



SAFETY MONITOR

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

<input type="checkbox"/> Across the Modes	.....	1
<input type="checkbox"/> Road Safety	.....	2
<input type="checkbox"/> Maritime and Inland Waterway Safety	.....	4
<input type="checkbox"/> Air Safety	.....	6
<input type="checkbox"/> Rail Safety	.....	6
<input type="checkbox"/> International Events Diary	.....	8

May 2001 EDITION No. 36

Bureau de dépôt - Afgiftekantoor: 1040 Bxl 4

SUMMARY

The Council of Ministers

Reached agreement on:

- The scope of the European Air Safety Authority
- The maximum length of buses

The European Commission

- Introduced a new proposal for a 6th Framework Research Programme- but transport and transport safety are barely mentioned
- Started parallel discussions on draft Directive on safer car fronts for pedestrians and cyclists. But ETSC asks will the EU in June put protection of citizens first or experiment with vehicle safety standards with the industry voluntary agreement proposal which would make some injuries worse than now?
- Adopted a proposal for professional driver training
- Adopted a proposal for rail transport statistics

The European Parliament

The Regional, Transport and Tourism Committee

- Adopted reports on seat belts, professional driver certification, port state control, and ship inspection

European Transport Safety Council

- ETSC publishes new reports calling on the EU to ensure independent transport accident investigation and introduce EU transport accident and incident databases



ACROSS THE MODES

EUROPEAN COMMISSION

6th Framework Research Programme

- Where are transport and safety?

At the end of February the Commission presented a proposal for a sixth Framework Research Programme covering the years 2002 – 2006 (COM (2001) 94). While one of its seven priority areas is Aeronautics and Space, transport and safety are otherwise barely mentioned, let alone appearing as priorities.

In view of the challenges facing transport and safety across Europe, transport and safety professionals have responded to this development with alarm and astonishment.

The aeronautical programme puts considerable emphasis on safety, in the context of the rise in air traffic and in support of the Single European Sky. ETSC welcomes this. However given that over 90% of the fatalities and costs of transport crashes come from roads, ETSC believes that the Commission's failure to even mention road safety and the safety of other modes is a gross omission.

Given the Commission's recent announcement that it will set a long-term EU-wide road fatality reduction target, ETSC is calling on all the institutions to ensure that the EU research programme better reflects societal and policy needs.

Euro-Mediterranean Co-operation

The European Commission, in a Communication (COM (2001) 126), presented the broad lines of co-operation between the EU and its Mediterranean partners for the years to 2006 in the fields of transport and energy. Special attention is given to maritime and aviation safety, with a view to recent disasters at sea. The current situation in the fields of oil tanker and maritime passenger transport needed to be examined because of their great volumes in this region. The EU needed to give its support to the southern partners in relation to new air traffic management techniques to facilitate progress on a par with overall European safety levels.

COUNCIL OF MINISTERS

Galileo

In April the Council adopted a positive Resolution on the Galileo project, agreeing on the aim of having a fully operational system in 2008 at the latest. They also agreed that a temporary management structure should be in place as soon as possible. Also agreed was that the tendering process should be started as soon as possible, covering all phases and preliminary definitions of the services to be provided by the system.

EUROPEAN PARLIAMENT

Transport of nuclear materials

Responding to a 1998 Commission Communication, the European Parliament has adopted a report presented by the Chairman of the Regional Policy, Transport and Tourism Committee, Konstantinos Hatzidakis, calling on the Commission for several specific actions in the field. The Report accepted the necessity of transport of nuclear materials as the logical outcome of predominantly national decisions on nuclear energy, but did not consider the present situation in the transport of nuclear materials as giving raise to major concern – an opinion which received much criticism from the Greens.



ROAD SAFETY

Safer car fronts for pedestrians and cyclists - Parallel discussion starts on Directive

DG Enterprise has, at long last, opened its legislative discussion on what ETSC sees as the most important current transport safety issue on the EU agenda – a Directive on safer car fronts

(See ETSC CRASH Newsletter February edition www.etsc.be for background).

