

# SAFETY MONITOR

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

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## SUMMARY

### Council of Ministers

- Spanish Presidency outlines transport safety priorities (p. 1)

### The European Commission

- Adopts a new proposal for a Directive on rear mirrors (p. 5)
- Adopts the new railway package including a proposal for a rail safety Directive (p. 10)

### The European Parliament

- Recognises in Committees that the voluntary agreement on safer car fronts fails to deliver the high level of protection required by the Treaty (p. 5)
- Organises a hearing on the White Paper on the European Common Transport Policy (p.2)
- Adopts reports on: speed limitation devices, the impact of public health on transport, working time, professional driver attestation and professional driver training.

### European Transport Safety Council

- Outlines its views on priorities for the Common Transport Policy in a Parliamentary hearing (p.2)
- Briefs MEPs on pedestrian protection
- Welcomes proposal for rail safety Directive (p.11)
- Announces Best in Europe 2002 Conference on Safer Cities taking place in 25 June (p.12)



## ACROSS THE MODES

### COUNCIL OF MINISTERS

#### Spanish Presidency Transport Priorities

The Spanish Minister of Public Works, Mr Francisco Alvarez-Cascos presented the priorities of the Spanish Presidency in transport in January to Parliament's RETT Committee.

The Presidency hopes to reach political agreement/conclusions on several dossiers at its June Council:

- the White Paper on Common Transport Policy
- the revision on the TENs
- the creation of a single sky.
- the third road safety action programme
- safety of tunnels

The Presidency also intends to enlarge the scope of Council working groups, such as the one on air safety to the maritime sector and other modes.

In relation to road safety, and awaiting the 3<sup>d</sup> road safety action programme which is expected shortly, the Presidency wants to advance the consolidation of the introduction of seat belts, introducing the use of restraining devices in vehicles of more than 3.5 tons and possibly its application to buses. This proposal for a Directive also includes the mandatory use of restraining devices for children younger than 12 years of age.

The Presidency also considered the driving time regulation as “one of the key road transport issues”.

In the exchange of views, Brian Simpson (PSE, UK) said that he was always amused by the Transport Council's willingness to take on board transport safety as a priority action but they always failed to act. He referred to the Council's recent green light on the voluntary agreement on safer car fronts which so clearly put industrial convenience over the safety of vulnerable road users, despite the Council having previously favoured legislation in a resolution of June 2001.

## **EUROPEAN PARLIAMENT**

### **New chairman of the Transport, Regional Policy and Tourism Committee**

Mr Luciano Caveri (ELDR, I) has been elected new chairman of the RETT Committee on 21 January. He succeeds Mr Konstantinos Hatzidakis (PPE-DE, GR) who has become the Transport Coordinator of his political group.

### **White Paper on the European Common Transport Policy**

The rapporteur Mr Izquierdo Collado (PSE, ES) presented his working document on the White Paper at the RETT Committee meeting on 21 February.

In his working document, the rapporteur proposed the creation of a special European Transport Fund to finance this ambitious new transport policy.

He also called for the setting up of a European Road Safety Agency, which would set uniform criteria, establish targets and make a scientific assessment of accident rates. Mr Izquierdo Collado was surprised that the White Paper had failed to propose such agency, given its ambitious road target and that similar proposals for agencies had been made for the other transport modes.

The rapporteur was backed up by several MEPs. Mark Watts (PSE, UK) welcomed the safety target but deplored that the White Paper did not set out the means to achieve it. He said “the harmonisation of road signs and black spots signs is laughable; more concrete actions are needed”.

Following the first exchange of views between MEPs, The RETT Committee organised a public hearing on the White Paper on 23 March to allow the feeding in of experts' views to the rapporteur and MEPs.

ETSC has welcomed the opportunity provided by the rapporteur to re-open the debate about establishing a European Road Safety Agency. ETSC's experts have embarked upon a study which examines in part the type of institutional arrangements which can assist the EU in delivering its ambitious target to halve road deaths by 2010.

### **ETSC challenges safety content of White Paper**

#### *- Forward in aspiration, backwards in delivery?*

In ETSC's presentation to the Parliamentary hearing on the White Paper in April and in a written response (see [www.etsc.be/pre.htm](http://www.etsc.be/pre.htm)) Jeanne Breen, Executive Director, welcomed the Commission's acknowledgment that current trends in transport cannot be allowed to continue and that the safer mobility of European citizens was a key objective in EU transport policy. However, she queried the extent to which the transport safety proposals represented an effective response to the challenge, particularly in road safety. While aspirations for better safety might be going forwards in the White Paper, plans for the delivery of effective research-based measures, particularly in road safety, seemed to be going in the other direction.

