

ETSC response to the European Commission public consultation
on the final report of the Cars21 High Level Group
10 Steps further to improve road safety

Process:

The European Transport Safety Council welcomes this opportunity to present the European Commission with its views on the regulatory regime in the Automotive Sector for the coming ten years. When the Cars21 high level group was established by the Commission ETSC welcomed the move but expressed some concern over whether all the necessary expertise and information would be available to such a restricted group¹. The subsequent commitment made by Vice President Verheugen at the Cars21 hearing that other contributions from stakeholders not present within the Cars21 group would be considered alongside the Cars21 report gave ETSC much more confidence that the worthy aims of achieving a safer, cleaner and leaner regulatory environment could be attained. ETSC, along with other NGOs, has in the past been rather critical of the Commission in this issue area for a lack of transparency and restricted consultation. The commitment by Vice President Verheugen and this public consultation exercise are therefore greatly welcomed by ETSC.

However, given the rather short period (23 days) of this consultation process, alongside the fact that it is being undertaken during the Easter Holidays, it has proved difficult to ensure that all expert contributors to ETSC's positions have had the opportunity to thoroughly examine this position. This submission therefore must also include a scrutiny rider and ETSC retains the right to forward further submissions clarifying certain aspects of this position. This necessary addition to our position is unfortunate, given the fact that the Cars21 report has been available for many months and that the Commission itself does not intend to adopt the Communication on this issue until September. We therefore would urge the Commission to ensure future such consultations are launched in good time to prevent the need for such scrutiny riders being attached in the future.

Recommendation (1)

Future consultation periods are longer, earlier in the process and account for important vacation / festive periods.

¹ See joint ETSC, T&E press release of 13 January 2005
http://www.etsc.be/documents/car21_etsc_te_press_release.pdf

Overall:

ETSC broadly welcomes the content of the report by the Cars21 High Level Group. It contains many recommendations that ETSC believe are necessary and supports. This short response to the public consultation on the report will of necessity mostly focus on the areas of the report most concerned with road safety. However, this opening section will deal more broadly with the general issues raised by the report.

ETSC agrees with the Cars21 report that attaining the three objectives of safer, cleaner and leaner automotive regulation will require careful balancing and weighting by decision makers. In this respect the repeated calls in the Cars21 report for an integrated approach are extremely important. Indeed, without any integration the measures to attain these three objectives risk becoming antagonistic. Integration is therefore a natural and necessary element of this policy process to enable attainment of a series of objectives.

We would emphasise, however, that an integrated approach does not mean that efforts required in any one sphere need be restricted or ambition levels downgraded for any of the objectives. This is particularly so in areas where the Community has established goals or targets or has binding international commitments. If these existing Community targets are to be retained, then an integrated approach is necessary to ensure that the automotive regulatory environment is as supportive as possible.

Indeed, in certain instances, targets that have been established by the Community for certain aspects of automotive performance were devised with the explicit aim of ensuring that the automotive manufacturing sector made an effective contribution to broader Community commitments *within* an integrated approach. By way of example the Community set a target for enhancement of fuel efficiency in new cars by technical innovation to a level equivalent with the emission of 120g CO₂/km. A strategy to achieve this was agreed with several component elements, notably, fiscal measures and consumer information, both aimed at changing car buyer's behaviour and complementing a voluntary agreement with manufacturers. Improving new car fuel efficiency is, however, only one part of the integrated approach to reducing overall road transport CO₂ levels. Attaining the Community new car fuel efficiency target of 120g CO₂/km should not weaken efforts to improve passive safety of vehicles (for occupants or for vulnerable road users) or weaken other efforts to improve road transport CO₂ emissions such as via improved speed management. At the same time, initiatives taken to improve road transport CO₂ emissions, via speed management for

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example, should not undermine the attainment of the 120g CO₂/km target for test cycle emissions by technical innovation.

Moreover, we also agree with the Cars21 report that it is important to consider the automotive regulatory environment in a broader context than merely the technical standards and regulations applied to the manufacture and sale of automotive products. If other flexible instruments are to be applied in the automotive sector across the EU, without distortions to the single market, European level efforts at facilitation and coordination will be necessary.

This is particularly so in the case of fiscal incentives where the agreement of indicative European standards can greatly facilitate the national application of fiscal incentives across the EU. As Margaret Beckett reiterated in the report, issues of taxation or fiscal policy should be decided at Member State level². However, without any facilitating EU framework within which Member States can make their own decisions on levels of taxation or fiscal incentives, markets will be distorted and the objectives of any flexible regulatory instrument remain unattained. Here better and leaner Regulation does not necessarily mean less or lower EU regulation, but rather different regulatory efforts.

Recommendation (2)

An integrated approach should serve the attainment of Community targets, objectives and commitments rather than permitting any downgrading of these.

