

SAFETY MONITOR

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

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SUMMARY

The Swedish Presidency

- ETSC welcomes the Swedish Presidency's decision to make transport safety a priority

The Council of Ministers

- Agrees on the maritime safety package (Erika 1)
- Reaches conciliation with the European Parliament on the rail transport package
- Agrees to exclude self-employed lorry driver's from working time Directive
- Accepts Finland as new member of Eurocontrol

The European Commission

- Proposes social package for road transport
- Proposes strengthening of compulsory use of seat belts
- Proposes Erika II maritime safety package
- Presents report of High Level Group on Air Traffic Reform
- Proposes Directive on air incident reporting
- Propose Recommendation on measures to reduce drinking and driving

The European Parliament

- Adopts report on road safety putting legislation on safer car fronts at the top of the EP priority list
- Approves proposal on minimum training of seafarers
- Approves EU proposals to liberalise rail freight sector



ACROSS THE MODES

Swedish Presidency, 1 January – 30 June 2001 has put transport safety high on the EU agenda

In January the Swedish Minister for Industry, Employment and Communications Björn Rosengren presented the Presidency programme for the transport sector at the Transport Forum in Linköping.

Sweden would put emphasis on safety, environmental considerations and an efficient internal market, in the transport sector during its term.

A review of EU transport policy would be carried out during the Presidency to determine future EU strategies and measures to achieve a smoothly functioning, efficient transport system that is sustainable in the long term.

The agenda on road traffic safety would include increasing the use of safety belts, driving license regulations and a recommended maximum permitted blood-alcohol level. Sweden would organise a high-level meeting in Trollhättan at the beginning of June to address safety and environmental issues in the area of road traffic.

The Presidency aimed to be proactive in the work of designing and harmonising the regulations for public service vehicles and in ensuring that the legislation is observed. The length of on-duty hours and rest periods, as well as the training of professional drivers, would be among the issues addressed.

The Minister wanted to continue the work on creating a European Aviation Safety Authority (EASA). The establishment of a common European airspace to facilitate accessibility was another vital issue for the Presidency.

With regard to maritime safety and environment Sweden wanted to continue work on the so-called Erika proposals for double-hull tankers for oil transport, compensation for oil damages, a European Maritime Safety Agency and information system.

Mr. Rosengren also emphasised the need for a new plan for the railways as a step towards a modern railway system in Europe.

COUNCIL OF MINISTERS

Galileo

At the Transport Council in December, Ministers did not agree on a Resolution concerning Galileo to bring the programme from its definition phase into the validation phase. Discussions would continue under the Swedish Presidency.

Product Safety

A November Council meeting reached an agreement on a common position for the adoption of the Directive on general product safety. The new Directive amends a Directive of 1992 by introducing clearer and more efficient rules aimed at ensuring that only safe products are placed on the market.



ROAD SAFETY

COUNCIL OF MINISTERS

Working hours of employed and self-employed lorry drivers

By qualified majority the Transport Council agreed in December that self-employed lorry drivers would be excluded from the Directive. They also agreed that it would be appropriate for the Commission to come up with any new proposal only three years after the transposition date of the Directive, and following an assessment by the Commission of road safety, competition, the structure of the profession and the social dimension concerning self-employed lorry drivers.

Employed lorry drivers would be restricted to a maximum working week of 48 hours with a maximum of 60 hours, provided the 48-hour average per week is not exceeded during a four month period.

In January, the European Parliament called upon the Commission to pursue working conditions for professional drivers and consider cumulative driving fatigue in the next road safety programme. The monitoring and application of the law had to be improved and harmonised within the EU;

An ETSC working party on driver fatigue is currently working on a report to be published later this year stressing the need to take into account scientific evidence concerning driving fatigue and the risk of road accident and recommending a new EU framework for the regulation of driving time, work and rest in road transport.

Weekend ban on lorries

The Council in December did not agree on the harmonisation of the bans on journeys by heavy goods vehicles at weekends. The Commission had tabled a proposal designed to limit the scope solely to heavy goods vehicles making international journeys on the Trans-European road network.