#### *- Absence of transport safety strategy*

While a range of ad hoc measures had been proposed, a transport safety strategy to 2010 covering each of the modes and encouraging the use of the safest modes was missing. ETSC had hoped for a firm commitment in fundamental areas: target setting in all modes, plans to set performance indicators; independent accident investigation and in-depth safety studies, establishing key safety databases; and, not least, a statement of intent to bring forward action programmes in all modes to reduce crash injury risk and severity.

#### *- Desultory assortment of measures*

ETSC expressed the view to MEPs that setting out a few ad hoc and low priority measures in

casualty reduction terms (e.g. harmonisation of penalties on the TERN, seat belt use on coaches, and black spot signs), endorsing weak voluntary agreements (e.g. pedestrian protection), and withdrawing key road safety proposals (e.g. common blood alcohol limits) hardly provided a credible response to a major Community problem.

*- What's at stake?*

Transport crashes kill around 42,000 people with road crashes representing the leading cause of death and hospital admission for EU citizens under 45 years. 90% of the deaths and costs were in road transport. The socio-economic cost of this carnage is over €166 billion - around twice the total EU budget for all its activity. A problem of such dimensions had to be given high priority at EU level, especially since there were clear Treaty obligations to act. Citizens had a right to expect the safest possible transport and travel which could be delivered.

ETSC told MEPs that in public transport the big challenge was to maintain existing safety levels against substantial increases in traffic. In private road transport deaths were not decreasing at a high enough rate and in some countries were going up for certain vulnerable road user groups. As the European Parliament, itself, had pointed out in its last road safety opinion, preventing death and disability required a traffic system better adapted to the needs, errors and physical vulnerabilities of its users rather than one which continued to expect them to cope with increasingly demanding conditions.

*- Taking responsibility*

ETSC believes that policymakers at EU, national and local levels have the prime responsibility to ensure the delivery of a safer transport system and, since this affects almost everyone, policymaking needed to be firmly in the public domain - not a function of secret negotiation between employers and employees nor private deals between the institutions and commercial interests.

*- Road safety needs*

ETSC strongly supported the European Commission's setting of this target to cut road deaths, but informed MEPs that the targeted level of safety performance was more challenging than

has ever been achieved by even the best performing Member States, or indeed proposed by the European Parliament or safety organisations.

It was thus astonishing that the White Paper foresaw only two areas for action in the short-term. Firstly, the harmonisation of certain signs and the harmonisation of checks and penalties for commercial road transport drivers hardly addressed the core of the problem and will be applied first and foremost on the EU's safest roads (the largely motorway element of the Trans-European Road Network). Secondly, new technology - at least that addressing the main road safety problems - would not be a great help in reaching the target because its effects en masse would be seen only in the longer term.

To 2005, the Commission would give priority to exchange of good practice with legislation being proposed if there were no reduction in the number of deaths. But if by then the number of road deaths had not dropped significantly, there would be only 5 years left to meet a target which was already difficult to reach on a 9-year basis! The rationale for setting targets was to encourage action.

The EU had broad scope to act on road safety and should act to address systematically the most important common road safety problems in the following areas:

- Legislating where it has exclusive and shared responsibilities
- Using financial instruments and support to create a market for safety
- Encouraging best practice and information exchange
- Accident and injury data gathering and analysis
- Research and development towards future solutions

ETSC told MEPs that it estimated that appropriate EU measures could save at least 40% of the targeted reduction by the year 2010 and urged the adoption of a programme that included the following research-based actions:

- A Directive was needed to implement the 4 EEVC performance tests leading to safer car fronts for pedestrian and cyclists, with earlier take up of

legislative lead times being encouraged by the European New Car Assessment Programme. The industry was clearly not going to deliver pedestrian protection to EEVC voluntarily and EU consumers were now counting on Parliament to put public safety first.