Recommendation (3)

Leaner and better regulation means different regulatory efforts from EU policy makers rather than merely lower regulatory activity.

² See footnote 5 in Cars21 report on page 6.

Road Safety Specific Comments:

ETSC is pleased that the Cars21 report so effectively highlights the true road safety priorities of speed, drink driving and seatbelt use. Indeed ETSC would like to congratulate the Members of the high level group for effectively summarising a great part of the road safety knowledge. In particular ETSC agrees with the conclusion that *"given the relatively straightforward answers which are available to increase the safety of road transport, it is surprising that current progress (2004) does not appear sufficient to reach the Community's 2010 target"*³. ETSC also agrees that responding to these priorities will require *"a holistic, integrated approach involving vehicle technology, infrastructure and the driver"*⁴.

In the light of these conclusions ETSC would strongly recommend that an addition be made to the list of vehicle technologies outlined in recommendation n° 12 of the report. Intelligent speed adaptation is a robust, well developed existing technology that responds to the top road safety priority of reducing speeds. Moreover, within the framework of the "Speed alert" programme the industry has voluntarily committed itself to a process of implementing ISA technologies that will be undertaken during the period envisaged by the Cars21 report⁵. Furthermore the Cars21 report recommends under measures related to road users the need to *"improve the enforcement of speed limits"*⁶.

Moreover, speed management via ISA technologies offers benefits beyond safety, including reducing the CO₂ (and other) emissions from the road transport sector, reducing noise pollution and reducing congestion via improved traffic flows. Omission of ISA technologies within a regulatory road map over the same time horizon as an industry agreed implementation road map is therefore not consistent with the stated aims of Cars21, particularly the integrated approach.

Furthermore, of the road safety priority areas identified by Cars21, it is not just speed which has relevant vehicle technology solutions. Intelligent seat belt reminders for all seats, and all occupant types, can greatly

³ Page 31 of the Cars21 final report.

⁴ Page 32 of the Cars21 final report

⁵ The third stage of implementation would see cooperative systems allowing application of variable speed limits being implemented from 2015. See page 5 of the Speed Alert brochure on:

http://www.webhouse.dk/speedalert/acrobat/SpeedAlert_Brochure_final.pdf

⁶ Recommendation n°12: Road user-related measures: forth bullet point, page 34.

improve not just seatbelt wearing rates for all occupants, but also facilitate correct fitment of appropriate child restraint devices. Additionally, alcohol interlocks are already being used both in commercial transport (for quality assurance) and in recidivist drink driver programmes. Their inclusion in the road map would, at the very least, ensure European facilitation via flexible instruments of these important technologies addressing road safety priorities.

Recommendation (4)

The list of vehicle technology measures included in the “road safety road map” be expanded to include:

- *Intelligent Speed Adaptation,*
- *Intelligent seat belt reminders,*
- *Alcohol interlocks.*

ETSC welcomes the fact that the report highlights the significance of both the content and approach of the eSafety initiative. These efforts, now within the remit of the i2010 intelligent car initiative, will remain important. However, experience has also highlighted how reliance only on stakeholder good will can lead to situations where implementation road blocks become apparent. The eCall initiative, for example, has relied on Member States signing a Memorandum of Understanding (MoU) to ensure that this important piece of in-vehicle safety technology functions across the Community. So far, only eight Member States have signed the MoU casting doubt over the ability of the public sector answering points to respond to eCall emergency calls by the operational target date of September 2009. The Commission should have responded to Member State reticence to sign the MoU much more vigorously, by adopting a proposal to amend the Universal services Directive in the Telecoms sector for example.

eCall is the first of the major new applications to flow from the eSafety initiative and the experience with eCall indicates that the Commission needs to ensure that it utilises its right of initiative to spur positive developments in the automotive sector. For cars21 this is particularly relevant as application of ITS within the intelligent car initiative is important to aid the contribution the automotive sector gives to the Lisbon goals of a knowledge based competitive economy

Recommendation (5)

The Commission ensures that regulatory initiatives aiding the implementation of eSafety technologies are developed and adopted in a timely manner when appropriate.

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ETSC welcomes the section of the Cars21 road safety recommendations on infrastructure. An infrastructure package that includes road safety audits and management of high risk sites has long been promised by the European Commission. We urge the commission to follow the recommendation of the high level group with the utmost urgency as there is no longer any reason to further delay this important part of an integrated approach to improving road safety. ETSC would also support the recommendation that Community financing in the road sector be subject to the application of road safety best practice.

ETSC would add that over the time horizon envisaged for the Cars21 recommendations other infrastructure activities should be included. Firstly, the definition of best practice guidelines, standards, and priority measures for infrastructure protecting vulnerable road users should be elaborated and implementation facilitated. Secondly, the elaboration of standards for infrastructure to vehicle communication and "Real Time traffic and Travel Information" should be elaborated. This will facilitate the application of Advanced Driver Assistance Systems and variable speed limit technologies that will function across the EU.