UN/ECE Regulations

In November meetings, the Council adopted the joint guidelines on the Decisions on the accession of the EC to the following Regulations of the UN ECE concerning the approval of vehicles and equipment:

- Regulation 106 on the approval of pneumatic tyres for agricultural vehicles and their trailers
- Regulation 105 on the approval of vehicles intended for the carriage of dangerous goods
- Regulation 104 on the approval of retro-reflecting markings for heavy and long vehicles and their trailers
- Regulation 13-H on the component approval of passenger cars in respect of their braking system, a replacement steering wheel equipped with an airbag module of an approved type and a replacement airbag system other than that installed in a steering wheel
- Regulation 109 on the approval for the production of retreaded pneumatic tyres for commercial vehicles and their trailers; and

- Regulation 108 on the approval for the production of retreaded pneumatic tyres for motor vehicles and their trailers.

The Council also adopted the following Decisions:

- accession by the EC to UNECE Regulation No 67 on the approval of special equipment for motor vehicles fuelled by liquefied petroleum gas;
- two Decisions on the position of the EC on draft Regulations of the UNECE concerning, firstly, the approval of motor vehicle headlamps emitting a symmetrical passing beam or a driving beam or both and equipped with filament lamps and, secondly the approval of motor vehicle head lamps emitting an asymmetrical passing beam or a driving beam or both and equipped with filament lamps.

EUROPEAN COMMISSION

Recommendation on blood alcohol limits

In January, the Commission issued its Recommendation on blood alcohol limits at 0.5 parts per thousand blood alcohol concentration level. The Commission recognized that drinking and driving was still a major road safety problem in the EU. About 10,000 people, a quarter of all EU road deaths, are killed every year in accidents where at least one driver had consumed too much alcohol.

The main elements of the recommendation are:

- 1) All Member States should adopt a general legal maximum blood alcohol concentration limit of no higher than 0.5 parts per thousand. Only four Member States (United Kingdom, Ireland, Italy and Luxembourg) still retain a maximum legal blood alcohol concentration limit of 0,8 parts per thousand.
- 2) A lower legal maximum limit of no higher than 0.2 parts per thousand should be adopted for inexperienced drivers (those who are learning to drive or have only been in possession of a full driving licence for less than two years), drivers of large goods vehicles and buses, and riders of 2 wheel motor vehicles.
- 3) All Member States should adopt random breath testing to deter drivers from drinking. They should also seek to ensure that every driver has a good chance of being tested at least once every three years, in accordance with the current best practice standard.

The Recommendation states that lower and more harmonized blood alcohol limits would provide a clearer message to drivers on European roads. In

parallel, more effective enforcement of the limits throughout Member States was also needed to save lives.

On the same day the European Parliament adopted Ewa Hedkvist Petersen's MEP (PSE, S) report on the Commission's Communication "Priorities in road safety - Progress report and ranking of actions".

In the report the European Parliament adopted the view that it "believes that an EU recommendation on blood alcohol limits is not the appropriate response to the need to reduce the considerable differences between the Member States in this field and takes this opportunity to reconfirm the Parliament's support for the existing proposal for a maximum common limit of 0.5 parts per thousand; calls on the Member States to enforce compliance of the blood alcohol limits more strictly and reconfirms the need for provisions for the standardisation of apparatus for testing alcohol levels; research and development of alcohol interlock devices should also be promoted...".

Whilst the Commission is not withdrawing its original proposal for a Directive, which means it is still available for take up by any Presidency, this Commission recommendation is seen as a major backtrack in road safety policy by the European Parliament and road safety campaigners.

Package of social measures in road transport

In November the Commission proposed an initial package of three social measures designed to make the internal market in road transport more competitive following its consultations on the June Communication 'Towards a safer and more competitive high-quality road transport system in the Community'. The Commission proposes:

- 1) To ensure that drivers are employed under appropriate conditions:
 - A growing number of drivers from non-EU countries are being employed by European haulage undertakings to drive Community vehicles on intra-Community routes but under working conditions in breach of both national and Community legislation. This destabilised conditions of employment and had an effect on accident risk because of the longer working hours. The Commission, therefore, wants an obligation be placed on Member States to issue a 'driver's certificate' to drivers lawfully employed on their territory and making international trips. Member States would organise the

implementation of the Directive at their own discretion.