- ❑ Harmonisation of effective seat belt reminder systems in cars was needed (Saving estimate: at least 3,000 lives annually).
- ❑ Improvements in the front and side impact crash testing legislation for car occupants (Saving estimate: substantial and at least 2,500 lives annually).
- ❑ Energy absorbing frontal protection on heavy goods vehicles to prevent cars under running their fronts (Saving estimate: 1,200 lives annually).
- ❑ Mandatory fitment of daytime running lights to motorcycles and mopeds (Saving estimate: around 500 lives annually).
- ❑ A Directive requiring mandatory crash helmet use by motorcycle and moped riders (EU action on seat belt use is an exclusive EU competence) (Saving estimate: around 1,000 lives annually).
- ❑ Effective harmonisation of driving/working times in road transport to reduce the effects of cumulative fatigue. The current driving time proposal (and the lack of any formal interface with the Working Time Directive) astonishingly still allows an 80-hour working week!
- ❑ A common blood alcohol limit of 0.5g/l and a modest increase in enforcement (Saving estimate: around 1,000 lives annually). The Commission's recent decision to withdraw its proposal represented a major backtrack in policy.

ETSC also outlined suggestions for priorities for best practice guidelines for road safety work from road safety engineering to driver education and training, the need for mandatory safety audit on

all EU funded infrastructure, and further financial support for the European New Car Assessment Programme.

#### *- Rail safety needs*

ETSC strongly supports the requirement for transparent rule-making in railway safety regulation, underlining at the same time the need for the system to be managed as a whole.

The independence and transparency of accident investigation would be a major step towards the improvement of safety, and ETSC strongly supported the Commission's proposals.

The provisions on a common set of railway safety indicators, covering accidents, incidents and "near-misses", and accident consequences were also welcomed.

#### *- Air safety needs*

Despite Europe's relatively good performance in air safety, accident trends and traffic forecasts indicated that there was no room for complacency.

ETSC supported the establishment of the EASA to regulate many aspects of air transport activities but safety performance monitoring would need to be separated from the regulatory function and placed in another organisation independent of this agency.

In the meantime, a Directive on Flight time limitations was needed, progress on impact protection, fire survivability, evacuation measures in new aircraft designs and EU action on airport safety and third party risk.

#### *- Maritime safety needs*

On maritime safety, ETSC welcomed the recent initiatives in the Erika packages and paid tribute to Parliament's work.

Effective EU policymaking on maritime safety which balanced safety with economic and environmental objectives needed to be informed by a range of statistical and in-depth data on maritime and inland waterway accidents, incidents and casualties. Clearly, the new European Maritime Safety Agency would play a key role in this area.

The rapporteur Mr Izquierdo Collado (PSE, ES) stressed his wish to see the road safety part of the White Paper redrafted by the European Commission.

The proceedings of the European Commission's Conference of 27 November 2001 on the White Paper (See Safety Monitor 39) are available on DG Energy and Transport website at: [http://www.europa.eu.int/comm/energy\\_transport/en/lb\\_en.html](http://www.europa.eu.int/comm/energy_transport/en/lb_en.html).

### **Impact of Transport on Public Health**

The Transport committee adopted the report of Dr Caroline Lucas (Greens, UK) on 23 January 2002.

The report calls on the Commission to introduce Health Impact Assessment (which would include assessment of accident and injury risks) before the implementation of all major EU transport project and policies.

It also asks the Commission to integrate walking and cycling into the Community's intermodal public transport policy. This request was reinforced by an amendment tabled by Eva Hedkvist Petersen (PSE, S) urging "the Commission to take greater account of the particular vulnerability of cyclists and pedestrians in Community transport policy to reduce traffic accidents". Commenting on that amendment, Dirk Sterckx (EDLR, B) said that his group particularly welcomed this amendment as safety for pedestrians and cyclists was very much a public health issue.

Mark Watts (PSE, UK) pointed out that it was an excellent report and that pedestrians and cyclists should be at the centre of transport policies. He also welcomed the health impact assessment and suggested that this report should be fed into the report on the guidelines for Trans-European Network.



## **ROAD SAFETY**

### **EUROPEAN COMMISSION**

#### **New proposed Directive on rear mirrors and supplementary indirect vision systems for motor vehicles**

The European Commission adopted this new proposal for a Directive on 7 January 2002 (<http://www.europa.eu.int/comm/enterprise/automotive/index.htm>).

The proposal aims to improve road user safety by amending the construction requirements of certain components, introducing new technologies in order to increase the field of indirect vision for drivers of motor vehicles of categories M (vehicles for the carriage of passengers) and N (vehicles for the carriage of goods) and reducing the blind spots which occur in the immediate area around the vehicles.