At a meeting of the Commission's Advisory Group – the European Motor Vehicles Working Group – DG Enterprise presented a draft Directive outlining four sub-system tests, but with alternative criteria for discussion ranging from the EEVC recommendations resulting from the 22 year EU research and development programme to the weak proposals from the European car industry.

It is well known that a draft Directive with the full EEVC requirements had been prepared by the Commission Services and already translated into 12 languages in early 2000. The proposals for the lower range test specifications from the car industry and the Commissions' Joint Research Centre were roundly condemned as being non-scientific and too weak by scientists, safety professionals and consumer groups at the Commission hearing held in February.

In view of the parallel (but non-transparent) discussions between the industry and the Commission on a voluntary agreement, Member States representatives decided not to discuss the detail.

Responding to a question from ETSC regarding lead times needed by industry for new designs to meet the full EEVC requirements, the European car industry representative (for the first time) indicated that 2010 would be the earliest possible date.

Given that the Commission had rejected the industry's latest offer of a voluntary agreement (made in February) since it was insufficiently robust, ETSC's Executive Director Jeanne Breen urged the European Commission and Member States to reach early agreement on a Directive with appropriate lead times, given its potential to save 2000 lives annually.

ETSC wants to see the right legislative requirement introduced even if this means a longer lead time than usual, believing that the EuroNCAP programme will encourage industry to produce some good designs more quickly, as it has done with other safety measures.

The European Commission has promised to make a decision at the end of June. The lead Commissioner Erkki Liikanen of DG Enterprise is

expected to make up his mind on the issue this month.

ETSC urges him to put the safety of EU citizens first rather than going forward with a new experiment on a 'soft' approach to vehicle standard setting in Europe which could make some injuries worse.

COUNCIL OF MINISTERS

Working time

At the end of March the Council adopted by written procedure a Common Position on the proposed Directive on the working time of mobile road transport workers. The Common Position formalises the agreement reached by the Council in December as reported in Safety Monitor 35.

ETSC expects to publish a new report on driving fatigue in EU road transport at the end of June.

In April the Council of Ministers dealt with several proposals relating to road safety:

- **Commission Recommendation on maximum permitted blood alcohol level for vehicle drivers**

ETSC regrets that the Council did *not* encourage Member States to adopt a general legal maximum blood alcohol concentration limit of 0.5 parts per thousand as recommended by the European Commission (see Safety Monitor 35).

The Council, for reasons of subsidiarity, only asked Member States to consider carefully the various measures mentioned in the Commission Recommendation and especially to improve the effectiveness of enforcement.

Also the Commission is called upon to monitor and evaluate the effects of its Recommendation in three years' time and to continue research on several items related to the problem of drinking and driving.

ETSC urges Ireland, Italy, the UK, and Luxembourg to put safety above other interests and reduce their national limits from 0.8 parts per thousand to 0.5, since there is plenty of accident and research evidence showing that a limit of .8 is unsafe.

- **Directive on seatbelt use**

On this item (see Safety Monitor 35) the Council held a policy debate and noted the technical complexity and sensitivity of the proposal. Further discussion is foreseen for the next Council meeting to be held in June when Parliament's Opinion is expected to have been delivered (see below).

- **Regulation on driver certification**

Pending the Opinion of the Parliament (see below) the Council arrived at a common orientation on the proposal, limiting the proposed driver certification requirement to third country drivers. The main aim of the Commission's proposal is to reduce competition distortion by the hiring of lower paid third country drivers, but it had wanted all drivers to have the certificate of competence, thereby also excluding from the profession unlawfully engaged drivers from EU countries. The Council considered that the introduction of the certification for all professional EU drivers would mean too high an administrative burden on Member States and the industry.

- **Directive on uniform checks on the transport of dangerous goods by road**

The Council adopted the proposed adaptation to scientific and technical progress of the existing Directive.

