

SAFETY MONITOR

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

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SUMMARY

The European Commission

- Confirmed the 2002 increase in transport safety budget lines in its 2003 draft budget (p. 1)
- Modified its proposal on working time in civil aviation without bringing forward legislation on flight time limitation (p.5)
- Proposed a new package of measures on improving passenger ship safety (p. 4)

The European Parliament

- Insisted, in the RETT Committee, on legislation on pedestrian protection but agreed on a loophole in a last minute compromise amendment (p.2). ETSC urges MEPs to modify this Committee's position in the plenary vote and to put public safety before industrial convenience.
- Suggested, in the Employment and Social Affairs Committee, major amendments to the driving time regulation (p.3)
- Voted in favour of the creation of the European Aviation Safety Agency and tightened Maritime Monitoring (p.5 and 6)

European Transport Safety Council

- Published a new report calling on EU Institutions to curb driving fatigue associated with excessive working hours (p.7)
- Announced the final programme for the annual showcase event - Best in Europe on Safer Cities on 25 June 2002 now available (p.7)



ACROSS THE MODES

EUROPEAN COMMISSION

Transport Safety Budget

The European Commission adopted the Preliminary Draft Budget for the year 2003 on 30 April 2002. The Commission confirmed the 2002 increase in transport safety budget lines (See Safety Monitor 37). The draft budget proposals are:

B2-702 14.06 Meuro commitments, 9.26 Meuro payments

B2-702A 0.58 Meuro commitments, 0.73 Meuro payments

In comparison with the 2002 transport safety budget lines, the Commission decreased the payments appropriations by 1,6 % for the transport safety budget line (B2-702) and increased by 25,5% the payment appropriations for the expenditure on administrative management (B2-702A).

EUROPEAN PARLIAMENT

European Research Area

The European Parliament approved the Council's common position on the Sixth Framework Programme together with 34 compromise

amendments on 15 May 2002 (Rapporteur Gérard Caudron, PSE, F) (See Safety Monitor 39).

One compromise amendment concerns the transport section which has been renamed "sustainable surface transport". The budget (610 Meuros) remains the same.

The compromise amendments negotiated with the Council were aimed at avoiding a conciliation procedure in the interests of early implementation starting on 1 January 2003.

ETSC's view on a EU strategy for transport safety research may be found on ETSC's website: <http://www.etsc.be/rep.htm>.



ROAD SAFETY

COUNCIL OF MINISTERS

New rules for airbags in motor vehicles

The Internal Market, Consumers and Tourism Committee adopted a decision on 21 May 2002 enabling the Community to vote in favour of the draft regulation of the United Nations Economic Commission for Europe concerning airbags in the context of the UN/ECE Agreement on the adoption of uniform technical prescriptions for wheeled vehicles, equipments and parts (See Safety Monitor 38).

EUROPEAN PARLIAMENT

Pedestrian protection: Dismay over MEPs compromise in RETT Committee

The Regional Policy, Transport and Tourism Committee of the European Parliament voted on the voluntary agreement negotiated between the European Commission and the European car industry on safer car fronts for the protection of vulnerable road users on 17 April (See Safety Monitor 39 and ETSC website <http://www.etsc.be/pre.htm>).

The initial position of the rapporteur Eva Hedkvist Petersen (PSE, S) has been seriously weakened by a last minute agreed compromise amendment, which asked the Commission to:

"come forward with a framework Directive in which a clear, realistic time schedule is established concerning the intermediate and final goals to be reached as well as the methods for monitoring and assessment: considers the long term goal compliance with the four EEVC-tests, or other test methods which offer at least the same level of protection for pedestrians should be reached by 2010."

The RETT Committee also rejected "en bloc" the three supplementary opinions from the Industry, Environment and Internal Market and Legal Affairs Committees because the majority of MEPs thought that they were covered by this compromise amendment.

Brian Simpson (PSE, UK) expressed his disappointment on the outcome, given that the original position of the rapporteur had been much diluted. He pointed out that what had been agreed was "a very very small step forward". And added: "there is a suspicion that car industry will dilute any request from the European Parliament. We will look at the framework directive in detail- each paragraph, each comma to ensure that safety will not be compromised because of the power of the car industry".