This proposal would add specific blind spot reduction requirements to the existing Directive on rear-view mirrors 71/127/EEC. The key changes foreseen are:

- Additional mirrors on certain vehicles (front mirrors on trucks, exterior rear view mirrors on the passenger's side of cars, aspherical mirrors on passenger cars and small commercial vehicles);
- Upgrading technical characteristics of mirrors in line with technical progress;
- Replacing certain mirrors with other indirect vision systems, such as camera/monitor systems.

Erkki Liikanen, Enterprise and Information Society Commissioner said: "Improving road safety requires all of us to play a part. Much of it is about good driving by all of us as individuals. Local and national governments are all active in promoting safety, but some issues require a Europe-wide solution. Car design is one such field where common EU standards can help save lives."

This proposal for a Directive of the European Parliament and the Council would introduce mandatory harmonised requirements for the type-approval of mirrors and systems for indirect vision for motor vehicles.

At the March Transport Council, the Netherlands delegation, which was supported by a number of others, was concerned that the new Directive should also be compulsory for existing vehicles and called on the Commission to submit a proposal towards this end.

## **EUROPEAN PARLIAMENT**

### **Pedestrian protection**

The European Parliament debated the voluntary agreement on safer car fronts (See Safety Monitor 39 and ETSC website <http://www.etsc.be/pre.htm>). To date three out of four committees have adopted their opinion with the lead Committee - Regional Policy, Transport and Tourism – set to adopt its final report on 17 April.

- **The Environment, Public Health and Consumer Policy Committee**

The Environment, Public Health and Consumer Policy Committee adopted its opinion on the voluntary agreement on 19 February.

Thanks to a large cross-political party coalition (excluding the EPP group in favour of the voluntary agreement), the Environment Committee strongly rejected the voluntary agreement.

Baroness Sarah Ludford (ELDR, UK) said that she found it puzzling that after 22 years of research and development, there was no guarantee of implementing the state of the art pedestrian tests. She stressed that the essential issue was to deliver best safety value and that the voluntary agreement would only deliver 25% of the savings that a Directive implementing EEVC would offer.

In its opinion, the Environment Committee recognised that by signing the agreement the Commission did not fulfil its Treaty obligation to provide a high level of protection in the harmonisation process. Therefore, it called on the Commission to come forward with a legislative proposal which met the requirements of the EU Treaty and would secure the application of the four EEVC tests, so as to adopt the best standards for pedestrian protection.

- **Legal Affairs and Internal Market Committee**

Despite the advice of Legal Service of the European Parliament, the Legal Affairs and Internal Market Committee endorsed the voluntary agreement with a very slight majority (13 in favour, 12 against).

In its advice, the Legal Service of the European Parliament pointed out that it was difficult to see

why in a matter which was an EU exclusive competence subject to the co-decision procedure, the Commission had decided not to present a Directive and had left it to “an agreement between manufacturers”. It also stressed that this voluntary agreement was not a binding legal norm and would escape any political and legal control.

Despite endorsing the position of the rapporteur Malcom Harbour (PPE-DE, UK) in favour of a voluntary approach, the Legal Affairs Committee recalled Parliament’s will for a legislative framework for road safety in an amendment tabled by Arlene Mc Carthy (PSE, UK).

- **Industry, External Trade, Research and Energy Committee**

The Parliament’s Industry, External Trade, Research and Energy Committee also adopted its opinion on 19 March (Rapporteur: Paul Rubig PPE-DE, A). The Industry Committee voted by a narrow margin for the voluntary agreement.

However, accepting amendments tabled by Hans Karlsson (PSE, S), the Industry Committee acknowledged that:

- the agreement fails to deliver the high level of protection required in Article 95 (3) of the Treaty, having failed to implement voluntarily and with certainty the state of the art tests, which were developed and scientifically validated by the European Enhanced Vehicle Safety Committee (EEVC) over a 22-year research programme funded by the EU and the Member States, in favour of fewer and weaker tests which offer far less protection than even best practice in pedestrian protection provision achieved on the road today;
- in addition to offering a low level of protection, there is a design conflict between the phase I of the voluntary agreement and EEVC;
- the car’s industry acknowledgement of the feasibility of implementing EEVC tests for new car designs by 2010.

- **Regional Policy, Transport and Tourism Committee**

The Regional Policy, Transport and Tourism Committee has already held two recent debates on pedestrian protection.

