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ETSC's Newsletter on Transport Safety Policy Developments in the EU

Editorial

Slovene Presidency's resolve to advance EU road safety is applaudable

Road safety professionals, as indeed all EU citizens, welcome the news that road safety will be a top priority on the Transport agenda for the Slovene Presidency of the EU in the first half of 2008. In its Memorandum to Slovenia ETSC called on it to ensure the realisation of the key EU road safety policy dossiers.

Top of the legislative agenda is the Infrastructure Safety Directive which is now under reconsideration by the European Parliament. This legislation could save 600 lives a year through substantial improvements in the road network, introducing an EU system of high risk sites treatment, road safety audits, safety impact assessment and safety inspections on the Trans-European Road Network. At present not enough EU countries make use of these life saving tools. The Slovene Presidency should work with the European Parliament to reach a swift adoption of robust legislation which guarantees a high level of safety on the Trans-European Network across the EU.

Next on the horizon is the improvement of traffic law enforcement. The Slovene Presidency should, together with the Commission, place enforcement of road traffic law high on its political agenda and engage in discussions with other Member States including the future Presidency holder, France. The European Commission committed itself to proposing a Directive in case insufficient progress towards the 2010 target was made. This being the case, the Slovene presidency should also raise the need to include the cross border co-operation to raise the level of road safety in all EU Member States.

As we come to the last part of this decade and closer to the 2010 EU deadline to halve road deaths, ETSC stresses the need to now get the ball rolling in elaborating the 4th Road Safety Action Programme. This process should include a review of road safety achievements and shortcomings of the past decade. At a European level only a very few of the measures set out in the ambitious 3rd Road Safety Action Programme have been achieved at all. Moreover the EU experienced a dramatic transformation with EU enlargement which also meant a growing imbalance of road risk between Member States.

We hope that the Slovene Presidency will be remembered for achieving ambitious road safety targets and progressing EU policy with new life saving legislation.

Jörg Beckmann
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Contents

Road safety	**2**	**Maritime and Inland Waterway safety**	**5**
Aviation safety	**3**	**Multimodal and Transport Instrastructure**	**6**
Railway saefty	**4**	**ETSC and partner organisations news**	**7**

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European Transport Safety Council

Road Safety

Driving times and rest periods clarified

The European Commission established a working group and published on 20 December 2007 four guidance notes intended to clarify a number of provisions of the Regulation 561/2006 on driving times and rest periods for drivers of road haulage and passenger transport vehicles. The guidelines clearly define when travel time can be considered as a 'rest period' or a 'break' under the Regulation, under which circumstances the interruption of a break or a rest period can be allowed, and whether it constitutes an offence in principle. They also describe exceptional circumstances under which the driver can disrespect the driving times, breaks and rest periods without sanctions. There is also a guidance note on digital tachographs.

Cross-border enforcement to get a boost

Long-awaited legislation on cross-border enforcement is expected in the coming months. According to a spokesperson for the European Commission, a proposal of a Directive on Road Safety Enforcement may be tabled soon. The main objective of the future Directive is to set up a system of communication and transmission of administrative or judicial decisions on traffic offences, so that road safety enforcement measures in the most critical areas (speeding, drink-driving and non-wearing or seat belt violations) can be applied to non-resident traffic.

ESC to improve safety of trucks and coaches

The safety of EU-registered trucks and tourist coaches will be greatly improved as a result of an agreement reached at a UN meeting in Geneva to equip new vehicles with electronic stability control systems (ESC). ESC systems act on the braking or power systems of a vehicle assisting the driver to maintain control of it in critical situations. Their installment on all vehicles in the EU could ultimately save over 500 deaths and 2500 serious injuries per year.

The new agreement requires heavy vehicles approved by the UN Economic Commission for Europe braking Regulation (Regulation 13) to be fitted with an ESC system of an agreed specification. This allows the EU to make ESC a mandatory requirement. The requirements will be phased in over a number of years, with priority given to the vehicles where the potential benefit is greatest, such as heavy truck/trailer combinations and touring coaches. Regulation 13 will require new vehicle types in the most common categories to be fitted with ESC from 2010. Similar requirements for fitting ESC to light vehicles are expected in 2008 through a global harmonised regulation on light vehicle stability control.

