

## **ETSC Press release 26 June 2001**

The Press Pack distributed for the ETSC Press Conference June 26 2001 contained copies of two letters.

1. A letter to Romano Prodi signed by Ewa Hedkvist Petersen MEP, Mark Watts MEP, Dieter Koch MEP and Marieke Sanders Ten Holte MEP; and
2. A letter sent to the European Commissioners from Jim Murray (Director of the Bureau Européen des Union de Consommateurs - The European Consumers' Organisation, BEUC), Dr. Gottlobe Fabisch (Secretary-General of the European Association for the Co-ordination of Consumer Representation in Standardization, ANEC) and Jeanne Breen (Executive Director of the European Transport Safety Council, ETSC).

### **1. TEXT OF LETTER TO ROMANO PRODI**

22 June 2001

Dear Mr. Prodi,

### **SAFER CAR FRONTS FOR PEDESTRIANS AND CYCLISTS**

Our purpose in writing is to urge you to reject the draft negotiated agreement between DG Enterprise and the European car industry in the interest of public safety.

We ask you to do this for the following reasons:

1. The draft agreement will not guarantee pedestrians and cyclists the protection they need, and which is possible, in the event of being hit by a car.
2. Over 9000 lives are lost each year in such crashes and up to 2100 of these could be saved and 18000 severe injuries reduced if all cars on the road met the requirements of the four EEVC tests.
3. The agreement fails to guarantee the implementation of these four tests which, as you know, are the product of a lengthy EU-funded research and development programme in which the European car industry was fully involved. These tests are the only scientifically established tests in existence and, as has been amply demonstrated, can be met by the application of existing technologies.
4. The agreement implements in its first phase substantially weaker and fewer tests on the recommendation of the Joint Research Centre (JRC). You will only have to look at the Commission's Internet web-site to see that these proposals were roundly criticised by European leading experts in this field at the Commission's hearing in February.

5. We also urge you to reject this procedure because in lacking transparency, it contradicts the desire of all the EU institutions and the public demand for greater openness in EU decision-making. It is a wholly inappropriate means of harmonising standards of such crucial importance to the public safety.

As you will recall, the European Parliament had the opportunity to examine this issue recently in its road safety resolution and called for the introduction of a Directive.

Given the failure of this process, in the interest of road safety and in order to bring this important matter to a close after all this time, we urge you to opt for the Commission's alternative approach of bringing forward a legislative requirement to implement EEVC in full.

Yours sincerely,

Ewa Hedkvist Petersen MEP  
Dieter Koch MEP

Mark Watts MEP  
Marieke Sanders Ten Holte MEP

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## 2. TEXT OF LETTER TO EUROPEAN COMMISSIONERS

14<sup>th</sup> June 2001

Dear

### **SAFER CAR FRONTS FOR PEDESTRIANS AND CYCLISTS**

We understand that the Commission will discuss on 3<sup>rd</sup> July a proposal for a negotiated agreement that has been put forwarded by DG Enterprise and by ACEA, on behalf of the European car industry.

We ask you to reject the proposal for a voluntary agreement on the grounds that it will fail to deliver a high level of protection to EU citizens, over 9000 of whom are killed each year as pedestrians and cyclists.

We object in this case both to the substance and the proposed procedure of the agreement.

#### **Substance of the proposed agreement**

We understand that the agreement would provide for implementation of some safety measures by 2005 for new models and later for new cars. It seems, however, that there would not be full compliance even with those parts of the EEVC requirements that are theoretically included in this first phase. Specifically, the number of tests to be passed would be reduced and key requirements weakened. Experts believe that the level of protection offered by the tests in first phase are around half the level of protection offered by full

implementation of EEVC. The first phase crash protection package could lead to worse upper leg injuries and more disabling knee injuries than at present.

Under the second phase of the agreement, the industry would commit to comply by 2009 with the full EEVC requirements or with other measures of equivalence (equal protective effects). This qualification deprives the commitment of any meaningful effect. What are measures of equivalence? Will different manufacturers comply with different requirements each arguing that their chosen requirements meet the terms of their commitment? Could, for example, improved braking substitute for safer car fronts? Who will assess the equivalence of all the different requirements? The EEVC tests are the only scientifically validated tests and as DG Enterprise acknowledge their implementation in full could save up to 2010 lives annually.

No equivalent measure is ready now and any future crash protection measure will need to be researched and validated. The uncertain second stage can only prolong this costly debate for many more years.

### **Procedure**

On procedure, this is a safety issue and therefore not an appropriate area to experiment with a new and untried form of co-regulation, particularly in the absence of any clear framework or guidelines for applying a procedure of this kind and ensuring compliance. The Commission should not at this stage pre-empt the discussion on regulation in the proposed White Paper on Governance soon to be published.

We also object to the procedure proposed in this specific case. It seems it is envisaged that the Commission will first conclude an agreement with ACEA, then separate but presumably identical agreements with other manufacturers not members of ACEA. It is not clear, how, or if other interests will be consulted and if so at what stage and in what terms. Will consumer groups and interested NGOs have the possibility to participate in and influence the negotiations? Will the European Parliament have powers of co-decision in this case or will they be merely consulted in a formal sense?

We would also ask you to consider whether the Commission is competent in the legal and financial-control sense to negotiate detailed technical agreements with all the different parties involved (ACEA and non-ACEA companies) and to take on the task (even indirectly) of monitoring and assessing compliance on the part of all the parties involved. Even if the problems of legal competence and financial control can be resolved, is it wise or appropriate for the Commission to proceed in this way?

On a wider issue, is it envisaged that the Commission will use this negotiating procedure in other cases in such a way as to amount to a new approach to rule-making? We are also concerned that negotiating with a trade association in this case will reduce competition and facilitate anti-competitive behaviour. The prospect of anti-competitive behaviour would be increased, if for example, the industry were to participate in compliance monitoring.

In conclusion, we cannot support this voluntary agreement and urge you to decide in favour of a Directive implementing EEVC requirements in full on this very important matter of public safety. The Honda Civic which is on EU roads now already meets 75% of these requirements, so fears about feasibility to meet lead times are misplaced. (We recall that the Commission first indicated a desire to legislate on this issue in 1988.)

Yours sincerely,

Jim Murray  
Director  
BEUC

Dr Gottlobe Fabisch  
Secretary-General  
ANEC

Jeanne Breen  
Executive Director  
ETSC