



SAFETY MONITOR

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

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SUMMARY

The Council of Ministers

- Puts industrial convenience before public safety in its opinion to the Commission on the draft negotiated agreement on safer car fronts. ETSC now looks to the European Parliament to reject the agreement and ensure in their forthcoming opinion that vulnerable road users get the protection they need. (p.1)
- Reaches a common position on Working Time and general lines of agreement in speed limitation (p.4)
- Spanish Presidency outlines transport priorities (p. 2)

The European Commission

- Gives a preview of the forthcoming new railway package (p.7)
- Establishes new European Rail Research Advisory Council (p.7)

The European Parliament

- Supports transport safety budget (p. 3)
- Adopts the Erika I package (p.6)
- Ensures there is a transport programme in the 6th Framework Programme on European Research Area (p.3)
- Discusses speed limitation devices (p. 5)



ACROSS THE MODES

COUNCIL OF MINISTERS - BELGIAN PRESIDENCY

Council backtracks on pedestrian protection but achieves agreement in commercial road transport and air security measures

- **Protecting pedestrians secondary to industrial convenience**

Admitting that there is 'nothing like a Directive to move towards the genuine protection of pedestrians', Isabelle Durant, President of the EU Transport Council and Deputy Prime Minister of Belgium, told the European Parliament that their forthcoming opinion to the Commission was going to be critical.

Against the advice of safety experts from across Europe, the Internal Market Council gave the green light to the European Commission on 26th November, to go ahead with the draft voluntary agreement on safer car fronts, subject to the following conditions.

- prohibition of bull bars must be extended to all new passenger cars and light commercial vehicles up to 3.5 tonnes
- deferring the introduction of daytime running lights until definition of the technical procedures
- involvement of Member States in the implementation of the agreement

- use of the pedestrian protection measures contained in the agreement as a technical basis for developing a global technical regulation in the framework of the UN Economic Commission for Europe.

Having favoured legislation in a resolution last June, this change of position on the part of the Council represents, in the view of safety and consumer organisations, a complete cave-in to the intensive lobby of the car industry (See Safety Monitor 38 and ETSC website: <http://www.etsc.be>).

Responding to this decision, Jeanne Breen, Executive Director of ETSC, said: "By introducing legislation which reflects our best knowledge we have an opportunity here to save as many as 2000 lives and 18000 serious injuries annually at an additional cost at design stage of only 30 euro per car. Making the ordinary fronts of cars safer for vulnerable road users is, undoubtedly, the most important transport safety matter on the EU agenda."

ETSC is deeply worried about this decision given that the agreement:

- Will save 75% fewer lives compared with the tests developed for legislation over a 22 year programme
- Fails to implement best practice – a car on the road now - the Honda Civic – offers three times the amount of protection which the industry are offering to implement fully by 2012 – 11 years time!
- Fails to implement with certainty the tests which have been scientifically developed for legislation and used in EU-supported consumer information (EuroNCAP) since 1996.
- Goes against Article 75(3) of the European Treaty to provide a high level of protection in vehicle safety harmonisation.
- Sets a dangerous precedent in removing Parliamentary scrutiny and co-decision from the harmonisation process.

The dossier is on hold pending the vote of the European Parliament. The RETT Committee has appointed Eva Hedkvist Petersen (PSE, S) as Rapporteur. The first exchange of views will take place at the January meeting of the RETT Committee.

Jeanne Breen said: "The Ministers' decision gives a clear signal that, contrary to what it would have us believe, the EU is not working either for the individual citizen or in the interests of public safety. We are urging the European Parliament to demand and deliver the protection which the public deserves and expects. MEPs must continue to look out for the interests of the vulnerable in our society."

- Other Presidency safety results

Isabelle Durant, the Belgian President in Office of the Council pointed to positive developments, however, concerning the agreement in limiting working time (page 4) for commercial road transport drivers which was welcomed by MEPs from all parties and the speed with which air security was being tackled following the tragic events of 11 September (page 6).

MEPs, however, expressed disappointment on the time it was taking to finalise the Erika II package. Dirk Sterkx MEP (ELDR, B) expressed the regret that the Community response to transport matters, in general, was still very weak.

Preview of the Spanish Presidency Transport Priorities

The Spanish Presidency has outlined their transport priorities for the next six months as follows:

- transport safety

Air safety: Work will continue in the Council working parties set up after the terrorist attacks on 11 September (See Safety Monitor 38).

Maritime safety: Efforts will be made to finalise the processing of the Directives and Regulations from the Erika I and II packages. Steps will also be taken towards the creation of the European Maritime Safety Agency

Road safety: The Spanish Presidency will focus on issues relating to enforcement and penalties, the reform of working time linked with the use of tachographs and the installation of intelligent communication systems in vehicles.