2) To organise the working time of mobile workers: (See page 2 above)

3) To state clearly employers' responsibility for offences committed by their drivers; to tighten up the provisions on initial and continuous training for professional drivers and finally stepping up checks on driving times and drivers' rest periods.

Commission proposes strengthening compulsory use of safety belts

On 11 December 2000 the European Commission proposed to amend current EU legislation on compulsory seat belts use to make the wearing of seat belts compulsory for all vehicle users, whether fitted in coaches, trucks, vans or passenger cars. Young children should also be protected by an appropriate child restraint in passenger cars.

The amendments proposed to the existing Directive are threefold:

- Member States may currently allow children of 3 years and older to be restrained by an adult seat belt. They may also exempt children younger than 3 years of age from wearing special child restraints when seated in the rear if child restraints are not available in the car. The Commission proposes to eliminate these exemptions and to require that child restraints approved to a recognised technical standard be provided and used.
- They prohibit the use of a rearward facing child restraint on a front passenger seat unless the relevant air bag has been either disconnected or switched off.
- They require that safety belts, where fitted, shall be used by drivers and seated passengers of lorries and coaches.

ETSC welcomes these proposals and notes that EU action is also urgently required to provide appropriate universal anchorages for the safer fitment of child restraints in cars.

EUROPEAN PARLIAMENT

MEPs vote for road safety and express concern on Commission backtracking on blood alcohol limits and safer car fronts

On 18 January 2001 the European Parliament agreed on priorities for EU road safety action and adopted the report of Ewa Hedkvist Petersen (PSE, S) on the Commission Communication "Priorities in road safety- Progress report and ranking of actions."

In view of the 42,000 people killed and more than 1.7 million injured on EU roads every year, they affirm that improving safety for all modes and providing the necessarily funding to achieve that, must be one of the main priorities of transport policy.

Ewa Hedkvist Petersen MEP, said: 'It is clear that we do not have to accept the loss of so many lives every year when cost-effective and publicly acceptable solutions exist. For example, our two priority EU actions - safer car fronts for pedestrians and cyclists and a common blood alcohol limit could save 3,000 lives and many more thousands of injuries. In choosing a recommendation rather than legislation on blood alcohol limits, the Commission has backtracked on one major element of road safety policy. Every month of delay in introducing the safer car fronts' legislation means the loss of over 170 lives'.

The immediate Parliamentary priorities in the remaining Commission programme to the end of 2001 are:

- A legislative proposal incorporating the four EEVC sub-system tests to bring about safer car fronts for pedestrians and cyclists;
- A mandatory common upper blood alcohol limit of 0.5 grammes per litre;
- A legislative proposal requiring the fitment of speed limiters to light vehicles;
- Further support for EuroNCAP;
- Support for seatbelt campaigns but only on the condition that police enforcement is linked with publicity campaigns;
- Support for the development of a specification for smart audible seat-belt reminders;
- EU best practice guidelines on low cost measures, safer roadside designs, urban safety management, safety audit and speed reduction;
- Support for the further development of the EU road accident database and the

computerised EU road-safety information system.

MEPs want the Commission to set a fatality reduction target for the EU to 2010. The next road safety programme for the years 2002-2010 should clearly define the main priorities and employ a systematic and problem led approach to reducing road crashes and injuries towards the same level of safety in road transport as in other modes;

ETSC welcomes the European Parliament's Resolution. In the ETSC's response to the Commission Communication (See Safety Monitor 31) it shares the opinion of the European Parliament on the priorities for EU action.



MARINE & INLAND WATERWAY SAFETY

COUNCIL OF MINISTERS

Council agreement on Maritime Safety

In December, the Transport Council agreed on the first package of measures to improve maritime safety (Erika I). This agreement covers proposals on Classification Societies, Port State Control and the gradual ban on single-hull oil tankers.