Finland targets drink drivers

Further to a significant growth of road traffic deaths in 2007, the Finnish government is introducing strict measures to combat drink driving. Among proposed measures are the mandatory use of alcohol interlocks by repeat drink-driving offenders in order to maintain their right to drive; increased voluntary use of alcolocks among professional drivers; equipping traffic police vehicles with high-precision breathalysers and introducing more roadside drug testers; enforcing the confiscation of repeat drink driving offenders' vehicles.

EC takes Ireland to ECJ over drivers training

The European Commission decided to launch proceedings in the European Court of Justice against Ireland for failing both to transpose the Directive 2003/59/EC on the training of professional drivers and to notify measures for its implementation. This Directive provides for compulsory initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers.

This Directive calls for Member States to set up a system of qualification either based on training course and a test, or on a test only. Periodic training is to be organised by approved training centres. Member States have to apply these arrangements from 10 September 2008 for drivers of passenger vehicles, and from 10 September 2009 for goods vehicle drivers.

CARE Database updated

The European Commission has updated the reports with annual statistics and historical road accident data based on the CARE database. For more information: http://ec.europa.eu/transport/roadsafety/road_safety_observatory/care_en.htm

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Aviation Safety

EASA powers extended by the Parliament

The new regulation on the European Aviation Safety Agency (EASA) is expected to be adopted quickly after the European Parliament approved, on 12 December 2007, its second-reading report (by Jörg Leichtfried, PES, Austria) further to a compromise with the EU Council of Ministers. The text modifies current Regulation 1592/2002 and increases the certification competencies of the EASA. It constitutes new common rules for air operations, issuing crew licences and certification for planes from non-EU countries which operate in the Community.

The reports suggest the European Commission be given new powers to impose fines and penalty payments on offending companies, in addition to its power to withdraw certificates in the case of a serious infraction. The amounts will be subjects to limits: 4% of the revenue or the annual turnover of the certificate holder for fines, and 2.5% of revenue or of daily turnover for penalty payments. The Commission will act on the EASA's request and its decisions may be reviewed by the EU Court of Justice.

Action needed to speed up European sky

Progress towards a Single European Sky is insufficient and new action is needed. New developments are likely to happen in the second quarter of 2008, according to the European Commission's first report on the issue adopted on 20 December 2007. In particular, convergence criteria for the single sky should be established.

The central point of the Single European Sky, which is the creation of «functional airspace blocks» (organised according to traffic flows and not following national borders) has gone nowhere until now. The main obstacle is related to the EU Members' sovereignty rights, according to the Commission. To overcome these political obstacles, the Commission is going to examine the possibility of an 'Aviation System Coordinator', whose mission would be to "promote a stronger political commitment among Member States". For the Commission, Member States should at least commit, at the political level, to creating functional airspace blocs in 2010, in order to implement them before the end of 2012.

Research projects get EU funding

On 18 October the Commission unveiled the results of the first EU-wide call for research proposals in aeronautics and air transport under the EU's 7th Framework Programme for research (FP7). Thirty-six projects were selected with a budget of 217 mn EUR. They include research into key areas such as flight physics, new systems to improve the safety of aircraft in bad weather, advances in 'self-repairing' capability for aircraft materials, among others. The first projects should start in January 2008.

Update on EU external aviation agreements

The European Parliament approved on 11 October 2007 the conclusion of the Open Sky agreement between the USA and the EU. It will be in application as from 30 March 2008.

In a separate development, the EU's Council of Ministers approved on 30 October 2007 the signing and provisional application of an air transport agreement between the EU and the United Arab Emirates.

Negotiations with Ukraine strarted

The EU and Ukraine officially opened negotiations on a Common Aviation Area agreement in December 2007 in Kiev. The agreement should open the respective markets and allow the implementation in Ukraine of a large part of the EU's aviation *acquis communautaire*. Along with similar agreements with the Western Balkan countries and Morocco signed earlier, it moves the EU closer towards its objective of creating a Common Aviation Area with its neighbours by 2010.

Safety ban for some Russian aircraft

A number of airplanes belonging to 13 Russian airline companies have been banned from flying to the EU in November 2007 on safety grounds, further to inspections conducted jointly by air safety officials from the EU and Russia. The airlines must report the elimination of the shortcomings to the national safety authorities before 20 February 2008.