- **Maximum length of buses**

Political agreement by qualified majority was reached on the proposed maximum lengths of various types of buses. Buses with two axles would be permitted a maximum length of 13.5 metres rather than the 12 metres proposed by the Commission.

EUROPEAN COMMISSION

Professional driver training

In February the European Commission adopted a proposal for a Directive (COM(2001) 56 final) introducing mandatory training for all professional drivers for the transport of goods or passengers. The vast majority of these drivers will have received no formal post-licence training. The Commission proposes a common minimum of 210 hours of initial training for all entering the profession (and 420 hours for those under the age

of 21) as well as an obligatory course of 35 hours every five years for all already engaged. Community codes on the driving licences are foreseen for those who take the different forms of training.

EUROPEAN PARLIAMENT

Bus Directive

In February the Plenary Session of the European Parliament adopted in second reading the Directive on special provisions for vehicles for the carriage of persons comprising more than eight seats in addition to the driver's seat (see Safety Monitor 34).

Seat belts

The Regional Policy, Transport and Tourism Committee in April adopted the report by Ewa Hedkvist Petersen (PSE, S), on the recently proposed strengthening of compulsory use of safety belts (COM (2000) 802, see Safety Monitor 35). The report fully supports the main proposals which extend use in other vehicles, requires the use of *appropriate* restraints by children and removes several exemptions.

The Committee wants these proposals to be implemented quickly, so has limited the numbers of possible amendments. The amendments adopted by the Committee are as follows:

- The EU should promote EU-wide information campaigns in co-operation with Member States and other organisations to draw attention to the risks associated with transporting children in rearward facing seats where the airbag in passenger front seating position is activated.
- Children under 12 years but too tall for child restraints (over 150 cms instead of over 36 kg as the Commission had proposed) to use adult restraints.
- Manufacturers should clearly indicate which child restraint systems could be fitted easily in their vehicles.
- Suggesting to Member States in the exemption clause that they take account of conditions of use. The intention behind this is to suggest that belts should not be required in urban buses where standing is allowed.
- That the Commission should submit a report by 1 August 2004 on the Directive's implementation for the purpose of establishing whether more stringent measures

are necessary in light of technological development. The opinion highlights the need for smart airbag systems for the longer term (although ETSC notes they are already required in US law) which on detecting the presence of a child restraint system are automatically de-activated.

The Commission accepted the 150cm limit and reported that plans were underway for an information campaign.

The opinion also calls on the Commission to revise Council Directive 77/541/EEC amended by 2000/3/EC to require pictogram and text warning labels to remind drivers not to place rearward facing seats in front of passenger-side airbags and to introduce universal anchorages with three fitting points for child restraints.

Professional driver certification

The report by Rijk van Dam (EDD, NL) on driver attestation was adopted by the Regional Policy, Transport and Tourism Committee in April. The rapporteur wanted to limit the scope of the proposal to third country drivers, like the Council of Ministers (see above). However, amendments by Mathieu Grosch (PES, B) to include EU drivers two years hence were adopted.

The Commission agreed to the limitation of the scope suggested by the Council, and accepted an evaluation of the effectiveness of the measure, possibly leading to future extension of the scope, as proposed in the Parliamentary report.



MARINE & INLAND WATERWAY SAFETY

COUNCIL OF MINISTERS

Erika Package I

In February the Council of Ministers adopted common positions on measures in the first package of proposals after the Erika disaster (See Safety Monitor 35). The Council has introduced significant amendments to the Commission's proposals such as greater flexibility to the mandatory inspection provisions for Member States. On the withdrawal of single hull tankers the Council preferred to wait for the imminent adoption of a timetable by the IMO. Provided the IMO agreement contained the essential elements

as already agreed by the Council, this then could be translated into EU law.

Erika Package II

In April the Council expressed agreement on the broad lines of one of the issues included in the Erika II package (see Safety Monitor 35): the proposal for a European Maritime Safety Agency, leaving important questions on tasks and structure open for later discussion. On another item in the package, the stricter control of maritime traffic, the Council was not convinced of the need for the measures proposed by the Commission.