The rapporteur Eva Hedkvist Petersen (PSE, S) recalled the Parliament's request for legislation on safer car fronts in January 2001. She acknowledged that EEVC are the state-of-the-art pedestrian tests and expressed her concerns that the voluntary agreement did not contain any guarantee that its second phase would be ever implemented. The rapporteur wanted to see a framework directive establishing the ultimate goal (compliance with the four EEVC tests) as well as the methods for monitoring and assessment. She called for a staged implementation of EEVC, leading to a first stage by 2006 and a full implementation in 2009.

In RETT Committee, she was backed up by all political groups, with the exception of the PPE group:

Herman Vermeer (ELDR, NL) underlined that safety was very important for vulnerable road users and "every pedestrian dying on the road was one too many". He said he would have preferred a clear and binding proposal to the voluntary agreement.

Carlos Bautista (Greens, ES) stressed that he was in total agreement with the rapporteur.

Rijk Van Dam (EDD, NL) underlined that this voluntary agreement would not bring faster results than legislation and its content was far from something to be welcomed. He added "if we would take the route of the voluntary agreement, it would be a terrible disaster".

Erik Meijer (GUE, NL) said that he was "firmly in favour of legislation".

Brian Simpson (PSE, UK) pointed out that this voluntary agreement was a "deal behind closed doors". He was backed up by Mark Watts (PSE, UK) who said that it appeared that there was a fourth EU Institution the "European Car Automobile Industry" which had the right to write EU legislation. He said that it was "politically unacceptable"

### **Safety organisations across Europe call on MEPs to put public safety first**

In a letter and briefing note to MEPs, ETSC has urged Parliamentarians to throw out the agreement in view of its poor safety content and stick to its longstanding call for a Directive in this area of exclusive EU legislative responsibility.

Jeanne Breen, ETSC Executive Director said: "Only the European Parliament can now ensure that after the long delays and years of blocked progress on this issue, immediate steps are taken to ensure that by the year 2008, via a Parliament and Council Directive, the car industry starts to provide essential and cost-effective protection for vulnerable road users when they are hit by the ordinary fronts of cars. "

ETSC believes that the idea that we need provision for an 'equivalent level of protection to EEVC' is nothing but a tactic on industry's part. The EEVC tests are the only scientific starting point at present and the legislative process already provides for eventual adaptation to technical progress. Road safety measures are rarely as well-researched as this one. Parliament's Environment and Industry Committees opinions emphasise that the voluntary agreement fails to deliver the high level of protection required by the Treaty. How could it now be accepted?

Mr Paul Weissenberg, Head of Single Market Directorate of DG Enterprise confirmed to the RETT Committee that the Commission considered EEVC as the "state of the art in pedestrian testing" and did not know for the moment what equivalent measures might comprise.

### **Community guidelines for the development of the Trans-European Network (TEN)**

On 23 January, the RETT Committee discussed the Commission's proposal on the revision of the TEN guidelines. This intermediate revision is due to take into account, in particular, progress made in the completion of annex III projects (the Essen projects).

In the exchange of views, the rapporteur Philip Charles Bradbourn (PPE-DE, UK) stressed that the guidelines, as revised, focused too much on certain modes of transport and deplored the fact that the road sector was always considered in a negative context. He pointed out that it was not

always economically viable to switch from road to rail and that multimodality required recognition of the role of road networks in the process of integrating all modes of transport. He, thus, had tried in his report to restore the balance between road and rail.

The vote in committee has been postponed until April in view of compromise amendments.

### **Working Time**

The European Parliament approved the conciliation agreement on the working time Directive for road transport at its February plenary session (See Safety Monitor 39).

The Rapporteur Stephen Hugues (PSE, UK) said he very much welcomed the outcome of the conciliation: securing the inclusion of self-employed drivers as a matter of principle, the clarification of self-employment and working time definitions.

Mr Bolkenstein, Internal Market Commissioner said "In adopting this Directive, we are making essential progress towards improving road safety. Thanks to this Parliament, it will ultimately be possible for this Directive to cover all drivers for all categories, whether self-employed or not. That is a great achievement for road safety because tiredness obviously affects all drivers in the same way".

Following the European Parliament, the Council of Ministers formally adopted the Directive on 18 February, with a negative vote from the Spanish, Greek and Finnish delegations.

ETSC notes that the discussion on the driving time regulation mentioned below will be all important when it comes to road safety since the driving time Regulation will have precedence over the working time Directive. The new proposal for a Regulation allows more than a 80 hour week with no interface worked out between the two EU proposals!!

