

SAFETY MONITOR

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

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SUMMARY

The Council of Ministers

- Adopted the Directive on tunnel safety (p.1)
- Discussed the new Directive on road user charging (p.2)
- Approved the conciliation agreements with the European Parliament on the Single Sky package (p.4)
- Secured a conciliation agreement with the European Parliament on the proposed Directive on third countries aircraft (p.5) and on the Second railway package (p.5)

The European Commission

- Sent a letter of formal notice to EU Member States for failure to respect key maritime safety legislation (p.3)
- Gave new implementing powers to the Committee on Safe Seas (p.3)
- Tabled a new proposal on EU OPS rules (p.4)
- Presented the Third railway package (p.5)

The European Parliament

- Adopted its resolution on the Commission's monitoring reports for the accession countries (p.1)
- Dropped the proposals on driving licences and bull bars from its agenda (p.3)
- Approved the extension of the tasks of EMSA (p.4)
- Adopted the proposal to extend the ISM Code to all ships in EU waters (p.4)

The European Transport Safety Council

- Is pursuing its SEC Belt project, planning three road safety seminars and organising two working parties (p.6)
- Participated in reviewing a WHO report on "Preventing Road Accident Injuries" (p.6)
- Wrote a letter to the European Commission to participate in the Monitoring Committee on Pedestrian Protection (p.6)
- Will host the 6th European Transport Safety Lecture on 26 April 2004 (p.6)



ACROSS THE MODES

EUROPEAN PARLIAMENT

Accession countries

On 10 March 2004, the European Parliament adopted its own-initiative report on the Commission's monitoring report on the accession countries' state of preparedness for EU membership.

The report recognises the Transport Committee's concerns that in the field of aviation safety, Estonia, Cyprus and Latvia must undertake further efforts, and that in the road transport sector, a similar effort is necessary in Cyprus, Slovakia, Czech Republic, Poland and Hungary. It also records the Committee's concern arising from the situation in the maritime sector in Cyprus and Malta where "significant steps will have to be taken immediately to overcome difficulties before accession".



ROAD SAFETY

COUNCIL OF MINISTERS

Tunnel safety

The Transport Ministers have adopted, without further debate, a common position on road tunnel safety. They favour a more flexible system than originally proposed by the Commission so account can be taken of the differences between individual road tunnels.

This is the approach the European Parliament recommended last October during its first reading of the proposal (*see Safety Monitor 50*). The European Commission included most of the amendments in its new draft Directive, which was adopted on the same

day as the common position. The Parliament now has to conclude its second reading.

The Directive seeks to enhance road tunnel safety by creating a series of safety requirements that have to be applied to technical equipment, traffic regulations, support services, user information, etc. It covers all tunnels in the trans-European network over 500 metres long.

Road user charging for heavy goods vehicles

On 9 March, the Council held another heated debate on the draft Directive on road user charges (amending the "Eurovignette" Directive 1999/62/EC), without being able to reach a compromise. While the Commission has shown itself flexible regarding most of the controversial points, it insists that the revenues of road tolls must be ploughed back into transport infrastructure, a position which notably some of the bigger countries oppose. These countries believe states should be able to use revenues in whatever way they feel appropriate, but Transport Commissioner de Palacio, backed by the road industry, said this would "change the objective of the proposal".

Driving time

The Council has re-started work on the draft Regulation on driving time and rest periods in the road haulage industry. At the beginning of this year, the Irish Presidency was still optimistic that a political agreement could be hammered out on 8 March, but finally the proposal did not make it onto the meeting's agenda.

The Commission's first proposal to replace Regulation 3820/85 dates back to October 2001. It was approved by the European Parliament in January 2003 with a great many amendments, but the Council never succeeded in reaching a compromise on the issue. The Commission amended the proposal in August 2003 (*see Safety Monitor 50*).

EUROPEAN COMMISSION

European Road Safety Charter

The Commission has launched its 2004 campaign for the European Road Safety Charter. The text was slightly altered in that signatories are not anymore asked to subscribe to all 10 paragraphs, but only to one or more paragraphs of their choice.

All information related to the Charter is published on the Commission's website under <http://europa.eu.int/comm/transport/roadsafety/charter.htm>. There is also an online application form available from these pages.

An official signing event is planned for 7 April 2004 (World Health Day) in Dublin, Ireland.