Recommendation (6)

The Commission should adopt without delay the proposal for a package of measures on road infrastructure which would require road safety audits on TENs infrastructure and better management of high risk sites.

Recommendation (7)

Best practice guidelines and recommendations for infrastructure decreasing the risks to vulnerable road users should be developed and related Commission recommendations elaborated. Community financing of road transport projects should be subject to the application of such road safety best practice.

Recommendation (8)

Standards necessary for the functioning of infrastructure to vehicle communications allowing Advanced Driver Assistance Systems to function across the EU should be elaborated as the technology is developed and close to market.

The report's conclusions on safety also highlight the fact that a principle challenge remains enforcement. ETSC agrees with the High Level Group that "*much of the safety improvement, which the Community is striving for, could be achieved simply by a rigorous enforcement of existing rules*"⁷. It is here that greater application of the integrated approach is most needed. Enforcement and educational campaigns should not be viewed as alternatives, rather complementary elements each of which increases the drivers' "subjective risk of enforcement"⁸. Moreover, the application of in-vehicle technologies, as discussed earlier, can greatly aid the effective adherence to traffic laws.

The Commission has made two relevant recommendations relating to enforcement: the first on BAC levels⁹, and the second on improving traffic law enforcement in the three priority areas of speed, drink driving and seat belt use¹⁰. ETSC would urge the Commission to come forward with a Directive replacing these recommendations at the earliest opportunity if the monitoring of their implementation continues to indicate poor Member State execution of these important road safety recommendations. This would also bring into line the Community treatment of private drivers with commercial drivers. Thus far Directives detailing what Member States have to undertake in order to ensure compliance of traffic law have been restricted to the commercial sector.

Recommendation (9)

A directive on traffic law enforcement be proposed at the earliest opportunity if Member States continue to fail to fully implement the Commission Recommendations related to traffic law enforcement.

⁷ Page 32 of the Cars21 final report – emphasis in original.

⁸ A principal finding of the ESCAPE project (Enhanced Safety Coming from Appropriate Police Enforcement) under the 4th Framework Programme. See: <http://virtual.vtt.fi/escape/> for details of the ESCAPE results and recommendations.

⁹ Commission Recommendation 2001/115/EC of 17th January 2001 on the maximum permitted blood alcohol content (BAC) for drivers of motorised vehicles. See: http://europa.eu.int/eur-lex/pri/en/oj/dat/2001/l_043/l_04320010214en00310036.pdf

¹⁰ Commission Recommendation 2004/345/EC of 6th April 2004 on enforcement in the field of road safety. See: http://europa.eu.int/eur-lex/pri/en/oj/dat/2004/l_111/l_11120040417en00750082.pdf

ETSC welcomes the conclusions of the report regarding the intention of the Commission to revise the pedestrian protection Directive¹¹. ETSC supports the recommendation in the report that the adaptation "of phase II of the pedestrian protection Directive be made as quickly as possible"¹² and the conclusion that the phase II "measures are implemented quickly"¹³.

In its' response to the public consultation on the draft proposal of the Commission, ETSC highlighted three issues that would need to be included in the final instrument¹⁴. Firstly, like the high level group ETSC would urge a rapid implementation of the measures to apply the second stage standards. Secondly, ETSC would seek to ensure that the safety benefits of active safety devices were additional to, rather than substitutive of, the passive safety benefits derived from improved vehicle design. The Regulation foreseen needs to ensure that these benefits are as far as possible additional rather than substitutive of each other. Finally, ETSC followed the recommendations of the independent feasibility study to ensure that the bonnet leading edge to upper leg test be retained as a standard rather than merely be retained for monitoring purposes¹⁵. This would ensure that injury levels would decrease rather than injury patterns change as the most aggressive contact point migrates from the bumper leading edge upwards to the bonnet leading edge.

Recommendation (10)

A regulation replacing Directive 2003/102/EC on the protection of vulnerable road users should be adopted. Beyond the provisions of the draft proposal published by the Commission last year this regulation should ensure a rapid implementation period, a bonnet leading edge to upper leg standard and a clarification of the additional benefits derived from active safety systems.

¹¹ Directive 2003/102/EC. See: http://europa.eu.int/lex/pri/en/oj/dat/2003/l_321/l_32120031206en00150025.pdf

¹² Recommendation n°13 page 34.

¹³ Final sentence on Pedestrian Protection, Cars21 final Report page 34

¹⁴ ETSCs response to the consultation is available at:
http://europa.eu.int/comm/enterprise/automotive/pagesbackground/pedestrianprotection/consultation_phase_II/etsc.pdf

¹⁵ Whilst the addendum to the Feasibility study did foresee a monitoring only requirement to be a "worst case scenario" it specifically did not recommend this course of action.