Rijk Van Dam (EDD, NTH) said that he was not tremendously happy with the way things were going. He stressed that "it is a pity that the majority of this committee is not willing to ensure better pedestrian safety".

Baroness Sarah Ludford (ELDR, UK) welcomed the fact that the compromise amendment called for framework legislation. However, she stressed that it was not easy to understand where these other test methods would come from.

ETSC welcomes the fact that MEPs have recognised the importance of this safety issue by insisting on the need for legislation. However, ETSC deeply regrets that this European Parliamentary committee has left the door open for the take up in legislation of other equivalent test methods (which do not yet exist) besides the well-researched and well-established EEVC pedestrian tests scientifically validated since 1993.

Despite long support for the take up of EEVC in legislation, MEPs to ETSC's dismay agreed this loophole in a last minute compromise amendment following the strong lobby of the car industry.

With the potential of better car design delivering savings of 2000 lives a year at a cost of 30 euro per car, ETSC continues to urge MEPs to insist in the forthcoming June plenary vote that the four EEVC tests developed over 22 years for legislation will be implemented with certainty, rather than encourage the loophole of 'equivalent tests' which was the main problem with the voluntary agreement.

With so much at stake, it would be regrettable if MEPs failed to put public safety over industrial convenience.

Driving Time

The Employment and Social Affairs Committee voted on its opinion on driving time Regulation on 28 May (Rapporteur Jan Andersson, PSE, S).

The Employment and Social Affairs Committee followed the rapporteur Jan Andersson (PSE, S) in considering that a driving time of 9 hours per day should be the absolute maximum. Another amendment extended the weekly rest period from 45 hours to at least 48.

The Committee also adopted an amendment by Anne Van Lancker (PSE, B) aiming at further improving the consistency with the Directive on working and rest times in road transport. The amendment called for a maximum weekly driving time of 45 hours.

This opinion has been sent to the lead Committee - the Regional Policy, Transport and Tourism Committee. The rapporteur Helmut Markov (GUE/NGL, D) is scheduled to present a draft report at the June RETT Committee. He has already expressed his disappointment in RETT Committee about the safety content of the proposal (See Safety Monitor 40).

The Parliament has advocated for long time that the regulation of working time and driving time should be covered by one single instrument but this has remained unacceptable to the Council.

In ETSC's view, the Employment and Social Affairs Committee proposals are an important step towards meeting these objectives.

Given that around 18% of road deaths across the EU involve commercial road transport vehicles, ETSC believes that reducing driving fatigue has a

role to play in reaching the ambitious new EU target to reduce deaths by 50% by the year 2010.

A new ETSC report concludes that the European Commission's new proposal for regulating driving time in commercial road transport will not reduce the impact of fatigue on safety and is, in practice, if not in principle, incompatible with the working time Directive (see ETSC website: <http://www.etsc.be/rep.htm>).

Dr Nick McDonald, Chairman ETSC's working group on Driver Fatigue bringing together leading independent experts from across the EU, explained:

"If drivers drive to the limits permitted in the draft proposal, it is inevitable that their working time will exceed by a large amount the limitations of the working time Directive. The evidence shows that driving time takes up only about two thirds of working time in road transport, because of the other duties of drivers. For example, drivers who drive 50 or more hours per week average over 70 hours of work per week and four fifths of them have daily work spans of greater than 13 hours. The draft proposal allows an average of 45 hours and up to 56 hours of driving per week and a daily work span of 13 hours. Accident risk data demonstrate that after an 11-hour work span the risk of being involved in an accident is doubled".

The procedures for enforcement are not co-ordinated between the Directive and the proposed Regulation - what will happen if a driver complies with the proposed Regulation but not with the Directive? How will this be detected? What enforcement measures will be undertaken and by what agency in each member state? The current proposal and the Working time Directive do not provide a credible basis for believing that both working and driving time will be effectively controlled in a co-ordinated manner.

Thus, the current instruments - the Working Time Directive and the proposed Regulation - will do little to curb driving fatigue associated with excessive working hours unless the proposed regulation is made compatible with the Working Time Directive and both are equally enforced. It is essential to reduce permissible driving time and increase rest for all professional drivers to an extent that will bring total working time within acceptable limits. It is also essential to strengthen enforcement through ensuring that contracts for

the provision of transport permit compliance with these regulations.