Digital tachographs

The Commission has decided to de facto postpone the introduction of digital tachographs for some 8-12 months. This comes after repeated calls from stakeholders to relax the timetable for the implementation of Regulation 2135/98 which requires the fitting of digital tachographs to all new buses, coaches and trucks from 5 August 2004.

At this moment, type approval is still not possible and, according to industry sources, it will not be possible until June this year at the earliest. Digital recording devices should permit stricter and more harmonised enforcement of driving and rest time regulations.

Infrastructure safety

The Commission has postponed its long-announced proposal for a Directive on infrastructure safety for "a couple of months", according to a Commission official. The draft's main element was the introduction of safety impact assessments and road safety audits for the Trans-European Road Networks (*see Safety Monitor 50*).

New reports and studies

The European Commission has published two new reports from the High Level Working Group on Road Safety on best practice for road safety managers. One of them is related to road infrastructure safety, the other one highlights road safety aspects of rail/road level crossings. The reports can be found under http://europa.eu.int/comm/transport/road/roadsafety/roadinfra/reports_en.htm.

New studies from SWOV and KfV have been published on the CARE website under http://europa.eu.int/comm/transport/care/studies/index_en.htm.

The road safety quick indicator for 2003 is available from the Commission's pages under http://europa.eu.int/comm/transport/road/figures/accidents/quickindicator/index_en.htm.

EUROPEAN PARLIAMENT

Road user charging for heavy goods vehicles

After the Council, the Parliament's RETT Committee discussed and adopted the Commission's proposal for a Directive on road user charging. The Committee supports the Commission's position that revenues should be channelled into the transport sector only.

The amended report by Luigi Cocilovo (EPP-ED, I) does not foresee that accident costs should be taken into consideration when determining the level of tolls. It was adopted by 40 votes to 5 with 2

abstentions. More than 200 amendments were tabled on this issue.

Compliance with social legislation in commercial road transport

The European Parliament's RETT Committee has adopted a number of changes to the Commission's new requirements for checking procedures.

The Commission had proposed, for example, that Member States should organise checks in such a way that they cover at least 3% (and no longer 1%) of days worked by drivers of vehicles but MEPs felt that a figure of 2% was enough. Where the Commission had suggested that not less than 30% (rather than 15%) of the checks have to be carried out at the roadside, the Transport Committee changed this figure back to 15%. It deleted entirely a reference to checks on maximum weekly working time.

On the other hand, MEPs proposed to extend the scope of the Directive to cover self-employed drivers and very small undertakings, and they also agreed to call on the Commission to propose a Directive on the harmonisation of sanctions. As things stand, fines differ radically between Member States, in some cases by more than 1,000%.

The Commission's proposal to replace Directive 88/599/EEC was presented on 21 October 2003 (*see Safety Monitor 50*). Adoption in plenary is foreseen during the plenary session of 19-22 April.

ETSC welcomes the broadening of the Directive, but urges the Parliament to be at least as stringent as the Commission proposal. ETSC will therefore support adoption by the plenary of the rapporteur's amendments affirming the higher rate of checking in the Commission proposal (*see also ETSC's report "The role of driver fatigue in commercial road transport crashes", <http://www.etsc.be/rep.htm>*).

Driving licences

The RETT Committee decided on 16 March 2004 to drop the issue of a European driving license from its agenda. MEPs expressed concern that the debate could play into the hands of Eurosceptic press ahead of the European elections.

The Commission's draft Directive, presented in October 2003, is meant to guarantee a European-wide recognition of driving licences among Member States, to combat fraud and enhance road safety (*see Safety Monitor 50*).

Bull bars

The European Parliament will not anymore discuss the draft Directive to ban rigid bull bars on motor

vehicles in this legislature. This has been confirmed by the Parliament's rapporteur on the issue, Ewa Hedkvist Petersen (PES, SV).



MARITIME & INLAND WATERWAY SAFETY

COUNCIL OF MINISTERS

Accession to IMO

The Irish Presidency wants to re-launch the debate about membership in the International Maritime Organisation (IMO), according to the Irish minister for shipping, Dermot Ahern. The minister said however that Ireland was satisfied with the current mechanism of co-operation. Recent experience, and in particular the success of amending the MARPOL convention on single-hull tankers, suggested that the co-operation worked well and produced good results, he told MEPs at a recent meeting of the MARE Committee.

