIX

List of contracting parties to the European agreement on the international carriage of dangerous matters by road (ADR)

30 September 1957

Entered into force: 29 January 1968

Entry into force of Annexes A and B: 29 July 1968

Austria

Belgium

Denmark

Spain

Finland

France

Greece (since 27 June 1988)

Hungary 72/ (1)

Italy

Luxembourg

Norway

Netherlands

Poland

Portugal

Federal Republic of Germany

Democratic Republic of Germany 72/ (1)

United Kingdom

Sweden

Switzerland

Czechoslovakia 72/ (1)

Yugoslavia 72/ (1)

(1) 72: Country which has expressed reservations about the arbitration clause (Article 11 of the agreement). Czechoslovakia is not bound by Article 10.