Rear mirrors and supplementary indirect vision systems for motor vehicles Directive

The European Parliament, using its procedure without report, adopted the Commission proposal for a Directive (first reading) at its plenary session on 9 April 2002 (See Safety Monitor 40 for details of the proposed directive).

Community guidelines for the development of the Trans-European Network (TEN)

The Regional Policy, Transport and Tourism Committee of the European Parliament adopted the report by Philip Charles Bradbourn (EPP-ED, UK) subject to a number of amendments on 18 April 2002 (codecision, first reading) (See Safety Monitor 40).

In order that Member States could implement the projects within a reasonable time-scale, the Committee adopted amendments to ensure that projects should be removed from the list if they had not been completed within 15 years. The committee also wanted to ensure that the Trans-European Network did not focus too much on certain modes of transport (such as rail transport and inland waterways). It, therefore, adopted a number of amendments aimed at achieving a balance. For example, it stressed that multi-modality required recognition of the role of road networks, where appropriate, in the process of integration of all modes of transport.

This draft recommendation is due to be voted on 29 May at the mid-plenary session in Brussels.



MARITIME & INLAND WATERWAY SAFETY

EUROPEAN COMMISSION

New package of measures on improving passenger ship safety

As announced in the White Paper on EU Common Transport Policy, the European Commission adopted a new package of measures to improve passenger safety on ships on 4 April

2002 (*The package can be found at: http://www.europa.eu.int/comm/transport/themes/maritime/passenger-safety/index_en.html*).

The Commission has put together a package of two legislative proposals and a Communication aiming at:

- Increasing stability requirements for vessels
- Reinforcing safety rules to cater for passengers
- Strengthening passenger protection through stricter liability rules

To improve the ability of passenger ships to stay afloat after a serious incident, the Commission has proposed harmonised stability requirements for all roll-on-roll-off (ro-ro) passenger vessels operating on international voyages to or from EU ports. A new proposal for a Directive has been put forward to introduce into European legislation the "Stockholm Agreement" which requires that ships should be able to stay afloat with 50 cm water on the deck.

This was agreed after the Estonia disaster but has been taken up only by several North European States. The Commission has also proposed to introduce these or equivalent stability requirements for ro-ro passenger ships operating on domestic voyages in Member States (amending Directive 98/18).

Regarding safety on-board, the European Commission proposed to amend the existing Directive 98/18 on safety rules for passenger ships to include new safety requirements for high speed ships (the 2000 High Speed Craft Code) and for passengers with reduced mobility.

In a communication, the European Commission also presented its views on the key elements which need to be covered by an EU-wide maritime passenger liability regime. The Commission called for compulsory insurance for carriers and strict liability up to € 250,000 per passenger. This liability regime is in line with that currently enforced in the aviation industry.

The Commission intends to come forward with a legislative proposal later this year, once the on-going revision of the international convention governing the liability of carriers of passengers (the IMO Athens Convention) has been completed.

Energy and Transport Commissioner Loyola de Palacio stressed "There are still significant gaps between Member States in passenger ship safety rules. Repeated occurrence of ferry accidents like the Express Samina, demonstrate that we need to urgently fill these gaps and ensure consistency between the rules that apply in the European Union, irrespective of the flag of the ship".

ETSC welcomes this new maritime safety package. However, while considering the 50 cm criterion as an important step forward, ETSC believes that the stability of ro-ro ferries could be improved further. To this end, the use of dynamic, rather than static simulation is essential in testing to replicate more representative and realistic conditions experienced by vessels (See ETSC Report Priority Measures for Maritime Accident Prevention, 1997).

EUROPEAN PARLIAMENT

Maritime Monitoring

The European Parliament adopted the recommendation for a second reading by Dirk Sterckx (ELDR, B) on maritime monitoring at its plenary session on 10 April 2002 (See Safety Monitor 40).