The European Commission requested authorisation from the Council to negotiate the Community's accession nearly two years ago, in April 2000. It argued that full membership would enhance the EU's influence on the adoption of international shipping rules. The move received the backing of the European Parliament, which explicitly called for full accession in a Resolution on external relations in the transport sector adopted in March 2003.

EUROPEAN COMMISSION

Vessel traffic monitoring

On 26 February 2004 the Commission sent a letter of formal notice to all EU Member States, except Denmark, Germany and Spain, for failure to respect EU legislation on vessel traffic monitoring and information systems. If the countries do not adopt measures to implement the Directive within two months, the Commission will send reasoned opinions, the last step before take legal action.

The Directive, adopted in the wake of the *Erika* oil tanker accident in 2002, aims to enhance maritime safety through a number of measures including the establishment of places of refuge for ships in distress and the obligation to carry on board a voyage data recorder ("black box").

Committee on Safe Seas

The Commission has given new implementing powers to the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS). These new powers addressed in the relevant EU Regulations and Directives cover:

- reporting formalities for ships arriving in and/or departing from EU ports;
- Community vessel traffic monitoring and information system;
- the prohibition of organotin compounds on ships;
- specific stability requirements for “roll on roll off” passenger ships.

The Committee on Safe Seas was established in 2002 with the aim of bringing the duties of the different bodies created under EU maritime safety law under the responsibility of a single committee.

EUROPEAN PARLIAMENT

European Maritime Safety Agency (EMSA)

At its plenary session of 9 February 2004, the European Parliament approved the report by Emmanouil Mastorakis (PES, GR) on the extension of the tasks of the Maritime Safety Agency (EMSA). The report was adopted by the RETT Committee on 21 January 2004 (*see Safety Monitor 51*).

EMSA will take on three new tasks. It will develop an operational capability in oil pollution response, ensure that standards of seafarers training outside the EU is more effectively monitored and monitor maritime security issues on board ships.

International Safety Management Code

The European Parliament gave the green light on 10 March 2004 to extending the International Safety Management (ISM) Code to all ships in EU waters. Parliament adopted the report by Paolo Costa (ELDR, I) without any amendments.

If the Council of Ministers approves the current proposal, port authorities will be able to deny access or to refuse the departure of any ship not in possession of ISM certificates (*see Safety Monitor 51*).

Temporary Committee on maritime safety

The so-called MARE Committee continued on 18 February to hear maritime safety experts. Eduardo Chagas of the European Transport Workers' Federation (ETF) explained to MEPs that the prime causes for tanker casualties were not structural but human. Grounding and collisions accounted for almost 50% of incidents, whereas only around 11% were related to hull failure, the expert said. Consequently, human conditions in the maritime sector should be taken more seriously, especially in EU legislation. Mr. Chagas mentioned flags of convenience and false certificates for merchant navy officers as the most pressing issues to be tackled. He urged MEPs to press the Commission to take account of the human element issues when drafting the Erika III package announced for this year.

On 8 March the Committee discussed its final report drafted by Dirk Sterckx (ELDR, B), and on 18 March MEPs held discussions with the Commission director-generals for environment and for regional policy. The final vote on the Committee's report will be taken on 5 April, adoption in plenary is foreseen during the session of 19-22 April.



AIR SAFETY

COUNCIL OF MINISTERS

Single Sky package

On 2 February 2004, the Council approved by written procedure the conciliation agreement of 9 December 2003 between the European Parliament and the Council (*see Safety Monitor 51*). The European Parliament debated and adopted the package on 29 January 2004.

After the formal approval of the Regulations, implementing measures must now be adopted through committee procedure. The Commission says it wants to finish this task by the end of this year, to create a integrated European airspace before 1 January 2005.

EUROPEAN COMMISSION

Operational rules for air carriers

The Commission has made a new proposal for a Regulation on operational rules for air carriers (EU OPS rules), including rules on flight times and rest periods for European aircraft crew. The new draft limits the maximum flight time of crew members to 13 hours per day and 11 hours 45 minutes at nights, following the European Parliament's response to a previous draft of the Regulation. The text leaves however scope for national exemptions from the very detailed flight time limitation scheme. The new proposal also entails requirements for cabin crew concerning age, medical fitness and minimum training.

The first proposal's version was tabled in March 2000. It had to be changed several times in the light of the discussions in the Parliament and the Council as well as another proposal on safety requirements for cabin crew, which the Commission submitted earlier.

