



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 12.03.1996  
COM(96) 96 final - SYN 516

OPINION OF THE COMMISSION  
on the amendments proposed by the European Parliament  
to the Council's common position on the  
  
proposal for a  
COUNCIL DIRECTIVE  
  
**ON THE APPOINTMENT AND VOCATIONAL  
QUALIFICATION OF SAFETY ADVISERS FOR THE TRANSPORT OF  
DANGEROUS GOODS BY ROAD, RAIL AND INLAND WATERWAY**

(presented by the Commission pursuant to Article 189 c (d) of the EC Treaty)



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**COUNCIL DIRECTIVE ON THE APPOINTMENT AND VOCATIONAL  
QUALIFICATION OF SAFETY ADVISERS FOR THE TRANSPORT OF  
DANGEROUS GOODS BY ROAD, RAIL AND INLAND WATERWAY**

On 17 January 1996 the European Parliament amended the Common Position adopted by the Council on 6 October 1995 on the above-mentioned proposal. The amendments of the Parliament are at annex.

Under Article 189 C, sub-paragraph (d) of the EC Treaty, the Commission has reexamined its proposal and decided not to accept the amendments for the following reasons :

- Amendment 1:

The aim of this amendment is for the safety adviser to prepare an accident report. Furthermore, that report must be sent to the competent authority. The Commission considers this amendment to be less flexible than the text agreed by the Council.

- Amendment 2:

The second amendment, requesting that the Commission be provided with the relevant information concerning accidents, is not considered to be a useful contribution to the overall goal of improving safety performance in the transport of dangerous goods, because it simply sets an obligation for Member States to forward relevant information to the Commission. However, in the European Community system a more effective measure is provided by Council Directive 94/55/EC, and in particular its Article 5 thereof, which already includes appropriate provisions for emergency measures and further steps to be taken following accidents.

- Amendment 3:

The proposed earlier date for coming into force of this Directive (1. January 1998 instead of 2000) can not be deemed as achievable as Member States need time to establish appropriate training facilities.

The Commission therefore maintains its proposal.

Annex: 3 amendments

(Amendment 1)  
Article 7

Whenever an accident affects persons, property or the environment or results in damage to property or the environment during transport, loading or unloading carried out by the undertaking concerned, the adviser shall, after collecting all the relevant information, prepare an accident report to the management of the undertaking or to a local public authority, as appropriate.

That report shall not replace any report by the management of the undertaking which might be required in the Member States under any other international, Community or national legislation.

Whenever an accident affects persons, property or the environment or results in damage to property or the environment during transport, loading or unloading carried out by the undertaking concerned, the risk prevention officer must, after collecting all the relevant information, prepare an accident report.

That report must be sent to the authority or body designated by the Member State within two months of the date of the accident. However, it shall not replace any report by the management of the undertaking which might be required in the Member States under any other international Community or national legislation.

(Amendment 2)  
Article 7 a (new)

Every year Member States shall forward the relevant information to the Commission concerning the number and circumstances of the accidents within the meaning of Article 7 that have taken place on their territory.

(Amendment 3)  
Article 11(1)

1. The Member States shall bring into force the necessary laws, regulations and administrative provisions in order to comply with this Directive no later than 31 December 1999. They shall forthwith inform the Commission thereof.

When Member States adopt those measures they shall include references to this Directive or shall accompany them with such references on their official publication. The Member States shall prescribe the manner in which such references shall be made.

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