The rapporteur on port state control, Mark Watts (PSE, UK) welcomed the report but pointed out that the Community now faced a great challenge "We want to ensure all this new legislation, worthy though it is, is complied with not just by the ship operators, but also by the Member States themselves who, sadly, over the years have shown a reluctance to adhere to community law. I hope that the Erika rapporteurs could meet the Commissioner soon to help bring forward proposals as to how best Parliament can ensure the Member States comply with their toughened obligations".

MEPs stressed that it was now up to the Council to amend its common position to avoid a conciliation procedure. The Spanish Presidency had already expressed its willingness to support Parliament's position in the Transport Council of Ministers.

European Maritime Safety Agency (EMSA)

The RETT Committee voted on EMSA on 22 May 2002 (See Safety Monitor 39).

The rapporteur Emmanouil Mastorakis (PSE, GR) welcomed the common position of the Council since it had taken into account wholly or partly a significant number of European Parliament amendments. Seeking to avoid any unnecessary delay in the establishment of the agency, MEPs approved the common position with minor amendments. One amendment stated that, should the Commission expressed disagreement with the work programme of the Agency, the administrative board would have a two-month time limit to consider amendments.

This recommendation for second reading is scheduled for debate at the July plenary session.



AIR SAFETY

EUROPEAN COMMISSION

Flight Time Limitations in aviation

The European Commission has amended its initial proposal for a Regulation on the harmonisation of the technical requirements and administrative procedures in civil aviation following Parliament's first reading and work done on this proposal by the Council (See Safety Monitor 35).

As requested by the Council, the Commission reconsidered its proposal, including the changes of structure between this Regulation and the Directive on safety requirements for cabin crews, and cabin crew training changes. The modified proposal for the Directive on safety requirements for cabin crew would be presented separately.

In view of the importance of changes made to the initial proposal and following the advice of its Legal Service, the European Parliament decided to proceed to a new first reading on the amended Commission's proposal.

The rapporteur Brian Simpson (PSE, UK) stressed that the issue at stake was the JAA Subpart Q on flight and duty time limitations and rest

requirements, which had not been covered by the Commission in its original and amended proposal. He pointed out that “we are desperately in need of harmonisation of rules of flight time limitations”. The applicable requirements are presently still national and unharmonised.

The rapporteur intended to propose an amendment to add subpart Q. He would base his proposal for amendment on an agreement accepted by the majority of the airlines representatives, with the exception of the pilots Union and few charters companies. For the charters careers, the sensitive problem is the night duty time.

The representative of the European Commission recalled that the Commission had agreed to make a proposal on the basis of an agreement between the airlines representatives. As all partners were unable to reach such agreement, the Commission would have to examine Parliament’s amendment to see if it could take it on board.

ETSC has long campaigned for the introduction of EU legislation on flight duty time limitations to create a common framework to ensure a high standard of safety (See ETSC Report Safety of European Civil Aviation: air crew duty times and cockpit automation).

ETSC believes that EU harmonisation is necessary to ensure that all flight time limitation (FTL) schemes in Member States take proper account of safety critical issues. A survey of FTL regulations in different Member States indicates that many schemes do not cover critical areas for safety (e.g. time zones and night flying).

However, if the harmonised requirement fails to take proper account of such safety needs or leads to less safe national rules, the long-awaited EU activity will fail to deliver the improvements sought by safety professionals over many years.

The report will be voted at the June meeting of the RETT committee.

EUROPEAN PARLIAMENT

European Aviation Safety Agency (EASA)

The European Parliament adopted the resolution drafted by Ingo Schmitt (EPP, D) on EASA at its

plenary session on 9 April 2002 (See Safety Monitor 39).

Energy and Transport Commissioner Loyola de Palacio welcomed this important step forward, which paved the way for definite adoption at the next meeting of the Transport Council in June. She pointed out that the forthcoming decision on EASA “will make an important contribution to the creation, by 2004, of the Single European Sky”.

Common EU security rules for civil aviation

The European Parliament adopted the recommendation for a second reading on the report of Jacqueline Foster (EPP-DE, UK) at its plenary session on 14 May 2002 (See Safety Monitor 40).

As the common position failed to take up several amendments of the European Parliament, the European Parliament backed amendments retabled from first reading designed to ensure explicit reference to be made to the ECAC document 30 on security at EU airports and that inspections of airports should be unannounced.