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Railway Safety

Rail a priority for Slovene Presidency

Rail will be one of the three top transport priorities, along with safety and Western Balkans, in the course of the coming six months, under the Slovenian EU Presidency. The Presidency hopes to work out an agreement with Parliament on the package covering the approval and cross-acceptance of the rolling stock. Depending on the Commission's calendar (proposals are due in spring 2008), the issue of reducing noise from wagons can also be addressed.

Council simplifies authorisation procedures

The meeting of the Transport Council in Brussels on 30 November ended with a political agreement by ministers on two texts intended to simplify the authorisation procedures for introducing new rail vehicles for service in the EU: a draft Directive on the safety of the Community's railways (an amendment to Directive 2004/49/EC) and a proposal amending Regulation 881/2004 establishing a European Railway Agency. The two texts are part of a package presented by the European Commission in December 2006.

Maintenance rules clarified

The Council adopted the text clarifying different roles and responsibilities of players involved in railway transport with regard to vehicle maintenance further to new international rules which recently came into force. Vehicle owners are now responsible for their maintenance and are no longer required to register their vehicles with a railway enterprise. The Council also proposes to set up a certification system for maintenance.

The Council confirmed its wish to include all provisions on authorisation of railway vehicles in a single legislative act, the "interoperability" directive. These provisions are currently divided between the 'interoperability' directive (for new or modern railway systems) and the 'safety' directive (for old and used vehicles). After finishing touches are added to the text further to an informal agreement concluded earlier with the European Parliament, it would be possible for the text to be adopted in the first reading.

New tasks for ERA

The Council decided that simplifying the authorisation procedures for introducing new rail material for service requires an adaptation to the regulation on the European Railway Agency. The agency is allowed to issue technical opinions in case a negative decision is taken in an authorisation procedure. It may be tasked with preparing a report setting out recommendations on the implementation of a system of voluntary certification of vehicle maintenance as set out in the Directive on rail safety. It will also be responsible for defining the possibilities for certification of crew members other than the driver (which is covered in the Third Railway Package).

International Congress on Speed
"Speed and Protecting Vulnerable Road Users"
14 May 2008, London, UK

Road Safety professionals from across the globe are invited to attend an international congress in London on 14 May 2008 on Speed and protecting vulnerable road users. The conference will host speakers from around the world, covering topics including;

- *latest research in speed management measures;*
- *international policies to protect vulnerable road users;*
- *best practice in speed enforcement;*
- *case studies on road engineering measures to control speed and protect communities.*

The conference is organised by Brake, the UK's national Road Safety Charity, with support from Keymed and Speed Check Services. See ***www.brake.org.uk*** *for details.*

Places cost £126 for Brake professional subscribers or £166 for non-subscribers.
Call +44 1484 559909 or email admin@brake.org.uk to reserve your place.

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Maritime and Inland Waterway Safety

EU presidency to address maritime safety

The Slovene EU Presidency plans to press ahead with safety issues in the maritime sector, aiming to wrap up the Erika III package, presented by the European Commission in November 2005, to strengthen legislation against substandard vessels and maritime pollution. Of the 27 proposals making up the Erika III package, most have already been agreed in the Council. The Presidency hopes to secure the Council's political agreement on the remaining two: the draft directive on compliance with flag state requirements and the draft directive on civil liability and financial guarantees of shipowners *(see the next article)*, even though debates on these two texts have barely begun. If these plans are realised, the European Parliament will be able to begin its second reading of Erika III within the next six months.

No solidarity fund for victims of oil slicks

The European Commission does not want a solidarity fund aimed to compensate victims of damage caused by ships which have no financial guarantee in case of an accident. The idea of this fund was proposed by the European Parliament in March 2007, on the occasion of the first reading of the proposal for a directive on the civil liability and financial guarantees of ship owners (without more detail on the allocation or operating procedures of this fund). It cannot be found in the modified proposal for a directive that the Commission adopted on 29 October (COM(2007) 674).

