

EUROPEAN PARLIAMENT

1999



2004

Session document

16 December 1999

FINAL
A5-0105/1999

*****II**

RECOMMENDATION FOR SECOND READING

on the common position adopted by the Council with a view to adopting a European Parliament and Council directive on the harmonisation of examination requirements for safety advisers for the transport of dangerous goods by road, rail or inland waterways

(5563/1/1999 – C5-0208/99 – 1998/0106(COD))

Committee on Regional Policy, Transport and Tourism

Rapporteur: Dieter-Lebrecht Koch

<i>Symbols for procedures</i>	<i>Abbreviations for committees</i>
<p>* Consultation procedure <i>majority of the votes cast</i></p> <p>**I Cooperation procedure (first reading) <i>majority of the votes cast</i></p> <p>**II Cooperation procedure (second reading) <i>majority of the votes cast, to approve the common position</i> <i>majority of Parliament's component Members, to reject or amend the common position</i></p> <p>*** Assent procedure <i>majority of Parliament's component Members except in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty</i></p> <p>***I Codecision procedure (first reading) <i>majority of the votes cast</i></p> <p>***II Codecision procedure (second reading) <i>majority of the votes cast, to approve the common position</i> <i>majority of Parliament's component Members, to reject or amend the common position</i></p> <p>***III Codecision procedure (third reading) <i>majority of the votes cast, to approve the joint text</i></p> <p>(The type of procedure depends on the legal basis proposed by the Commission)</p>	<p>I. AFET Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy</p> <p>II. BUDG Committee on Budgets</p> <p>III. CONT Committee on Budgetary Control</p> <p>IV. LIBE Committee on Citizens' Freedoms and Rights, Justice and Home Affairs</p> <p>V. ECON Committee on Economic and Monetary Affairs</p> <p>VI. JURI Committee on Legal Affairs and the Internal Market</p> <p>VII. INDU Committee on Industry, External Trade, Research and Energy</p> <p>VIII. EMPL Committee on Employment and Social Affairs</p> <p>IX. ENVI Committee on the Environment, Public Health and Consumer Policy</p> <p>X. AGRI Committee on Agriculture and Rural Development</p> <p>XI. PECH Committee on Fisheries</p> <p>XII. REGI Committee on Regional Policy, Transport and Tourism</p> <p>XIII. CULT Committee on Culture, Youth, Education, the Media and Sport</p> <p>XIV. DEVE Committee on Development and Cooperation</p> <p>XV. AFCO Committee on Constitutional Affairs</p> <p>XVI. FEMM Committee on Women's Rights and Equal Opportunities</p> <p>XVII. PETI Committee on Petitions</p>

CONTENTS

	Page
Procedural page.....	4
DRAFT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT	7

Procedural page

At the sitting of 16 September 1999 the European Parliament confirmed at first reading under the codecision procedure the text adopted on 20 October 1998 (COM(1998)174 – 1998/0106(COD)).

At the sitting of 28 October 1999 the President of the European Parliament announced that the common position had been received and referred to the Committee on Regional Policy, Transport and Tourism (C5–0208/1999).

The committee had appointed Mr Dieter-Lebrecht Koch rapporteur at its meeting of 13 October 1999.

At its meetings of 23 November and 13 December 1999 it considered the common position and the draft recommendation for second reading.

At the latter meeting it adopted the draft legislative resolution unanimously.