### **Driving Time**

Helmut Markov (GUE, D) presented its working document on driving time regulation at the RETT Committee meeting on 21 March (See Safety Monitor 39).

The rapporteur welcomed the draft Commission's proposal. However, he thought that if the aim of the regulation was to improve road safety, the proposal did not go far enough. In this perspective, he thought it was necessary to:

- amend definitions, like the one on driving time, to create greater legal certainty;
- reduce the number of exemptions in order to meet the requirements of road safety;
- abolish the concept of the flexible week, in order to be consistent with the Directive on working time;
- make driving time of 45 hours a week the rule, and not the exception;
- And to reintroduce the provisions contained in the current regulation on minimum ages for long-distance drivers.

A new ETSC Report on "Driving fatigue in commercial road transport" will be released shortly.

### **Speed limitation devices**

The RETT committee adopted the report of Konstantinos Hatzidakis (PPE-DE, GR) on 23 January.

The two amendments tabled by the rapporteur on the extension of the deadline for transposition and possibilities of stricter speed restrictions (See Safety Monitor 39 for details) were adopted. In line with the Commission's proposal which wished to see a harmonised speed limit, all amendments trying to impose different speed restrictions according to the categories of vehicles were rejected. Finally, the Commission is invited to publish a study on the possibilities of introducing intelligent speed adaptation into new vehicles and their compatibility with other safety concepts.

MEP Nelly Maes (Greens, B) said that dangers on the road were linked to excess speed. Responding to anti-speed limitation devices MEPs, she asked if the cost-benefit of saving human lives was not enough to introduce speed limitation devices.

The Plenary adopted the report (first reading) on 7 February.



### **Maximum length of buses**

As recommended by the rapporteur Konstantinos Hatzidakis (PPE-DE, GR), Parliament approved the common position of the Council without amendment at its January plenary session (See Safety Monitor 39). The proposal, in line with the common position, is now regarded as adopted.

### **Professional driver training**

The European Parliament adopted the report by Mathieu Grosch (EPP-DE, B) at its January Plenary session (See Safety Monitor 39).

### **Professional driver attestation**

By adopting the recommendation for Second Reading without amendment, the European Parliament approved the common position on a “uniform attestation for lorry drivers” (See Safety Monitor 37) at its January Plenary session.

In its common position, the Council fully endorsed the Parliament’s amendment adding the driver’s driving licence and social security numbers on the attestation. After a Commission assessment, there would be a decision whether or not to extend this to EU drivers.

In a resolution adopted on 7 February during its Plenary session, the European Parliament urged the Council of Ministers to put into effect at the earliest possible date the regulation to establish a uniform drivers ‘attestation for non-EU drivers.



## **MARITIME & INLAND WATERWAY SAFETY**

### **EUROPEAN PARLIAMENT**

#### **Maritime Monitoring**

In its common position, the Council accepted several Parliament's amendments. However, the rapporteur Dirk Sterckx (ELDR, B) decided to retable the amendments refused by the Council on the following key issues:

- Adequate compensation to ports of refuge and related insurance requirements

- bringing forward the dates for fitting transponders in line with decisions taken with the IMO
- compensation to ports and the related insurance requirement for vessels
- equipping ports with tugs with other facilities
- a ban on bunkering in coastal waters in bad weather

The RETT Committee indicated its support for this approach and unanimously adopted the report on 21 March. Mark Watts (PSE, UK) said that there should be "no delay of very sound safety measures". Konstantinos Hatzidakis (PPE-DE, GR) pointed out that "the Council said it was in favour of safety at sea but when it came to action, there were indeed differences between words."

The recommendation is scheduled for adoption at the April plenary session.



## **AIR SAFETY**

### **EUROPEAN PARLIAMENT**

#### **Common EU security rules for civil aviation**

In its common position, the Council did not take on board the key amendments adopted by the Parliament (See Safety Monitor 39). The Council rejected, for example, the request from Parliament that the inspection of airports should be unannounced and that explicit reference to ECAC Document 30 should be made in the articles of the regulation. Therefore, the rapporteur Jacqueline Foster (PPE-DE, UK) decided to reintroduce 11 amendments adopted by the Parliament in its first reading and rejected by the Council.

The draft recommendation is expected to be adopted in April in committee and in May in plenary.

#### **European Aviation Safety Agency (EASA)**

The RETT Committee adopted on 21 March the report by Ingo Schmitt (PPE-DE, D) amending the Council’s common position for its second reading (See Safety Monitor 37 and 38).