EUROPEAN COMMISSION

Second package of Maritime Safety

In December, the Commission adopted a second package of measures on maritime safety (Erika II) consisting of three proposals:

- Stricter control of maritime traffic. In order for substandard ships not to escape the controls introduced in the first package of measures, the Commission has proposed the tightening up of the monitoring and control arrangements for in-transit vessels off EU coasts. The proposal would require ships sailing in Community waters to carry automatic identification systems and black boxes similar to those used in aircraft, in order to facilitate accident investigation. Under the Directive ships would not be allowed to leave port in bad weather and Member States would have to provide ports of refuge.
- Better compensation for coastal pollution damage. The current rules on compensation for pollution damage caused by oil tankers

date from the 1970s. The Commission has proposed the establishment of a European pollution damage compensation fund (COPE Fund) to provide additional compensation which will help speed up the full compensation of victims of oil spills in Community waters and which will be financed by European companies which import oil. It also provides for the imposition by Member States of financial penalties for negligent behaviour by any person involved in the transport of oil by sea.

- Setting up a European Maritime Safety Agency (EMSA). The Commission envisages an agency with a staff of around 50 which would provide support in applying and monitoring compliance with Community regulations and evaluate the effectiveness of the maritime safety measures. It would further include the collection of information and the operation of databases on maritime safety, evaluation and audit of maritime classification societies, and the organisation of inspection visits in the Member States to check the conditions under which Port State control is carried out. It would be able to assist the national inspectors in their control tasks.

EUROPEAN PARLIAMENT

Training of seafarers

In the December Plenary a proposal for a European Parliament and Council Directive on the minimum level of training of seafarers was approved in co-decision procedure without report.



AIR SAFETY

COUNCIL OF MINISTERS

European Aviation Safety Authority

The December Transport Council agreed on Conclusions on the proposal to set up a European Aviation Safety Authority. The Ministers agreed to have an open process vis-à-vis third countries joining EASA but stressed the urgency to decide on how the powers of EASA would link with national air traffic control authorities.

New member Eurocontrol

Finland has become the 30th member of Eurocontrol. The instrument of accession was deposited in November 2000. Finland has co-operated with Eurocontrol for some time through air traffic management agreements and the ATC harmonisation programme.

EUROPEAN COMMISSION

Proposal for occurrence reporting in civil aviation

In December, the Commission presented a proposal to create a legal framework to collect and disseminate information on aviation incidents. By means of introduction, the Commission states that the annual number of deaths over ten years in EU commercial air transport is about 52 but "All safety experts recognise however that the global rate of accidents is stabilising and, as a consequence, if nothing is done to improve it, the growth in air traffic will lead to an increase in the absolute number of fatal accidents per year."

ETSC welcomes this long awaited Commission proposal for Member States to be mandatorily required to establish systems for incident reporting. However, whilst it requires the storage of that information in a nominated database and requires the exchange of information between Member States, it falls short of requiring the establishment of a centralised EU database which limits the efficiency of this measure.

While the proposal requires Member States to adapt their legislation in order to enable the setting up of confidential reporting systems, it falls short of establishing the EU framework which has been long recommended by safety experts.

New step towards a single European sky

In December, the Commission presented the conclusions of the report of the High Level Group on Air Traffic Reform on improving air transport performance and reducing delays. Chaired by Transport Commissioner Loyola de Palacio, this group brought together civil and military air traffic authorities, with the close involvement of social partners and industry. It confirms the urgent need for a single European sky and advocates setting up the structures needed to create it by 2005.

Transport Commissioner Loyola de Palacio said she hoped to submit an action programme to the

Council proposing measures to reconcile the expansion of air traffic with air safety needs.

