II

(Preparatory Acts)

COMMISSION

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

COM(88) 339 final

(Submitted by the Commission on 23 June 1988)

(88/C 322/11)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas over the years national or international services carrying dangerous goods by road have been growing, adding to the risk of accidents;

Whereas road accidents involving dangerous goods can be disastrous;

Whereas it is in the public interest to reduce as far as possible the risk of such accidents with their potential of causing perhaps irreversible damage to the environment and seriously injuring the vehicle crew or anyone else coming into contact with the goods;

Whereas, in terms of the environment, once dangerous goods have entered the environment it is sometimes extremely difficult and costly to avoid pollution of waterways, groundwater or other water bodies; whereas, therefore, efforts must concentrate on the means of avoiding as far as possible, conditions likely to cause accidents of this type;

Whereas experience has shown that many accidents involving vehicles carrying dangerous goods are caused by an insufficient knowledge of the risks inherent in the carriage of such goods on the part of the vehicle crews and therefore, every effort must be made to improve the professional qualifications of vehicle crews;

Whereas the driver plays the preponderant role in the carriage of dangerous goods, by carrying out and supervising the entire operation; whereas it is for the driver to reduce the accident risk at all times and, if an accident nonetheless occurs, to take the immediate safety measures needed to protect himself, other road users, any other potential victim and the environment in general;

Whereas, therefore, steps must be taken to make drivers of vehicles carrying dangerous goods aware of the risks posed by the nature of the goods carried and to develop their practical ability to find the most appropriate solutions to any problem which arises in the course of such operations; whereas, therefore, steps must be taken to promote and develop their vocational training and to gear it to operations of this type;

Whereas no international convention or agreement imposes vocational training for the carriage of dangerous goods by road, except for certain international services in tanks, batteries of receptacles and tank-containers with a total capacity of over 3 000 litres per transport unit;

Whereas there is no, or no adequate, obligation requiring satisfactory vocational training for all carriage of dangerous goods and, in view of the prospect of deregulation of the transport market with effect from 1992, all the necessary measures must be taken to make not only international but also domestic services carrying such goods safer, since both categories pose the same risks;

Whereas vocational training for drivers of vehicles carrying dangerous goods is a capital gain since fully qualified crews are a big asset for haulage undertakings in that they win customer loyalty, improve vehicle turn-round and utilization, reduce insurance premiums,

and, in short, enhance the productivity of services carrying dangerous goods by road, in the interest not only of haulage undertakings but also of the public in general and of the labour market in particular;

Whereas with a view, *inter alia*, to promoting Community-wide harmonized systems for training drivers of vehicles carrying dangerous goods, standardized training programmes should be introduced for such drivers, using modern methods generally geared to active learning by the participants.

HAS ADOPTED THIS DIRECTIVE:

Article 1

Objective

1. The objective of this Directive is to require drivers of:

(1) vehicles with a permissible maximum weight of over 3,5 tonnes and carrying dangerous goods;

(2) tank-vehicles with a total capacity of over 3 000 litres and carrying dangerous goods;

(3) transport units carrying dangerous goods in tanks or tank-containers with a total capacity of over 3 000 litres,

to hold a vocational training certificate or equivalent document issued by the authority or body designated for this purpose by each Member State and confirming that they have succesfully completed appropriate training on the carriage of dangerous goods by road.

2. Each Member State may lower the thresholds set in paragraph 1 for some or all categories of dangerous goods for national services on its territory or for international services in vehicles registered in that Member State.