ETSC will work with the new European Parliament following the June elections to ensure positive progression of this dossier, *see proceedings of an ETSC meeting held on 19 February 2003 on "The role of EU FTL legislation in reducing cumulative fatigue in civil aviation"* (available on request).

EUROPEAN PARLIAMENT

Safety of third-country aircraft

On 27 January 2004, a conciliation agreement was secured without further debate regarding the so-called "ramp checks Directive". Council and Parliament had agreed on the bulk of issues already during a trialogue meeting on 20 January (*see Safety Monitor 51*).

The European Parliament plans to finally adopt the proposal on 29 March in Brussels.



RAIL SAFETY

EUROPEAN COMMISSION

Third railway package

On 3 March 2004, the Commission presented a third package of measures to revive the European railways. It is made up of four proposals related to the liberalisation of international passenger services, passenger rights, the quality of rail freight and the certification of locomotive drivers.

The Commission proposes that as of 1 January 2010, all railway undertakings holding a licence and the required safety certificates should be able to operate international passenger services in the Community. Passengers of international rail services should be better protected, and freight transport should be improved through the inclusion of minimum quality clauses in contracts between railway companies and their customers.

Regarding **train drivers' certification**, the Commission's finally proposes a two-level certification taking account of both train drivers' general qualifications and their specific training relating to the particular undertaking they are working for. The initial suggestion to introduce a single train driver's certificate across the EU has been abandoned in the light of an agreement secured earlier by the social partners in European rail transport (*see below*).

The text goes however beyond this deal in that it requires that licenses given out by individual railway undertakings must be complemented by a general EU license issued by the Member States' competent authorities. Moreover, the proposal will apply not only to drivers operating on cross-border services (from 2010) but also to those operating on national services (from 2015).

The draft aims to facilitate the certification of railway undertakings, which is required by the recently adopted Directive on railway safety.

EUROPEAN PARLIAMENT

Second railway package

Parliament and Council reached an agreement in conciliation on 16 March 2004, providing for a full liberalisation of international freight services from 2006, and national freight services from 2007. The Council settled on the Parliament's demand to include a reference to the 2010 opening-up date for international passenger transport suggested by the Commission in its third rail package

The agreement on the future **European Railway Agency** allows all Member States to assign a representative to the board of the Agency, which reflects the Council's position on the matter. There will also be six non-voting representatives from the railway sector and unions in the Agency's board, as demanded by the European Parliament.

Both Commission and Parliament still favour a mixed board made up of Member States and Commission representatives. The Commission has says it will present, "when appropriate", a new proposal to limit the board's size and "to ensure a better functioning of the Agency in an enlarged Europe".

Regarding the draft **Directive on rail safety**, the agreement allows Member States to adopt stricter rules on condition that they notify the Commission prior to their adoption. Member States will not have to wait for the Commission to examine these standards, but the Commission will be able to request their suspension if it considers that they serve to discriminate between railway companies. This Commission will have to take its final position within 6 months through the comitology procedure.

Council and Parliament still have to formally approve the agreement.

CER-ETF agreement

On 27 January 2004, the Community of European Railways (CER) and the European Transport Workers Federation (ETF) signed an agreement on a European train driver's license and on working conditions for railway workers. The agreement applies only to cross-border services, and it provides for the licence to be delivered by the railway undertaking for which the driver works.

For its draft Directive on train drivers' certification, the Commission largely followed the agreement in its definition of minimum requirements for medical fitness and psychological suitability, periodic checks and the drivers' basic skills.

ETSC NEWS

The SEC Safety Belt: Road safety seminars and working parties

ETSC started in January 2004 its new 3-year-project "The SEC Safety Belt". The project's overall aim is to contribute to a durable improvement of transport safety in the **Southern, Eastern and Central European countries** (the "SEC countries"), whose road safety performance is below EU average.



Currently, three road safety seminars are being prepared. The seminars will be held in May, and they will focus on the needs of vulnerable road users, tackling the issue from three different perspectives: human behaviour, infrastructure and vehicle. The seminars will be held in Madrid, Spain (5-6 May, with experts from Spain, Belgium, France, Italy, Malta and Portugal), in Warsaw, Poland (17-18 May, with experts from Poland, Estonia, Hungary, Latvia and Lithuania) and in Brno, Czech Republic (27-28 May, with experts from Czech Republic, Cyprus, Greece, Slovakia and Slovenia).