EUROPEAN PARLIAMENT

Bulk carriers

In the February Plenary the report on the safe loading and unloading of bulk carriers by Rijk van Dam (EDD, NL) was approved. The report welcomes the Commission proposal (see Safety Monitor 32).

Port State Control

In April the Parliament's Regional Policy, Transport and Tourism Committee adopted the recommendation for second reading by Mark Watts (PES, UK) on the enforcement by Port State Control of certain standards for ship safety and pollution prevention (part of the Erika I package).

Mark Watts said that, in order to prevent lengthy Conciliation procedures, given the current Council view, he was prepared to sacrifice many of Parliament's earlier amendments. However, he was not prepared to sacrifice the amendment on extension of the obligation to all ships over 300 tonnes to have a black box, including all old ships within five years.

The Committee supported the rapporteur unanimously, also for his other amendment requiring a Commission review on the implementation of the Directive within three years after its entry into force.

Ship inspection

In the same Committee meeting another Recommendation in second reading on a part of Erika I was adopted unanimously, the Directive on inspection of ships and survey organisations,

establishing in particular a uniform system for the recognition of classification societies.

The Recommendation, by Josu Ortuondo Larrea (Greens, Spain), covers the financial liability of the societies in case of an accident caused by inadequate inspection work carried out by them and the maximum amount of compensation due in that case. The Recommendation seeks a compromise solution in order to prevent a Conciliation procedure: the Member States should apply a maximum amount of compensation, which in case of personal injury or death should be between 4 and 7 million Euro.

Maritime Safety Agency

In April the Regional Policy, Transport and Tourism Committee of the Parliament discussed a report by Emmanuouil Mastorakis (PES, GR) on the European Maritime Safety Agency (EMSA) as proposed by the Commission (COM (2000) 802, see Safety Monitor 35). Although the rapporteur had questioned, in a preceding Working Document, whether it was really necessary to 'supervise the supervisors', and whether all the tasks proposed for the EMSA in addition to those of national agencies were needed, the final report is fully positive on the Commission proposal.

The aim behind the setting up of the EMSA is to improve the control over the application of the growing Community law on maritime safety, also because national efforts at present were not all very satisfactory.

The rapporteur's amendments to the proposal stress the need for real independence of the Agency, in particular independence of the European Commission.

Maritime monitoring

The Regional Policy, Transport and Tourism Committee in its April meeting discussed a draft report by Dirk Sterckx (ELDR, B) on the proposed Directive establishing an EU monitoring, control and information system for maritime traffic (also part of the Erika II package, COM (2000) 802, see Safety Monitor 35).

The proposed set of rules on the provision of precise information about and the monitoring of ships in transit off Europe's coast generally were welcomed. The Committee was in favour of extension for most ships outside territorial waters of mandatory participation in a vessel traffic

service but could not arrive at a common view yet on the best balance of responsibilities between Member States, Port Authorities and masters of ships for leaving a port in very bad weather.

The draft report further proposes wider and better national systems for ports of refuge and anchorage.



AIR SAFETY

COUNCIL OF MINISTERS

In its April meeting the Council in a policy debate reached agreement on the scope of the proposed European Air Safety Agency (EASA). This should not only cover aircraft registered in the Member States, but also aircraft registered elsewhere when it is operated by EU carriers, for instance by temporary leasing. Further work on the proposal by experts was deemed necessary.

EUROPEAN PARLIAMENT

Air carrier liability

In April the Plenary Session of the Parliament adopted the report by Marieke Sanders-ten Holte (ELDR, NL) on air carrier liability in accidents, supporting the Commission's proposal to increase liability also for damages other than death or injury and improving passenger information in this field.

Occurrence reporting in civil aviation

The Regional Policy, Transport and Tourism Committee in its April meeting discussed a draft report by Gerard Collins (UEN, IRL) on the proposed Directive on occurrence reporting in civil aviation (COM (2000) 847, see Safety Monitor 35).