The following took part in the vote: Konstantinos Hatzidakis, chairman; Helmuth Markov, Emmanouil Mastorakis and Rijk van Dam, vice-chairmen; Dieter-Lebrecht Koch, rapporteur; Pedro Aparicio Sánchez (for Carmen Cerdeira Morterero), Emmanouil Bakopoulos, Rolf Berend, Theodorus J.J. Bouwman, Philip Charles Bradbourn (for Sir Robert Atkins), Luigi Cocilovo (for Luigi Cesaro), Gerard Collins, Paolo Costa, Alain Esclopé, Giovanni Claudio Fava, Fernando Fernández Martín (for Sérgio Marques), Jean-Claude Fruteau (for Danielle Darras), Matthieu J.H. Grosch, Ewa Hedkvist Petersen, Elisabeth Jeggle (for Ari Vatanen), Brigitte Langenhagen (for Georg Jarzembowski), Arlene McCarthy, Erik Meijer, Rosa Miguélez Ramos, Camilo Nogueira Román, Juan Ojeda Sanz, Wilhelm Ernst Piecyk, Samuli Pohjamo, Reinhard Rack, Carlos Ripoll i Martínez Bedoya, Isidoro Sánchez García, Marieke Sanders-ten Holte (for Dirk Sterckx), Gilles Savary, Jürgen Schröder (for Ingo Schmitt), Elisabeth Schroedter (for Reinhold Messner), Brian Simpson, Renate Sommer, Margie Sudre, Hannes Swoboda (for Ulrich Stockmann) Maurizio Turco, Luckas Vander Taelen (for Josu Ortuondo Larrea) and Mark Francis Watts.

The recommendation for second reading was tabled on 16 December 1999.

The deadline for tabling amendments to the common position will appear on the agenda for the relevant part-session.

DRAFT LEGISLATIVE RESOLUTION

Legislative resolution of the European Parliament on the Council common position with a view to adopting a European Parliament and Council directive on the harmonisation of examination requirements for safety advisers for the transport of dangerous goods by road, rail or inland waterways (5563/1/1999 – C5-0208/99 – 1998/0106(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (5563/1/1999 – C5-0208/99),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(1998)0174²),
 - having regard to the Commission's amended proposal (COM(1998)0803³),
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 80 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Regional Policy, Transport and Tourism (A5-0105/1999),
1. Amends the common position as follows;
 2. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 341, 9.11.1998, p. 29.

² OJ C 148, 14.5.1998, p. 21.

³ OJ C 52, 23.2.1999, p. 16.

(Amendment 1)
Article 6(1), first subparagraph

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 1999 at the latest. They shall forthwith inform the Commission thereof.

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive within three months from its entry into force. They shall forthwith inform the Commission thereof.

Justification:

The date for the entry into force of this directive is no longer realistic in view of the delay in the legislative procedure, and it is therefore preferable to propose a flexible deadline, so as to enable the Member States to implement and apply the provisions of this directive in good time.

EXPLANATORY STATEMENT

In the interest of improving the safety of the carriage of dangerous goods by road, rail and on inland waterways there is a need for a minimum degree of harmonisation of the level of training and the examination requirements for safety advisers.

The Council's common position follows the amended Commission proposal apart from a few minor changes. That proposal took into account six of the ten amendments incorporated into the text adopted by the European Parliament at first reading.

Parliament's Amendment 10 fell because the article in question was deleted. The substance of Parliament's other amendments has been retained, e.g. the requirement to draw up a case study, and references to the permissibility of certain documents in connection with the required 'specification of the examination arrangements proposed by the examination body' (Art. 4(1)(b)).

Only the restriction of the validity of the diploma to 5 years was not retained, on the grounds that this was already provided for in Directive 96/35/EC.

The other amendments by the Council do not involve any substantial change to the Commission proposal and are quite acceptable and in accordance with the subsidiarity principle:

- The number of questions (reduced from 46 multiple choice questions to 40 multiple choice questions or 20 open questions).
- Abolition of the system of penalties for examination bodies (replaced by an authorisation for a limited period under Article 4)
- Abolition of the committee with the sole task of approving the conditions for the examinations of candidates wishing to work for specialised firms. The obligations imposed on the Member States incorporated in the common position replace the tasks of this committee.

Amendment 1 relates to the entry into force of the directive. The date for the entry into force of this directive is no longer realistic in view of the delay in the legislative procedure, and it is therefore preferable to propose a more flexible deadline, so as to enable the Member States to implement and apply the provisions of this directive in good time.