- improving the operation of the transport market
- protection of transport users' rights
- Euro-Mediterranean co-operation in the field of transport.

The Spanish Presidency Programme will be available shortly on: <http://www.eu2002.es>.

EUROPEAN PARLIAMENT

White Paper on the Common Transport Policy

In the European Parliament's Regional Policy, Transport and Tourism Committee's first discussion of the White Paper with Vice President Loyola de Palacio, the Rapporteur Juan de Dios Izquierdo Collado MEP (PSE, ES) announced his intention to launch an in-depth consultation with the key transport players before presenting a report to the European Parliament. He noted that the targets set in the White Paper were very ambitious and concrete legislative and financial means would be needed to achieve these goals.

This view was echoed by Mark Watts MEP (PSE, UK) in a contribution to a Conference organised by DG TREN on the same day to discuss the Common Transport Policy. While he supported the White Paper's commitment to halve road deaths by 2010 and applauded the Commission's commitment to road safety, he said that this target was very ambitious and needed to be backed up with credible measures. He criticised the lack of provisions in the White Paper on speed, drink driving, vehicle safety and pedestrian and cyclist protection.

ETSC agrees with these conclusions and its initial view on the White Paper can be found in Safety Monitor 38 and ETSC's website: <http://www.etsc.be>.

The proceedings of the DG TREN Conference "A Safer Tomorrow" issues held in October 2001 in Barcelona, which dealt with many White Paper, are now available on the Commission's website at:

http://www.europa.eu.int/comm/energy_transport/en/bcn1_res_en.html

Transport Safety Budget

In its common position on the budget 2002, the Council of Ministers restated the cuts in the transport safety budget line (B2-702 and B2-702A) foreseen in its first reading (See Safety Monitor 38). However, the European Parliament restored the payment appropriations in its second reading at the level proposed in its first reading so securing an unprecedented but much needed increase in the transport safety budget given the scale of activity which lies ahead:

B2-702 14.06 Meuro commitments 9.41 Meuro payments

B2-702A 0.58 Meuro commitments 0.58 Meuro payments

Budget Scrutiny

Under a decision taken last year, the RETT Committee scrutinises the implementation of the current year's budget in two of its meetings during the year.

This second working document on the 2001 budget examines in details the utilisation of transport appropriations. In his working document, the Rapporteur Samuli Pohjamo (ELDR, FIN) noted the Commission's intention to transfer appropriations from the transport safety budget line (B2-702) to the sustainable mobility budget line (B2-704).

During the exchange of views in the RETT Committee on 20 November 2001, Mr Pohjamo asked for an answer in writing from the Commission as to why the transport safety commitments had not been used. Due to the ambitious target set out in the White Paper, the Rapporteur was surprised at the non-utilisation of the credits and underlined his wish to see transport safety appropriations used for the purpose for which they were intended.

Sixth Framework Programme on Research incorporates transport programme

The Plenary Session adopted the Report of Gérard Caudron (PSE, F) on the Sixth Framework Programme on Research on 14 November 2001 (See Safety Monitor 38).

The Report amends the research priority entitled "Sustainable development and Global Change" to

three sections: "Energy", "Sustainable Development and Global Change" and "Transport".

The European Parliament thought that European surface transport was not dealt with in a sufficiently consistent fashion in the draft version of the Sixth Framework Programme.

In the new section, research into all forms of transport would be given a higher profile (in terms of sustainable development, intermodality, interoperability and safety).

The Research Council reached a political agreement on the Sixth Framework Programme on 10 December. The programme now contains a single Transport section with a budget of 610 Meuro.

ETSC very much welcomes this development. In June, it presented its views for an EU strategy for transport safety research (See ETSC website: <http://www.etsc.be/rep.htm>)

Impact of transport on public health

Dr Caroline Lucas (Greens, UK) presented her draft report on this issue in the RETT Committee meeting of 19 December 2001.

Dr Lucas considered her own initiative report to be complementary to the White Paper which, in her view, does not pay much attention to health problems resulting from transport.

In her report, the rapporteur proposed two specific measures to minimise the negative effects of transport on health:

- to introduce a requirement that all major transport EU projects and policies would be subject to a Health Impact Assessment before their implementation
- to promote cycling and walking as real transport modes

The rapporteur stressed that pedestrians and cyclists should be given the same consideration as drivers and asked the Commission to consider their protection as a starting point in its effort to reduce accidents.

Eva Hedkvist Petersen (PSE, S) welcomed the approach on the rights of pedestrians and cyclists especially when it came to the safety of the road system.

The Report is expected to be adopted in Committee in January and in plenary in February.



ROAD SAFETY

EUROPEAN COMMISSION

Driving Time

As foreseen in the White Paper, the European Commission has proposed the simplification of the regulation on maximum driving times and minimum rest periods for drivers (Regulation EEC 3820/85) on 12 October 2001.