ETSC has also held the first meeting of its Evaluation Working Party. This WP will write a report on the evaluation of national road safety policies in the SEC belt countries. The intention is to develop an ETSC handbook allowing national safety experts and policymakers to assess and benchmark their policies.

The first meeting of another ETSC Working Party on accident data in the SEC belt countries will be held on 15 April. The Data WP will be in charge of gathering and evaluating data from these countries, and it will also formulate clear policy recommendations in that respect.

WHO report on "Preventing Road Accident Injuries"

ETSC has taken part in an expert group reviewing the European report on "*Preventing Road Accident Injuries*", compiled by the European regional office of the WHO as part of the WHO's activities marking World Health Day. The report will be published alongside a global report in English and Russian and will be accompanied by a policy orientated executive summary leaflet.

Monitoring Committee on Pedestrian Protection

Together with ANEC, the European consumer organisation for standardisation, ETSC has written a letter to the European Commission to request participation in the committee dealing with pedestrian safety. So far, only the European Commission and the car industry are represented in the committee, and the European Consumers' Organisation BEUC has been invited to participate in the second meeting only.

6th European Transport Safety Lecture

ETSC will hold its next safety lecture on Monday, 26 April 2004, in Brussels. Josef Mikulík, Director of the Czech Transport Research Centre (CDV) will speak about "Road Safety & The New Europe". Respondents include Ilona Buttler (Motor Transport Institute, Poland), Mario Falzon (Transport Authority, Malta), Peter Holló (Institute for Transport Sciences, Hungary) and Tomaž Pavčič (Ministry of Transport, Slovenia).

ETSC Main Council Meeting

The next Main Council Meeting will take place on 27 April 2004 in Brussels.

Electronic version of Safety Monitor

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INTERNATIONAL EVENTS DIARY

5-11 April 2004	Fourth Road Safety Week, Contact: UNECE Transport Division, Tel: +41 22 917 2400, Fax: +41 22 917 00 39, E-mail: jose.capel.ferrer@unece.org
5 April 2004	Seminar on Aggressive Driving Behaviour, Geneva, Switzerland, Contact: UNECE Transport Division, Tel: +41 22 917 2400, Fax: +41 22 917 00 39, E-mail: marie-noelle.poirier@unece.org
26-28 April 2004	Effective solutions to reduce speeding, Birmingham, UK, Contact: IQPC, Tel: +44 800 652 2363, E-mail: enquire@iqpc.co.uk, Website: www.iqpc-transport.com
5-7 May 2004	2nd Traffic and Road Safety International Congress, Ankara, Turkey, Contact: CMS International, Tel: +90 312 442 8845, Fax: +90 312 442 8846, E-mail: infor@trodsa.com, Website: www.trodsa.com
24-26 May 2004	ITS Congress "Moving towards an integrated Europe", Budapest, Hungary, Contact: Mobility Events & Services B.V., Tel: +31 30 666 7388, Fax: +31 30 666 3336, E-mail: its@deferrante.com, Website: www.itsineurope.com
6-9 June 2004	7th World Conference on Injury Prevention and Safety Promotion, Vienna, Austria, Contact: Conference team, Tel: +43 1 715 66 44 0, Fax: +43 1 715 6644 30, E-mail: safety2004@sicherleben.at, Website: www.safety2004.info
14-17 June 2004	IEEE Intelligent Vehicles Symposium, Parma, Italy, Contact: New Team, Tel: +39 05621 293913, Fax: +39 0521 294036, E-mail: info@newteam.it, Website: www.ieeeiv.org
8-13 August 2004	17th International Conference on Alcohol, Drugs and Traffic Safety, Glasgow, UK, Contact: Meeting Makers Ltd, Fax: +44 141 434 1519, Website: www.icadts2004.com
3-4 September 2004	1st "Expert Symposium on Accident Research" (ESAR), Hannover, Germany, Contact: Medical University Hannover, Accident Research Unit, Tel: +49 511 532 6411, Fax: +49 511 532 6419, E-Mail: ARU-MUH@mh-hannover.de

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Professor Herman De Croo
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Editor: Franziska Achterberg

For information about ETSC's activities and membership, please contact:
ETSC, rue du Cornet - Hoornstraat 34, B-1040 Brussels.
Tel: + 32 2 230 4106, Fax: +32 2 230 4215,
E-mail: information@etsc.be, Internet: www.etsc.be

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