Article 2

Definitions

For the purposes of this Directive:

1. *'carriage by road'* means any journey made on roads open to the public by a vehicle used for the carriage of dangerous goods;

2. *'driver'* means any person who drives the vehicle even for a short period or who is carried in the vehicle in order to be available for driving if necessary;

3. *'vehicles'* means motor vehicles, tractors, trailers and semi-trailers, defined as follows:

(a) 'motor vehicle': any mechanically self-propelled vehicle circulating on the road, other than a vehicle running on rails, and normally used for carrying goods;

(b) 'tractor': any mechanically self-propelled vehicle circulating on the road, other than a vehicle running on rails, and specially designed to pull, push or move trailers, semi-trailers, implements or machines;

(c) 'trailer': any vehicle designed to be coupled to a motor vehicle or a tractor;

(d) 'semi-trailer': a trailer without a front axle coupled in such a way that a substantial part of its weight and of the weight of its load is borne by the tractor or motor vehicle;

4. *'permissible maximum weight'* means the maximum authorized operating weight of the vehicle fully laden;

5. *'tank-vehicle'* means a vehicle built to carry liquids, gases, or powdery or granular substances and comprising one or more fixed tanks, which are structurally attached to or form an integral part of the frame of the vehicle;

6. *'transport unit'* means a motor vehicle without an attached trailer, or a combination of a motor vehicle and an attached trailer;

7. *'tank'*, when used alone, means a tank-container or a tank of a capacity exceeding 1 m³ which may be a fixed tank, a demountable tank or a battery of receptacles, defined as follows:

(a) 'container' means an article of transport equipment (lift van, demountable tank or other similar structure),
- of a permanent character and accordingly strong enough to be suitable for repeated use,
- especially designed to facilitate the carriage of goods by one or more means of transport, without breakage of load,
- fitted with devices permitting the ready handling, particularly when being transloaded from one means of transport to another;

(b) 'tank-container' means an article of transport equipment conforming to the definition of 'container' given above and built to contain liquid, gaseous, powdery or granular substances but having a capacity of more than 0,45 cubic metres;

(c) 'fixed tank' means a tank which is structurally attached to a vehicle (which then becomes a tank-vehicle) or is an integral part of the frame of such a vehicle;

(d) 'demountable tank' means a tank, other than a fixed tank, a tank-container or a battery of receptacles, which has a capacity of over 1 m³, is not designed for the carriage of goods without breakage of load, and normally cannot be handled except when it is empty;

(e) 'battery of receptacles' means an assembly comprising a number of receptacles or tanks interconnected by a manifold and permanently mounted on a frame.

'Receptacles' means:

1. cylinders of a capacity not exceeding 150 litres;
2. cylinders of a capacity of not less than 100 litres (with the exception of cylinders in conformity with subparagraph 1 and not more than 1 000 litres (e.g. cylindrical receptacles equipped with rolling hoops, and receptacles on skids);
3. assemblies, known as 'frames' of cylinders in conformity with subparagraph 1, the cylinders being interconnected by a manifold and held firmly together by a metal fitting;

8. *'dangerous substances'* means substances, products, articles, solutions, mixtures and wastes falling into the categories listed in Annexes 1, 1a and 1b, as well as any other substance which experience shows to be dangerous;

9. the categories of dangerous substances entered in Annexes 1, 1a and 1b shall be amended regularly in the light of scientific and technical progress and the development of the industry. The procedure layed down in Article 6a shall be used to effect the amendments.

Article 3

Derogation

Member States may, after agreement with the Commission, exempt from all or part of this Directive drivers of vehicles carrying exclusively goods posing little danger or pollution hazard because of their special characteristics or of the small quantities carried.

Reasons must be given for all decisions taken by the competent authorities in the Member States under this paragraph.

Article 4

Vocational training

1. The training which the drivers referred to in Article 1 required in order to obtain a certificate of competence shall be given in the form of a course approved by the competent authority. The essential objectives shall be to make all concerned aware of the risks inherent in the carriage of dangerous goods and impart the basic knowledge needed to minimize the chance of an incident occurring, and, if one does occur, to take the measures necessary to safeguard themselves and the environment and to limit the effects.

This training shall include personal practical experience, where appropriate, and shall cover at least the subjects listed in Annex 2.

2. Member States may grant the certificate of competence to drivers who request it for the first time without their being obliged to prove that they comply with the provisions of paragraph 1, on condition that such drivers can prove that they have engaged in the occupation of drivers of vehicles carrying dangerous goods without interruption for at least five years preceding the date of entry into force of this Directive.