In its common position, the Council rejected 28 of the 57 amendments adopted by the Parliament. In the hope of avoiding a conciliation procedure, MEPs tabled a number of compromise amendments agreed with the Commission and the Council on key issues. One of the amendments stipulated that the Agency should be independent from the Commission and Member States. Another amendment restated Parliament's position that exemptions to the regulation could be granted by Member States only on condition that the level of safety would not be adversely affected as the result.

### **Single European Sky**

The rapporteur Giovanni Claudio Fava (PSE, I) presented his working document on this Commission's proposal at the RETT Committee meeting on 23 January (See Safety Monitor 38).

The rapporteur thought that the measures proposed by the Commission were going in the right direction. However, he raised several issues in his working document:

- the co-operation with Eurocontrol and allocation of powers
- the co-operation between the civil and military authorities
- the question of penalties
- the question of the entry into force of the "single sky"
- the provision of air navigation services

Marieke Sanders Ten Holte (ELDR, NL) also presented her working document on the three technical regulations which, together, are intended to create the Single European Sky. She said that her approach was to coordinate consideration of these three regulations with the rapporteur of the opinion on the regulation which establishes the overall framework. She also outlined some of the main issues:

- The role of Eurocontrol
- The position of military aviation in the Single European Sky
- The charging regime for navigation air services
- Technical compatibility issues

These questions were also raised at the March Transport Council, which held a political debate on several key issues for the achievement of a

Single European Sky. The Council recognised that the questions raised by the proposals were technically complex and politically sensitive.

### **Air Carrier Liability**

As the Council common position took on board all 18 amendments proposed by the European Parliament (See Safety Monitor 36), the RETT committee adopted at its second reading the common position without any amendments on 21 February 2002.

During the discussions in RETT Committee, Mr Izquierdo (PSE, ES), rapporteur on the White Paper on Common Transport Policy said it "was an important step in the process" but the defence of the users' rights should be extended to other modes of transport. The representative of the European Commission responded that propositions for similar liability systems for other modes of transport were in its 2002 working programme.

The European Parliament adopted the common position without debate at its March plenary session.



## **RAIL SAFETY**

### **COUNCIL OF MINISTERS**

#### **Rail Transport Statistics**

The March Transport Council instructed the Permanent Representative Committee to press ahead with work on the draft regulation on rail transport statistics with a view to reaching a political agreement at one of its forthcoming meetings. Work was continuing particularly on the conditions in which Eurostat can disseminate statistical data reported by the Member States.

The Parliament had adopted its report (first reading, co-decision procedure) in September 2001 (See Safety Monitor 38).

### **EUROPEAN COMMISSION**

#### **New railway package**

The European Commission adopted its new railway package on 23 January 2002 (See Safety

Monitor 39 for details and the European Commission website at:  
[http://www.europa.eu.int/comm/transport/rail/newpack/np\\_en.htm](http://www.europa.eu.int/comm/transport/rail/newpack/np_en.htm).

At its March meeting, the Council held a first political debate on the railway package. The proposals on safety and interoperability were, on the whole, favourably received by delegations. Likewise, most delegations took a favourable view on the proposal establishing a European Railway Agency and the Recommendation for Community accession to the Convention concerning International Carriage by rail (COTIF). However, differences of opinions emerged regarding the proposal on the development of the Community's railways.

### **ETSC response to proposal for a Rail Safety Directive**

ETSC has welcomed the Commission's proposal for a rail safety Directive.

The intended shift in the nature of rail transport envisaged by the White Paper has profound implications for safety. This is partly because the many interfaces between track and train will shift from being within a single organisation to being between different organisations, and will require careful management. It is also because the possible introduction of new operators will require new regulatory machinery, both to test competence and subsequently to approve operation.

ETSC strongly supports the requirement for transparent rule-making in railway safety regulation. However, ETSC underlines the need for the system to be managed as a whole. The key railway safety rules and regulations must be public and transparent so that new operators know their obligations, and authorities acting on behalf of the public can test whether both newcomers and existing operators meet essential requirements. These rules should be created, owned, and enforced by public national railway safety authorities, separate from the infrastructure managers and train operators, regardless of whether or not these are also in the public sector.

