

Council Directive of 4 June 1974 laying down detailed provisions concerning transitional measures relating to activities, trade in and distribution of toxic products and activities entailing the professional use of such products including activities of intermediaries (74/556/EEC)

Article 3

Where, in a Member State, the taking up or pursuit of any activity referred to in the second subparagraph of Article 1 (2) is dependent on the possession of general, commercial, or professional knowledge and ability, that Member State shall accept as sufficient evidence of such knowledge and ability the fact that the activity in question has been pursued in another Member State for any of the following periods:

- (a) six consecutive years in an independent capacity or in a managerial capacity such activity not having ceased more than two years before the date when the application referred to in Article 4 (2) is made;
- (b) three consecutive years in an independent capacity or in a managerial capacity where the beneficiary possesses a certificate of ability and competence for the activity in question authorizing him to pursue activities entailing the professional use of toxic products in the Member State of origin or the Member State whence he comes;
- (c) four consecutive years in an independent capacity or in a managerial capacity where the beneficiary proves that for the activity in question he has received previous training, attested by a certificate recognized by the State or regarded by the competent professional or trade body as fully satisfying its requirements;
- (d) four consecutive years in a non-independent capacity where the beneficiary possesses a certificate of ability and competence for the activity in question authorizing him to pursue activities entailing the professional use of toxic products in the Member State of origin or the Member State whence he comes;
- (e) five consecutive years in a non-independent capacity where the beneficiary proves that for the activity in question he has received previous training, attested by a certificate recognized by the State or regarded by the competent professional or trade body as fully satisfying its requirements;

The provisions in (a), (c) and (e) are not applicable to activities entailing the professional use of certain highly toxic products given below:

- Hydrocyanic acid and its soluble salts,
- Hydrofluoric acid and its soluble salts,
- Acrylonitrile,
- Liquid compressed ammonium,
- Methyl bromide,
- Chloropicrin,
- Hydrogen phosphide and products liable to liberate it,
- Ethylene oxide,
- Carbon disulphide,
- Carbon tetrachloride,
- Trichloroacetonitrile.

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

For the purpose of applying the provisions in (b) and (d) to these highly toxic products, the certificate of ability and competence must state the product or products which the beneficiary is authorized to use in the Member State of origin or the Member State whence he comes.

In this case, the beneficiary's activity shall not have ceased more than two years before the date when the application referred to in Article 4 (2) is made.