3. Member States may, if they wish, require drivers employed in the domestic carriage of dangerous goods within their territory and drivers employed in international services in vehicles registered in that Member State to undergo more extensive training than provided for in Annex 2. This may take the form of training already established in the Member State or of training which the Member State decides to introduce in the future.

Article 5

The certificate of competence referred to in Article 1 shall be valid for five years.

The validity of the certificate may be extended for periods of five years provided:

(a) the holder succesfully completes a refresher course during the five-year interval before his certificate expires;

(b) the holder proves to the competent authority or body that he has engaged in the occupation without interruption since his certificate was issued or last renewed and, over this period, has received specific training taking account of changes in the regulations and of the safety measures to be taken for the carriage of dangerous goods by road.

Article 6

All Community Member States shall recognize the certificates of competence referred to in Article 1 issued by any other Member State.

Article 6 a

1. To bring about the amendments provided for in Article 2 (9), the Commission shall be assisted by an advisory committee composed of representatives from Member States and presided over by a representative of the Commission.

2. The Commission shall submit proposals to the committee. The committee shall give its opinion on the proposals, the time scale for which shall be determined by the chairman taking into account the urgency of the issue and, if necessary, the need for a vote.

3. The opinion shall be recorded in the minutes: further, each Member State shall have the right to request that its proposal is recorded in the minutes.

4. The Commission shall take full account of the committee's opinion and shall inform the committee exactly how this has been done.

Article 7

1. After consulting the Commission, the Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive within two years following its notification.

2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field governed by this Directive. In particular, each Member State shall provide the Commission with specimens of the certificates or equivalent documents which it adopts with a view to implementing Article 1 of this Directive. The Commission shall forthwith forward this information to the other Member States.

Article 8

This Directive is addressed to the Member States.

ANNEX 1

Dangerous goods

For the purposes of this Directive 'dangerous goods' means the following substances, products, solutions and mixtures:

— explosive substances and articles;

— articles filled with explosive substances;

— igniters, fireworks and similar goods;

— gases: compressed, liquefied or dissolved under pressure;

— inflammable liquids;

— inflammable solids;

— substances liable to spontaneous combustion;

— substances which give off inflammable gases on contact with water;

— oxidizing substances;

— organic peroxides;

— toxic substances;

— repugnant substances and substances liable to cause infection;

— radioactive substances;

— corrosive substances;

— polluting goods on the list set out in Annex 1a;

— wastes on the list set out in Annex 1b;

— other materials which experience has shown, or may show, to be of such a dangerous character that the provisions of this Directive should apply to it.