The draft opinion welcomes the proposal with only a limited number of amendments proposed by the rapporteur.

The Commission stated that the material to be collected needed analysis, which could be carried out, by the future European Air Safety Authority, and by independent Accident Investigation Boards, amongst others.



RAIL SAFETY

EUROPEAN COMMISSION

Rail statistics

In February the European Commission submitted a proposal for a Regulation on statistical reporting by rail transport (COM(2000) 798) to replace the existing Directive of 1980. Extension of the regulation to passenger transport and thereby the provision of harmonised safety data is one of the main changes. In Annex H of the proposal the accident data to be collected are set out.

It is hoped that the lack of comparable statistical information will be remedied by the new rules.

ETSC has outlined regularly the need for this policy support prerequisite, specifically in its Briefing on Priority Issues in Rail Safety of 1999 and most recently in a Review on Transport Accident, Incident and Casualty Databases (see below). Consequently ETSC welcomes this initiative although the lead-time of five years seems unnecessarily long.

EUROPEAN PARLIAMENT

Interoperability of European railways

By adopting the report of Gilles Savary (PES, F) the Plenary of February gave approval in second reading to the Directive on the technical harmonisation of railways. The Parliament did not need to modify the Council's common position of last October, since most of the amendments adopted by the Parliament in first reading had been included by the Council.

The Directive completes the 'railways package' which will liberalise in 2003 rail freight transport in Europe by providing common standards for materials and control systems.

ETSC NEWS

Two new ETSC reports have just been published and are available on ETSC's website www.etsc.be. A summary of recommendations from the ETSC reports *Transport accident and incident investigation in the EU* and *EU transport accident and incident databases: Current status and future needs* is given below.

1. Effective accident and incident investigation makes a positive, and long lasting, contribution to improvement of safety.
2. Binding EU legislation is needed to ensure that accident investigation bodies for the maritime and rail sectors should be totally independent of the regulatory body, judiciary and operational regime, as is already the case for civil aviation.
3. All accident investigation reports should be published.
4. The lessons learned from accident investigations and the safety recommendations that follow should be shared freely between Member States, through centralised European databases.
5. Procedures should be established by the EU and Member States to ensure a timely response to safety recommendations, to monitor the progress of the implementation of recommendations and, in due course, the effectiveness or otherwise of such actions.
6. In view of the large numbers of EU road deaths, the application of independent accident investigation techniques to representative samples of road crashes is very important. A co-ordinated independent EU road accident investigation strategy should be developed with new systematic in-depth injury and accident causation data systems.
7. EU financial support for in-depth accident investigation studies should be conditional on those managing them not having a stake in their financial consequences.
8. Event recorders should be fitted progressively to all vehicles transporting passengers and goods with procedures laid down to establish appropriate access to data.
9. If new European safety regulatory authorities are established, separate arrangements should be made for the establishment and maintenance of EU databases and for monitoring safety performance.
10. Encourage further co-operation in accident investigation between different Member States.
11. Encourage and provide financial support for the collection of exposure data for all modes.
12. In road transport, continue to support the CARE/CAREPLUS programme and expand the numbers of common variables within CARE, develop the convergence of the national data sets and provide regular estimates of under-reporting for non-fatal crashes, particularly for the seriously injured.
13. Widen access to the CARE database, presently restricted by EU or national rules, at least to all relevant road safety research institutes within the EU.
14. Establish an injury and accident-reporting system, based on linked hospital and police information. Implement a demonstration project identifying injury priorities and changes in injury patterns due to vehicle design changes.
15. Set up a website-based road safety information system for public use comprising aggregated fatality, exposure and risk data for road transport in all EU Member States, information on national and EU road safety polices, key safety laws, recent, important research results as well as an annual EU report on road safety developments.
16. In air transport, ensure full compliance with Council Directive 94/56/EC on accident investigation and improve the current Commission proposal on air incident reporting to include the establishment of a centralised EU database and the establishment of a European confidential incident reporting system.
17. Establish an EU-wide system of mandatory reporting of rail accidents and take the lead in organising a database of railway accident reports across Europe, accessible electronically.
18. Establish an EU-wide system of mandatory reporting of maritime accidents and serious incidents and include in an EU database.
19. In order to accelerate developments and to ensure support annually in the EU budget, ETSC recommends that the development and operation of EU transport accident, incident and casualty databases should receive 100% funding by the Community and should be an explicit budget sub-heading within Line B2-7202 (transport safety) of the EU budget.