The aims of this draft proposal is to ensure uniform enforcement of driving time and rest periods and facilitate enforcement through a system of effective penalties: "Drivers engaged in goods and passengers transport should have the benefit of clear rules that are applied in the same ways in all countries" said Transport Commissioner Loyola de Palacio.

The Commission has also proposed to create an advisory committee of national experts in order to involve Member States more closely in the implementation of the regulation and of other Community rules in this area.

ETSC has raised with the Commission a number of issues concerning this regulation and its interface with the new Working Time Directive. ETSC fears that the proposed regulation will do nothing to curb excessive working hours and the fatigue associated with this until an effective relationship between the working time requirement and driving time regulations is established. ETSC's interpretation indicates that a working week of 80+ hours remains a realistic likelihood. A new ETSC report on 'Driving fatigue in commercial road transport' will be released in early 2002.

EUROPEAN PARLIAMENT

Working Time

The European Parliament and Council have reached a conciliation agreement on the working time in road transport (See Safety Monitor 38).

Self-employed drivers will be included within the scope of the Directive seven years after its entry into force (2009). However, a Commission study will take place on the consequences of excluding the self-employed sector which will be conducted in 2007. On the basis of that study the Commission will submit a proposal subject to the co-decision procedure either laying down arrangements for including self-employed drivers or excluding them. In effect, therefore, a decision on this aspect of the proposal is delayed for 7 years!

Speed limitation devices in commercial road transport

The rapporteur Konstantinos Hatzidakis (EPP, GR) welcomed the draft Directive on speed limitation devices proposed by the Commission at the RETT Committee meeting of 20 November (See Safety Monitor 37).

With the exception of Sir Robert Aktins (PPE-DE, UK), MEPs agreed that speed limitation devices constitute an effective measure to improve road safety.

One amendment seeks to extend the deadline for transposition into national law of the Directive from 1 January 2003 to 1 January 2004. Another amendment would entitle Member States to impose stricter speed restrictions in the interest of transport safety in the case of national transport operations involving hazardous goods.

The representative of the Commission, Dimitrios Theogolitis, Head of the Road Safety Unit of the DG TREN, informed the RETT Committee that his services had also proposed an amendment to the Directive on technical inspection of vehicles to include the checking of speed limitation devices.

This Report is expected to be adopted in the RETT Committee in January and in plenary in February.

The December Transport Council agreed that:

- (1) there should be a temporary three year exemption for light vehicles (M2, N2 not more than 7.5 tonnes)
- (2) and asked the Commission for a road safety evaluation of speed limitation devices in the 3rd road safety action programme.

Professional driver certification

The RETT Committee approved the common position of the Council without any amendments on 19 December (See Safety Monitor 37).

Professional driver training

The RETT Committee adopted the report of Matthieu Grosch (PPE-DE, B) on this issue on 21 November 2001 (See Safety Monitor 36 and 38).

The RETT Committee adopted 34 over 60 amendments reinforcing the Commission proposal's requirements for examination to be held at the end of both minimum and full basic vocational training. Such examinations should be conducted by an independent organisation. In another amendment, the RETT Committee stipulated that the length of "continuous" training should be 35 hours every five years. It also proposed that the training programmes should be structured in such a way as to include a block of at least 7 hours within working hours.

This Report is due to be debated at the Strasbourg plenary session in January.

Maximum length of buses

As the Council common position took on board most of the technical amendments adopted by the Parliament at its first reading, the RETT Committee adopted the common position without any amendments on 21 November (See Safety Monitor 36). The plenary debate is scheduled for the January session in Strasbourg.



MARITIME & INLAND WATERWAY SAFETY

COUNCIL OF MINISTERS

European Maritime Safety Agency (EMSA)

The December Transport Council (6-7 December) reached political agreement on the regulation aiming at the creation of an EMSA (See Safety Monitor 37). The text would be presented as a Council common position to the European

Parliament in the framework of the codecision procedure.

EUROPEAN PARLIAMENT

Requirements for single hull oil tankers

The December Plenary Session adopted without any amendments the Council common position on the phasing-out of single hull oil tankers (See Safety Monitor 38).

Port State control

The December plenary session approved the conciliation agreement on port state control, based on the report of Mark Watts MEP (PSE, UK) (See Safety Monitor 36 and 37).

The Council finally agreed that ships calling at Community ports or sailing in UE waters should be required to carry voice data recorders "black boxes". Under the new Directive, a port authority will have the right to detain a ship if it is not equipped with a functioning black box.

Mark Watts expressed his satisfaction on the outcome of the conciliation. He said "The black box will change the culture of shipping. A ship with a black box is a safe ship. Our common goal is to make sure that Erika and disasters like it never occur again".