ANNEX 1a

List of polluting goods

Acetone cyanohydrin, stabilized;
Acrolein, inhibited;
Aldrin;
Ammonium arsenate;
Antimony compounds inorganic, n.o.s;
Antimony lactate;
Antimony pentachloride, liquid;
Antimony pentachloride, solutions;
Antimony pentafluoride;
Antimony potassium tartrate;
Antimony trichloride, (a) solid;
Antimony trichloride, (b) liquid;
Arsenic;
Arsenic acid liquid;
Arsenic acid, solid;
Arsenic bromide;
Arsenic compounds;
Arsenic compounds, liquid, n.o.s;
Arsenic compounds, solid, n.o.s;
Arsenic pentoxide;
Arsenic trichloride;
Arsenic trioxide;
Azinphos-methyl;
Barium compounds, n.o.s;
Barium cyanide;
Benzyl chloroformate;
Butylphenols, liquid;
Butylphenols, solid;
Butyl toluenes;
Cacodylic acid;
Cadmium compounds;
Calcium arsenate;
Calcium arsenate and calcium arsenite mixtures, solid;
Camphechlor;
Camphor oil;
Carbaryl;
Carbophenothion;
Chlorine;
Chlorodinitrobenzene;
Chloronitroanilines;
Chlorophenols, liquid;
Chlorophenols, solid;
Chlorophenyl-trichlorosilane;
Chlorotoluenes, (ortho-; meta-; para-);
Chromium oxychloride;
Cocculus, solid;
Copper acetoarsenite;
Copper arsenite;
Copper cyanide;
Cresols (ortho-; meta-; para-);
Cupriethylene-diamine, solution;
Cyanogen bromide;
Cyanogen chloride, inhibited;
DDT;
Diazinon;
Dichloroanilines;
Dichloroethyl ether;
Dichlorophenols, liquid;
Dichlorophenols, solid;
Dichlorophenyl-trichlorosilane;
Dichlorvos;
Dimethoate;
Dinitro-ortho-cresol, liquid;
Dinitro-ortho-cresol, solid;
Dinitrophenol solutions in water or flammable liquid;
Diphenylamine chloroarsine;
Diphenylchloroarsine;
Disulfoton;
DNOC;
Endosulfan;
Endrin;
Ethylacrylate, inhibited;
Ethyldichloroarsine;
Ferric arsenate;
Ferric arsenite;
Ferrous arsenate;
Heptachlor;
Hexachlorobutadiene;
Hexaethyl tetraphosphate;
Hydrocyanic acid aqueous solutions with not more than 20 % hydrocyanic acid;
Hydrogen cyanide anhydrous, stabilized;
Hydrogen cyanide, anhydrous, stabilized, absorbed in a porous inert material;
Isopropenylbenzene;
Lead acetate;
Lead arsenates;
Lead arsenites;
Lead compounds soluble, n.o.s;
Lead cyanide;
Lead nitrate;
Lead perchlorate;
Lindane;
Magnesium arsenate;
Manee or maneb preparations stabilized against self-heating;
Manee or maneb preparations with not less than 60 % maneb;
Mercuric arsenate;
Mercuric chloride;
Mercuric nitrate;
Mercuric potassium cyanide;
Mercuric sulphate;
Mercurous nitrate;
Mercurous sulphate;
Mercury acetates;
Mercury ammonium chloride;
Mercury benzoate;
Mercury bisulphates;
Mercury bromides;
Mercury cyanide;
Mercury gluconate;
Mercury iodide;
Mercury oleate;
Mercury oxide;
Mercury oxycyanide, desensitized;
Mercury potassium iodide;
Mercury salicylate;
Mercury thiocyanate;
alpha-Methylstyrene;
Mevinphos;
Motor fuel anti-knock mixtures;
Naphthalene, crude or refined;
Naphtalene, molten;
Nickel carbonyl;
Nickel cyanide;
Nitrobenzotrifluorides;

3-Nitro-4-chlorobenzo-trifluoride;
Nitrocresols;
Nitroxylenes;
Osmium tetroxide;
Parathion;
Parathionmethyl;
Perchloromethylmercaptan;
Phenylmercuric hydroxide;
Phenylmercuric nitrate;
Phorate;
Phosphorus white, molten;
Phosphorus, white or yellow (a) dry;
Phosphorus, white or yellow (b) under water;
Polychlorinated biphenyls;
Potassium arsenate;
Potassium arsenite;
Potassium cyanide;
Selenic acid; silver arsenite;
Silver cyanide;
Sodium arsanilate;
Sodium arsenate;
Sodium arsenite;
Sodium arsenite, aqueous solutions;
Sodium arsenite, solid;
Sodium cacodylate;
Sodium cuprocyanide, solid;
Sodium cyanide;
Sodium pentachlorophenate;
Strontium arsenite;
Strychnine;
Sulfoter;
Tepp (tetraethyl pyrophosphate);
Tetraethyl dithiopyrophosphate, dry, liquid or mixtures;
Tetraethyl lead;
Tetramethyl lead;
Thallium chlorate;
Thallium compounds;
Thallium compounds, n.o.s;
Thallium nitrate;
Thallium sulphate;
Tricresylphosphate with more than 3 % ortho-isomer;
Vinyl toluenes (mixed isomers), inhibited;
Zinc arsenate or zinc arsenite or zinc arsenate and zinc arsenite mixtures;
Zinc chloride, anhydrous;
Zinc chloride, solution;
Zinc cyanide;
Zinc phosphide.