Action by the EU together with Eurocontrol and the air control service providers represented the most promising approach according to the High Level Group on Air Traffic Reform. It proposed six main lines of action:

- 1) **Airspace:** a common resource. All users should have access to it. It should be managed as a continuum, starting with upper airspace.
- 2) **The need for a strong Community regulator,** independent of the various interests at stake and with adequate resources. The regulator would set ambitious targets to maintain or improve safety and maximise performance.
- 3) **Gradual progress towards joint civil and military management of air traffic.** Concrete and operational participation of the military authorities should be organised through the mechanisms of the joint foreign and security policy.
- 4) **Institutional synergy between the EU and Eurocontrol.** The institutional framework of the EU was the only appropriate way to make rapid general progress towards more efficient and coherent management of airspace. The EU's regulatory capacity needed to be combined with Eurocontrol's vast expertise. To this end, there should be active support for the process of Community accession to Eurocontrol.
- 5) **Appropriate modern technology.** Since top priority should be assigned to safety, the introduction of new technology should be stimulated and interoperability improved.
- 6) **Co-ordinated human resources policy.** The professional and trade union organisations should be involved in the Community social dialogue. The recruitment and mobility of air traffic controllers should be stimulated.

These activities would concern the Member States in the first instance. However, the report stated that achieving a real pan-European single sky would depend on the participation of third countries in addition to the accession candidate countries and the countries with which the EU already has aviation agreements.

EUROPEAN PARLIAMENT

Harmonisation of technical requirements and administrative procedures in the field of civil aviation, including Flight Time Limitation

The European Parliament adopted Brian Simpson's MEP (PSE, UK) report in the form of a legislative resolution on the proposal for a European Parliament and Council regulation

amending Council Regulation (EEC) No 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation.

The resolution approves the Commission proposal as amended, but calls on the Commission, should the representatives of the Airlines and the Employees reach agreement on flight and duty time limitations and rest requirements for flight crew and cabin crew, by 1 May 2001, to make a proposal on the basis of that agreement to modify this Regulation.

The Resolution also calls on the Commission, should the representatives of the Airlines and the Employees be unable to reach an agreement on flight and duty time limitations and rest requirements by 1 May 2001, to come forward with a proposal setting out the flight and duty time limitation and rest requirements for flight crew and cabin crew, by 1 July 2001.

The International Convention of Montreal

With the adoption in January of the report by Konstantinos Hatzidakis MEP (PPE, G), the European Parliament supported the ratification of the international convention of Montreal on paying indemnities to passengers in the event of air disasters, delays and the loss of luggage. The convention adopted on 28 May 1999 will replace the Warsaw convention, adopted over 70 years ago. It increases the ceilings for compensation by adjusting them to the standards already applied de facto in civil aviation, with:

- unlimited responsibility in the case of death or injury to passengers;
- responsibility up to around EUR 6,200 in the case of damage to passengers due to delays;
- liability amounting to EUR 1,490 in the event of loss of luggage or damaged luggage.



RAIL SAFETY COUNCIL OF MINISTERS

Agreement on the railway package

The Council announced in December that an agreement was reached with the European Parliament in conciliation on the railway package.

This proposes measures to enhance transparency in the rail sector: opening up of rail freight transport, separation of transport operations and essential functions relating to capacity allocation and infrastructure charging, improved safety,

greater efficiency and increased harmonisation of the rules and procedures at European level.

The three proposals for Directives on the development of Community railways provide for licences for rail undertakings and on the allocation of railway infrastructure capacity, the levying of charges for the use of railway infrastructure and safety certification.

The conciliation agreement provides as follows:

- a) future stages in opening up the network: it was agreed that, 7 years after the entry into force of the Directive, railway undertakings will have access to the whole of the European rail network for international freight transport;
- b) infrastructure charging: the agreement confirms the principle that infrastructure costs should be covered by the user, while acknowledging that this is a long-term objective which depends on charges in relation to other transport modes;
- c) exemptions: for Luxembourg, maintenance of an exemption until August 2004; for Ireland, Northern Ireland, and Greece, exemption for five years, renewable subject to authorisation by the Commission; deletion of the "Austrian" clause.

EUROPEAN COMMISSION

Rail Safety

Transport Commissioner Loyola de Palacio has announced that she plans to present proposals on rail safety during 2001 in order to ensure transparency and co-ordination of safety procedures. In December she announced to the European Parliament's Transport Committee that the EU should strive for the safest rail safety system in the world.