INTERNATIONAL EVENTS DIARY

- 6-7 June 2001 Conference on New Technology for Safe and Environmentally Sound Road Transport organised by the Swedish Presidency, in Trollhättan, Sweden. Contact: Marianne Palovaara, Ministry of Industry, Employment and Communications, tel. +46 8 405 10 00
- 19 June 2001 **ETSC's Best in Europe 2001, Brussels. Contact: ETSC**
- 19-21 Sept. 2001 12th International Conference Traffic Safety on Three Continents organised by the Russian Ministry of Transport NIIAT, Transdekra, CSIR, FERSI, VTI and TRB to be held in Moscow, Russia. Contact: Dr. K. Asp, VTI SE-581 95 Linköping, Tel: +46 13 204 000, Fax: +46 13 126 162, E-mail: info@vti-utveckling.se
- 30 Sept.-3 Oct.2001 WHO Safe Community Conference on Cost Calculation and Cost-effectiveness in Injury Prevention and Safety Promotion Contact: Viborg Amt, WHO Safe Community-Conference 2001 Skottenborg 26, Postbox 21 DK-8800 Viborg Denmark, Fax: +45 8660 2311, E-mail: ukhkk@vibamt.dk, Internet: www.vibamt.dk/conference2001
- 1-5 Oct. 2001 8th World Congress on Intelligent Transport Systems to be held at the Sydney Convention & Exhibition Centre, Darling Harbour, Australia. Internet: www.itsworldcongress.org
- 8-10 Oct. 2001 Sixth International Conference on Safety in the Port Environment. *Shifting Responsibilities Between Land- and Ship-Side Operations*, Bremen, Host: The Bremen Senator for Economy and Ports, Sponsors: International Maritime Organization, Baltic and International Maritime Council; Organizer and Contact: BLG Consult, Ms Käpnick/Dr. Wesnigk, Hafenstrasse 55, 28217 Bremen, Tel :+49 421 396 - 3805, Fax - 3698, e-mail: blg-consult@blg.de; homepage
- 10-12 Oct. 2001 2001 IRCOBI Conference on the Biomechanics of Impact to be held on the Isle of Man, United Kingdom. Contact: Antoinette Charpenne-IRCOBI +33 4 7214 2420, Fax: +33 4 7214 2573, E-mail: charpenne@inrets.fr
- 22-25 Oct. 2001 3rd International Conference on Tunnel Fires to be held in Washington, USA. Contact: Stephanie Whittham, Tel: +44 1234 854756, Fax: +44 1234 841375, www.itc-conferences.com
- 12-15 May 2002 6th World Conference Injury Prevention and Control organised by the WHO, Palais des Congrès Montréal, Convention Centre, Montréal, Canada. Contact: place d'Armes 511 #600 Montréal QC H2Y 2W7 Canada Tel:+514 848 1133 Fax: +514 288 6469, E-mail: trauma@coplanor.qc.ca, Internet: www.trauma2002.com
- 4-9 August 2002 16th ICADTS International Conference on Alcohol, Drugs and Traffic Safety, Palais des Congrès Montréal, Convention Centre, Montréal Québec, Canada. Internet: www.saaq.gouv.qc.ca/2002

ETSC is grateful for the financial support provided for the Safety Monitor by:

- DG TREN European Commission
- BP Amoco
- Ford of Europe
- KeyMed
- Railtrack Group plc
- Scania
- Shell International

The contents of the Safety Monitor are the sole responsibility of ETSC and do not necessarily reflect the views of sponsors.

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