ANNEX 1b

Generic types of dangerous wastes (wastes may be in liquid, sludge or solid form)

Part A

Wastes consisting of, derived from or residues of:

— anatomical substances; hospital wastes or wastes from other medical activities;

— pharmaceuticals, drugs, medicines and veterinary compounds;

— wood preservatives;

— biocides and plant protection substances;

— residues from substances employed as solvents;

— halogenated organic substances not employed as solvents;

— quenching salts containing cyanide;

— oils and oily substances, e.g. cutting sludges;

— oil/water and hydrocarbon/water mixtures and emulsions;

— substances containing PCBs and/or PCTs, e.g. dielectrics;

— tarry materials arising from refining, distillation and any pyrolytic treatment, e.g. still slag;

— inks, dyes, pigments, paints, lacquers and varnishes;

— resins, latex, plasticizers, glues/adhesives;

— chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known, e.g. laboratory wastes;

— pyrotechnics and propellant materials;

— materials from photographic laboratories;

— any material contaminated with any congenor of polychlorinated dibenzo-furan;

— any material contaminated with any congenor of polychlorinated dibenzo-p-dioxin;

— any other wastes containing any of the substances referred to in Part B.

Part B

Wastes having as constituents:

— beryllium, beryllium compounds;

— vanadium compounds;

— chromium (VI) compounds;

— cobalt compounds;

— nickel compounds;

— copper compounds;

— zinc compounds;

— arsenic; arsenic compounds;

— selenium; selenium compounds;

— silver compounds;

— cadmium; cadmium compounds;

— tin compounds;

— antimony; antimony compounds;

— tellurium; tellurium compounds;

— barium compounds, excluding barium sulphate;

— mercury; mercury compounds;

— thallium; thallium compounds;

— lead; lead compounds;

— inorganic sulphides;

— inorganic fluorine compounds, excluding calcium fluoride;

— inorganic cyanides;

— the following alkaline or alkaline earth metals; lithium, sodium, potassium, calcium, magnesium in uncombined form;

— acidic solutions or solids;

— basic solutions or solids;

— asbestos (dust and fibres);

— phosphorus; phosphorus compounds, excluding mineral phosphates;

— metal carbonyls;

— peroxides;

— chlorates;

— perchlorates;

— azides;

— PCBs and/or PCTs;

— pharmaceutical and veterinary compounds;

— biocides and plant protection products, e.g. pesticides;

— infectious substances;

— creosotes;

— isocyanates and thiocyanates;

— organic cyanides, e.g. nitriles;

— phenols; phenol compounds;

— halogenated solvents;

— organic solvents, excluding halogenated solvents;

— organohalogen compounds, excluding inert polymerized materials and other substances referred to in this Annex;

— aromatic compounds; polycyclic and heterocyclic organic compounds;

— aromatic amines;

— ethers;

— substances of an explosive character, excluding substances referred to elsewhere in this Annex;

— any congenor of polychlorinated dibenzo-p dioxin;

— hydrocarbons and their compounds with oxygen, nitrogen and/or sulphur not specifically referred to in Part B.

ANNEX 2

Subjects covered by Article 4 of this Directive

The knowledge required in order to qualify for a certificate of competence must cover at least the following subjects:

(a) general requirements concerning the transport of dangerous goods;

(b) main types of hazard;

(c) preventive and safety measures appropriate to the various types of hazard;

(d) what to do after an accident (first aid, road safety, basic knowledge about the use of protective equipment, etc.);

(e) labelling and marking to indicate danger;

(f) what a vehicle driver should and should not do during the carriage of dangerous goods;

(g) the purpose and method of opeation of technical equipment on vehicles;

(h) the behaviour in vehicles carrying tanks and tank containers on road, including movement of load;

(i) prohibitions on mixed loading in the same vehicle or container;

(j) handling and stowage of packages;

(k) precautions to be taking during loading and unloading of dangerous goods.