EUROPEAN PARLIAMENT

Liberalisation of rail freight sector

The European Parliament approved EU proposals to liberalise rail freight which will affect 90 per cent of EU-cross border rail freight and involve the separation of the infrastructure from the operating companies. These companies will be able to apply for licences to carry cross-border freight as long as they obtain a safety certificate from each country through which their services pass. In 2003 the plans will come into effect and initially they will cover the Trans-European network of main cross-border routes.

INTERNATIONAL EVENTS DIARY

- 15-16 March 2001 3rd European Convention in Safety Promotion and Injury Prevention organised by ECOSA, Institut Sicher Leben and Traung to be held in Radisson SAS Palais Hotel Vienna, Austria. Contact: ECOSA PO Box 75169 NL-1070 AD Amsterdam The Netherlands, Tel: , Fax: +31 20 511 4510, E-mail: w.rogmans@consafe.nl
- 20 March 2001 2nd European Passive Safety Network Conference organised by INRETS to be held in Novotel 32, Rue de la Vierge Noire, B-1000 Brussels, Belgium. Contact: Mrs Charpenne, Tel: +33 4 721 424 20, Fax: +33 4 721 425 73, E-mail: charpenne@inrets.fr, Internet: www.passivesafety.com
- 2-6 April 2001 4th International Conference on Safety in Road and Rail Tunnels organised by ITC and University of Dundee in Madrid, Spain. Contact: Mrs Whitham, ITC, PO Box 452, Kempston, Bedford, MK43 9PL UK, Tel: +44 1234 854 756, Fax: +44 1234 841 375, Internet: www.itc-conferences.com
- 6-7 June 2001 Conference on New Technology for Safe and Environmentally Sound Road Transport organised by the Swedish Presidency, in Trollhättan, Sweden. Contact: Marianne Palovaara, Ministry of Industry, Employment and Communications, tel. +46 8 405 10 00
- 19 June 2001 **Best in Europe 2001, Brussels., ETSC's annual road safety conference Contact: ETSC + 322 230 4106**
- 19-21 Sept. 2001 12th International Conference Traffic Safety on Three Continents organised by the Russian Ministry of Transport NIIAT, Transdekra, CSIR, FERSI, VTI and TRB to be held in Moscow, Russia. Contact: Dr. K. Asp, VTI SE-581 95 Linköping, Tel: +46 13 204 000, Fax: +46 13 126 162, E-mail: info@vti-utveckling.se
- 30 Sept.-3 Oct. 2001 1st WHO Safe Community Conference on Cost Calculation and Cost-effectiveness in Injury Prevention and Safety Promotion organised by Viborg County Council and WHO Collaborating Centre on Community Safety Promotion, Golf Hotel Viborg and Golf Salonen, Viborg, Denmark. Contact: Viborg Amt, WHO Safe Community-Conference 2001 Skottenborg 26, Postbox 21 DK-8800 Viborg Denmark, Fax: +45 8660 2311, E-mail: ukhkk@vibamt.dk, Internet: www.vibamt.dk/conference2001
- 1-5 Oct. 2001 8th World Congress on Intelligent Transport Systems to be held at the Sydney Convention & Exhibition Centre, Darling Harbour, Australia. Internet: www.itsworlcongress.org
- 10-12 Oct. 2001 2001 IRCOBI Conference on the Biomechanics of Impact to be held on the Isle of Man, United Kingdom. Contact: Antoinette Charpenne-IRCOBI Secretariat/INRETS 25, av. François Mitterrand, Case 24, 69675 Bron Cedex, France, Tel: +33 4 7214 2420, Fax: +33 4 7214 2573, E-mail: charpenne@inrets.fr
- 22-25 Oct. 2001 3rd International Conference on Tunnel Fires to be held in Washington, USA. Contact: Stephanie Whitham, ITC Ltd, PO Box 452 Kempston, Bedford MK43 9PL UK, Tel: +44 1234 854756, Fax: +44 1234 841375, Internet: www.itc-conferences.com

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