This proposal is part of the Third Maritime Safety Package (Erika III), proposed by the Commission in November 2005. It aims to incorporate into Community law a convention adopted by the International Maritime Organisation (IMO) which harmonises the schemes for civil responsibility for ship owners (Convention on Limitation of Liability for Maritime Claims, called the LLMC-1996). The proposal establishes a compulsory insurance system (which did not exist in the LLMC Convention) and obliges owners to hold a certificate which attests to this insurance. Contrary to the Parliament, the Commission does not want a Community office responsible for managing financial guarantee certificates. For the Parliament, this office would have to be able to monitor the validity of certificates and check the legitimacy of the recorded financial guarantees. Eventually, it would be responsible for issuing the guarantee certificates itself. The Commission does not deny that it could be useful to centralise the management of guarantee certificates on a European level, but it believes that it needs more time to analyse in detail the administrative and financial implications of the solution advocated by the Parliament. Its modified proposal for a directive now contains a new indication that the European Maritime Safety Agency could be brought in to play such a centralising role.

The IMO convention holds that an owner can limit his responsibility up to certain levels, except if he has committed an "inexcusable fault," which, practically speaking, makes this law almost indisputable. The Commission therefore wished to toughen the scheme for the limitation of responsibility. Its modified proposal partially reuses the Parliament's amendments on this topic, specifying that the limitation of responsibility will not be able to be applied, under certain conditions, to victims which are not party to the maritime transport operation. In the hypothetical case where the accidented ship is flying the flag of a country which is not party to the IMO convention, there would exist a reinforced responsibility scheme, according to the Commission reasoning.

Commission OKs Italian vessel scrapping aid

The European Commission approved on 11 December 2007 an Italian aid scheme for scrapping maritime and inland waterway vessels. The eligible vessels are used exclusively for local maritime and inland navigation public transport. The aid is meant to accelerate the scrapping of older vessels which do not meet recent maritime or inland navigation safety requirements, or environmental standards applicable to newly built vessels. According to the Italian authorities, this scheme is meant to discourage the transfer of such vessels to other markets, both inside and outside the EU, and thus to limit the risk of accidents.

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Multimodal and Transport Infrastructure

Safety tops Slovene Presidency's priorities

Enhancing safety in all transport modes will be a top priority for the Slovene EU Presidency.

Road safety policy will be advanced through the harmonisation of legislation among Member States. After the presentation of a draft directive on cross-border enforcement in road safety Slovenia will elaborate a progress report. It has also pledged to seek to achieve a political agreement on the improvement of road transport infrastructure safety management *(see the next article)*.

Railway transport safety will need to be further improved with bigger investments into the technical protection of traffic, maintenance of infrastructure and vehicles, modernisation of vehicles and harmonisation of the transport system.

Air safety should continue to be enhanced thgrough permanent professional training and consistent administrative and technical control. Slovenia will focuse on the SESAR project (European air traffic control infrastructure modernisation programme), in particular on the ATM Master Plan which will be prepared by the European Commission and submitted to the Council for approval. The Commission will also be given a mandate to start negotiations with third countries on joining the SESAR project. At the same time Slovenia will focus on the Report on the Single European Sky prepared by the European Commission which will present the much needed reforms in ATM.

In maritime safety the Presidency plans to address actively the issues related to the Third Maritime Safety Package, concentrating on the discussions of legislative acts from the Third Maritime Safety Package where the Council has already reached an agreement. It is also envisaged that during Slovenia's Presidency the last two legislative proposals of the Third Maritime Safety Package will be discussed: the proposal for a directive on the conformity requirements of flag states and the proposal for a directive on civil liability and financial guarantees of ship owners.

Parliament to discuss Infrastructure Directive

The European Parliament's Transport Committee is reconsidering a newly drafted report on the proposal of the Commission for a Directive on road infrastructure safety management. The Rapporteur Helmut Markov (GUE/NGL, Germany) has revised the previous report taking on most of the proposed changes agreed by the Council in their General Approach in September 2007. ETSC believes that the swift adoption of this Directive would allow for a substantial improvement of the road network, introducing an EU system of the treatment of high risk sites, road safety audits, safety impact assessment and safety inspections on the Trans-European Road Networks. The implementation of the Directive would be an important step towards helping the EU Member States to reduce road deaths.

Webpage for new tenders launched

The internet service of the DG for Energy and Transport has developed a web page (**http://ec.europa.eu/dgs/energy_transport/tenders/index_en.htm**) announcing the Calls for tenders and Calls for expression of interest concerning the Directorate General for Transport and Energy. The new section will provide contract notices published in the Official Journal, prior information notices, calls for expressions of interest, and the list of contracting parties.