In addition, a range of technical amendments on security measures at airports (detectors, the screening of staff and their access to restricted areas, baggage) were also adopted.

Single European Sky

Action programme for the creation of the Single European Sky

The RETT Committee discussed the draft report of Claudio Fava (PSE, I) on the action programme for the creation of the Single European Sky at its meeting on 22 May 2002.

The rapporteur tabled several amendments (See Safety Monitor 40). He called on Member States for rapid ratification of the revised Eurocontrol Convention and the development of the highest level of cooperation between the Community and Eurocontrol in order to avoid conflicting regulatory decisions. The rapporteur also wanted to see observer status for Eurocontrol in the Single Sky Committee in order to ensure its meaningful participation. He also insisted that the introduction of new technical and operational solutions should improve safety, security, efficiency and capacity.

In discussions, several MEPs stressed that further clarification was needed on the co-operation between Eurocontrol and the Commission, their respective roles and the place of the European Aviation Safety Agency.

Implementation of the Single European Sky

The RETT Committee discussed also the three technical Regulations on the implementation of the Single European Sky at its meeting on 22 May 2002 (Rapporteur Marieke Sanders Ten Holte, ELDR, NTH).

Due to complaints of many stakeholders that safety was too far in the background, the rapporteur tabled several amendments to restate that safety was one of the main priorities in the creation of a Single European Sky.

1) Regulation on the provisions of air navigation services: five amendments addressed the question of safety. Specifically the rapporteur insisted that high levels of safety are maintained where users' charges are introduced, that reviews of the air navigation system in the future give due regard to safety levels and that safety levels are explicitly considered when authorisations to service providers are made.

2) Regulation on the organisation and use of the airspace: the rapporteur tabled amendments to re-

balance the efficiency of air traffic with a due regard to the maintenance of a high level of safety.

3) Regulation on the interoperability of the European Air Traffic Management network: several amendments underlined again the need to maintain a high level of safety.

The two reports will be adopted in June in Committee and in July in Plenary.

ETSC NEWS

Driving Fatigue

A new ETSC report "The role of Driver Fatigue in commercial road transport crashes" was published on 2 May and is available on ETSC's website at: <http://www.etsc.be/rep>.

Best in Europe 2002

ETSC is mounting its annual Best in Europe road safety conference on 25th June 2002 in Brussels on the theme of Safer Cities (See Safety Monitor 40)

The final programme, as well as the registration form, are available on ETSC's website <http://www.etsc.be/eve.htm> and from ETSC secretariat in Brussels.

INTERNATIONAL EVENTS DIARY

- 24 June 2002 International Symposium on Air Travel Security, to be held in Brussels, Contact: Julien Feugier, EADS Representation Brussels, Tel: +32 (0)2 504 78 15, Fax: + 32 (0)2 502 30 81, Email: julien.feugier@eads.net.
- 25 June 2002 **Best in Europe 2002 “Safer Cities”, to be held in Brussels, Contact:** the Events Officer, European Transport Safety Council (ETSC), 34, rue du Cornet, B-1040 Brussels, Tel:+ 32 (0) 2 230 41 06, Fax:+32 (0) 2 230 42 15, Email:info@etsc.be;
- 27 June 2002 Hampshire County Council and PACTS Conference “Driving it Home-Child Casualties”, to be held in Winchester, Contact: Sally Verkaik, Tel: (020) 7922 8112, Email: admin@pacts.org.uk, Website: <http://www.pacts.org.uk>.
- 11-13 November 2002 European Research 2002 Forum: the European Research Area and the Framework Programme, to be held in Brussels, Contact: Team Work, Tel: +31 (0)1 43 67 79 00, Fax: +33 (0)1 43 67 87 00, Email: rtd-conference2002@teamwork.fr, Website: http://www.europa.eu.int/comm/research/conferences/2002/index_en.html
- 16-18 September 2002 E-Safety Congress “It Solutions for Safety and Security in Intelligent Transport”, to be held in Lyon, Contact: Ertico, Ms H el ene Feuillat, Avenue Louise, 326, B1050 Brussels, Tel: +32 (0)2 400 07 00, Fax: +32 (0)2 400 07 01, Website: www.lyon2002.itscongress.org.

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