The Directive has been formerly adopted by the December Transport Council.

Classification societies

The December plenary session approved the conciliation on ship inspections (See Safety Monitor 36 and 37).

At conciliation, the negotiations focused on two issues: the potential for conflict of interests and the degree of financial liability of a classification society in the case of an accident caused by negligence on its part.

On the first point, the Council agreed that a ship inspection or survey organisation should not be controlled by shipowners, ship builders, ship repairers or similar companies.

As regards financial liability, Parliament and Council agreed on a minimum sum of 2meuro for the medium term. The Commission has been asked to submit to the European Parliament and the Council a report evaluating the economic impact of the liability regime and if necessary a proposal to amend the Directive with more specific references to the principle of liability and maximum liabilities.

The Directive has been formerly adopted by the December Transport Council.

Loading and unloading of bulk carriers

The plenary session approved the common position of the Council without any amendments on 25 October 2001 (See Safety Monitor 38).



AIR SAFETY

EUROPEAN PARLIAMENT

Common EU security rules for civil aviation

The Council Presidency has asked the Parliament to consider this draft regulation urgently with a view of establishing a Council common position at its meeting of 6 December (See Safety Monitor 38).

The Rapporteur Jacqueline Foster (PPE-DE, UK) stressed that a rapid decision from the European Parliament should not lead to a low level of parliamentary scrutiny. As the technical standards are included in the annex to the draft regulation, which is currently being reviewed, the European Parliament would reserve its right to a second reading after the Council common position.

The draft report was adopted by the RETT Committee on 21 November 2001. All 10 amendment proposed by the Rapporteur were adopted. One amendment stated that it should be Member States responsibility to pay for these additional security measures. Another amendment stated that Member States should not be informed of the inspection of airports.

The Brussels November plenary session approved the proposal but MEPs adopted a number of amendments departing from the view of the

RETT Committee. A majority of MEPs took the view that both users and air transport sector should contribute to the additional security costs. Another amendment adopted called on the Commission to submit proposals to introduce uniform arrangements in the Member States for financing security measures in order to avoid any distortion in competition between operators and Member States within the Community.

The December Transport Council reached political agreement on the draft regulation. The text will be transmitted to the Parliament in the context of the codecision procedure.



RAIL SAFETY

EUROPEAN COMMISSION

Preview of the new railway package

The DG TREN organised an hearing on the forthcoming new railway package on 19 November 2001. The "New Railway Package" would aim to complement and modify the one adopted by the Council of Ministers in March 2001. It would aim at creating a genuine single market for rail freight transport and ensuring a high level of safety and interoperability.

The Commission envisages that this second railway package would include several proposals: a Directive for Railway Safety, a Directive amending Directives 96/48 and 2001/16 on interoperability, a Regulation creating a European Rail Agency and a Directive amending Directive 2001/12 on the opening of the rail market.

The proposed Safety Directive would define the responsibilities of the actors, would establish national authorities for regulation and supervision of safety, would define new provisions for safety certification and would identify Common Safety Targets (CST) and Common Safety Methods (CSM). It would also require the adoption of a "due process": transparency in safety regulation, clear rules for decision making by safety authorities, availability of information and the publication of annual reports summarising data at the European level. As far as accident investigation is concerned, the proposed Safety Directive would require safety investigation of significant occurrences, the

creation of permanent and independent bodies for accident investigation and set out requirements for the availability of the resulting information.

The new railway package would amend the two interoperability Directives by adding health and safety conditions and by insuring coherence and consistency with the Safety Directive and with the Regulation on the European Rail Agency (ERA).

The package also includes a proposal for a Regulation creating the "European Rail Agency for Safety and Interoperability" (ERA). The European Rail Agency (ERA) would be a support structure for the implementation of the safety and interoperability Directives by giving technical advice on safety and interoperability matters and by identifying common requirements for safety and interoperability.

The package is due to be adopted by the Commission at the beginning of 2002.

ETSC has welcomed the proposal for a Safety Directive.

European Rail Research Advisory Council (ERRAC)

The European Commissioner for Research, Philippe Busquin, launched on 26 November the new European Rail Research Advisory Council (ERRAC). The new advisory Council brings together manufacturers, railway and infrastructure operators, public and private research centres and users in a joint commitment to define and implement a strategic rail research agenda for Europe. The ERRAC will develop a common strategy for European rail research in order to speed up the emergence of a single European railway system.

ETSC has accepted the European Commission's invitation to participate.

ETSC NEWS

New working party

ETSC has set up a new Working Party on Risk Assessment. In the framework of the new programme of activity (2001-2003), the Working Party will carry out a Review on "Methods for assessing risk and setting targets in transport safety programmes". Professor Richard Allsop