European Commission tabled its proposals for funding TEN-T

The European Commission has tabled its proposals for funding TEN-T projects for the period 2007-2013. In selecting the projects, the European Commission has given priority to cross-border projects and inland waterways/rail projects. The proposed projects are now sent to the Member States and to the European Parliament. It is expected that the European Commission will adopt its final project funding decisions at the beginning of next year.

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ETSC and Partner Organisations News

Worrying trends in motorcycling deaths

In 2006 at least 6200 motorcycle and moped riders were killed in road crashes in the EU25, according to the latest ETSC Road Safety PIN report on motorcyclists safety. While representing 16% of the total number of road deaths, they accounted for only 2% of the total kilometres driven.

Norway, Switzerland, Denmark and Finland are the least dangerous places to ride, with average rider deaths between 30 and 45 per billion kilometres. The countries in a second group, comprising Germany, Portugal, Austria, Sweden, Greece, are just below the EU average of 86 rider deaths per billion km. In Spain, Ireland, the Netherlands, France, Great Britain, Belgium, Estonia and Poland, rider deaths are above the average of 86 but below 200 per billion km, while in Latvia, Hungary, Czech Republic and Slovenia riders are exposed to death rates above 200 per billion km.

On average per kilometre travelled a motorcyclist has 18 times the risk of being killed in a road accident that a car driver has. While this figure is shocking in itself, the country-by-country variation in the rider/driver risk ratio is just as striking: from 6 times in Norway, safest for motorcycling, to 50 times in Slovenia, the most dangerous for riders by any measure.

The report also shows that, while the total number of road deaths has declined in the past decade in Europe, the number of killed PTW riders rose in 13 out of 27 countries. Between 2001 and 2006, in particular, PTW rider deaths decreased on average by less than 1.5% yearly across Europe. This flies in the face of the ambitious EU goal of halving road deaths by 2010 and requires urgent measures to be taken.

Local initiatives deserve European boost

ETSC and the French NGO *Prévention Routière* held a Transport Safety Lecture on 22 November 2007 in Paris on the occasion of the *Echarpes d'Or* (Golden Sash) 2007 ceremony.

Started in 1990, the Echarpes d'Or is a competition for France's local communities on road safety improvement and accident reduction. To date over 1600 local French communities have taken part in *Echarpes d'Or* contests and 157 of them have been awarded for their innovative contributions.

According to Jean-Yves Salaün, Deputy General Manager of *Prévention Routière,* two thirds of road collisions in France, half involving injuries and a quarter resulting in road deaths, occur in the urban areas. Of all the road accident victims, 80% are killed or injured in their own localities.

Drawing on the French experience pro-active road safety grass-roots initiatives, encouraging local authorities and residents to compete with each other for a safer environment, ETSC and *Prévention Routière* suggested to develop the contest into an international competition among local communities in Europe.

Speed is key to enhancing safety in Portugal

The impressive road safety successes and the challenges ahead were discussed on 28 November 2007 at the Road Safety PIN Talk in Lisbon, organised by the ETSC and the Portuguese Road Safety Authority (ANSR). Encouraged by support of the public and the good results so far, the Portuguese government has reset its aim to reach the target of halving road deaths by 2009, a year ahead of the EU deadline.

Portugal has seen a spectacular decrease in the number of road deaths over the past decade: from over 271 per million population in 1995 down to 91 per million in 2006. Since 1985 the total number of road victims has decreased by 50%, against a fourfold increase in traffic volume. The biggest reduction was registered in 2006 when the number of road deaths was reduced by 22.3%, from 1247 to 969, catapulting Portugal into the three best performing EU countries in terms of road deaths reduction since 2001, along with Luxembourg and France.

However, progress in other areas, notably in reducing speed, is still needed. According to the latest available data, the mean speed increased by 2.5% on motorways and by some 10% on rural roads between 2002 and 2004. The only reduction (6.3%) was registered on urban roads. Between 70% and 80% of drivers exceed the posted speed limits on motorways and country roads, and 50% of motorists continue to speed on urban roads. This explains the high number of pedestrian deaths – 137 in 2006, or about 16% of the total road deaths, above the EU-15 average of 14%. The level of the elderly road deaths is also unacceptably high, with 429 road deaths per million population.

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