ETSC sees the independence and transparency of accident investigation as being a major step towards the improvement of safety, and strongly supports the Commission's proposals. Comprehensive investigation of transport accidents makes an invaluable contribution to improving safety. ETSC believes that, to be genuinely effective, the investigating organisation must be independent. It must have the authority to investigate whatever accident it sees fit, be independent of the regulator, the infrastructure manager and the railway undertakings, and be able to produce its findings, conclusions and recommendations without recourse to higher authority and without interference by any vested interest including the state. Its investigations should be conducted with the minimum of delay and be separate from any legal proceedings. It should be financially independent. Its work should be transparent; all its reports, recommendations and the actions taken (or not taken) following the publication of a report should be made public so as to maintain public confidence.

Finally, ETSC warmly welcomes the provisions on a common set of railway safety indicators, covering accidents, incidents and "near-misses", and accident consequences. The national safety authorities will be required to assemble these data, aggregate them to the national level, and report them to the proposed European Railway Agency (ERA). They will also be required to publish an annual report. The independent accident investigation bodies will be required to send copies of their reports to the ERA. Thus, for the first time, comprehensive safety performance data and accident reports will be available at the European level. Because serious railway accidents are rare events, ETSC suggests that some of this information be assembled retrospectively for a specified past period in order to provide a context for current events.

The full text of ETSC's comment can be found on its website on <http://www.etsc.be/pre.htm>.

## **ETSC EVENTS**

### **Best in Europe 2002**

#### **Safer Cities Brussels 25<sup>th</sup> June**

ETSC is mounting its annual Best in Europe road safety conference on 25th June 2002 in Brussels on the theme of Safer Cities.

- Which European cities are the best in Europe when it comes to road safety management?
- What effective road safety measures have been implemented?
- How can effective partnerships be forged in large and small cities to deliver road casualty reduction?

Best in Europe aims to provide an inspirational annual showcase for best practice measures and innovation in road safety in Europe.

Who should attend?

- Policymakers at EU, national and local levels
- Professionals with operational responsibilities
- Representatives of organizations with road safety interests
- Media

You can already register your interest by contacting ETSC secretariat or downloading the registration of interests form at: <http://www.etsc.be/eve.htm>.

## INTERNATIONAL EVENTS DIARY

- 15-16 April 2002 Institute of Transportation Engineers Regional Conference “Smart innovations in traffic engineering”, to be held in Amsterdam, Contact: Mrs Marry Moene, CROW, Fax: +31 318- 621 112, E-mail: Moene@crow.nl.
- 24 May 2002 Motor Accidents Authority Pedestrian Safety Seminar, to be held in Sydney, Australia, Contact: Conference secretariat, C/ Tulips Meetings Management PO Box 116 Salamander Bay NSW 2317, Tel: (02) 4984 2554, Fax: (02) 4984 2755, E-mail:maa@pco.com.au
- 29-31 May 2002 International Motor Vehicle Inspection Committee (CITA) 2002 Conference “Enhancing the Value of Roadworthiness Inspection”, to be held in Paris, Contact: CITA Secretariat, Rue de la technologie 21-25, B- 1082 Brussels, Tel:+32 2 469 06 70, Fax: +32 2 469 07 95, E-mail: cita.vehicleinspection@skynet.be
- 13-14 June 2002 IX International Conference “Living and walking in cities: the place of bicycle”, to be held in Brescia and Piacenza, Italy, Contact: Michèle Pezzano, University of Brescia, Department of Civil Engineering, via Branze, 28, Tel: +39 030 3715 823, Fax: +39 030 3715 503, E-mail: cescam@bsing.unibs.it
- 25 June 2002** **Best in Europe 2002 “Safer Cities”, to be held in Brussels, Contact:** the Events Officer, European Transport Safety Council (ETSC), 34, rue du Cornet, B-1040 Brussels, Tel:+ 32 (0) 2 230 41 06, Fax:+32 (0) 2 230 42 15, Email:info@etsc.be, Website: <http://www.etsc.be>
- 9-11 September 2002 European Transport Conference 2002, to be held in Cambridge, UK, Contact: The Association for European Transport, Tel: +44 (0)20 7348 1978, Fax: +44 (0)20 7348 1989, E-mail:info@aetransport.co.uk
- 23-25 October 2002 Eurailspeed 2002 - 4<sup>th</sup> World Congress on High Speed Rail, to be held in Madrid, Contact: secretariat of the Congress: Viajes Dublin c/Almagro, 29, E-28010 Madrid, Tel: +34 91 319 95 68, Fax: +34 91 308 15 11, E-mail: eurailspeed2002@viajesdublin.com, Website: <http://www.eurailspeed.com>

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