

# SAFETY MONITOR

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

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## SUMMARY

### The Council of Ministers

- Adopts Directive on safety of buses
- Debates maritime safety
- Adopts resolution on air passengers' rights

### The European Commission

- Adopts draft Regulation to set up a European Aviation Safety Agency
- Proposes to establish a Community mechanism for Civil Protection intervention in case of disasters
- Adopts Directive on harmonised conditions for driving licence examinations
- Announces that it will present three further proposals on maritime safety shortly

### The European Parliament

- Transport Committee discusses road safety Communication
- Approves report on maximum authorised dimensions and weights of 'articulated buses' in Plenary
- Adopts report on three proposals related to motor vehicle headlamps and liquefied petroleum gas in Plenary
- Adopts Council's common positions on transport of dangerous goods by road and by rail in second reading

Over 6500 EU citizens died in road crashes since the September edition of Safety Monitor.



## ACROSS THE MODES

### COUNCIL OF MINISTERS

#### October Transport Council

Maritime safety issues provided the focus for discussion of the October Transport Council (see later sections for mode by mode coverage).

#### Galileo

In the October Transport Council there was a unanimous desire to push forward the Galileo project, although divergences remained on the methods. The talks were concentrated on three issues:

- the type of service to be provided by Galileo, continuity of service was necessary for civil aviation and for civil safety so Ministers asked the Commission to refine its analysis on the sharing of frequencies between users, on encryption, etc;
- the design of the future satellite constellation should be made up of 30 orbiting satellites;
- the management of Galileo after the transition to the operational phase of the project i.e. a single structure with its own budget and controlled by the Member States in a transparent manner.

The Commission would have to prepare a report on its economic analysis to enable the December Council to take a decision on the transition to the operational phase (see Safety Monitor 26, 29-32).

## **EUROPEAN COMMISSION**

### **Civil Protection intervention in the event of emergencies**

In September, the Commission proposed the establishment of a Community mechanism for civil protection intervention in the event of natural, technological and environmental disasters, inside and outside the EU.

With this proposal the Commission wants to enable concrete and prompt assistance from intervention teams from EU Member States when the national resources are insufficient to deal with a disaster. Experience from emergencies like the Erika disaster and the devastating storms of recent years showed the need for a significantly reinforced mechanism. The Commission proposal consists of the following four key elements:

- Pre-identification of intervention resources;
- Training programme to improve response capability;
- Assessment and coordination teams;
- Establishment of a common emergency communication system

Provisions for participation of applicant countries have been included in the Commission proposal given that the recent experience from the earthquake in Turkey and the Dam failure in the Danube indicated that the mechanism was important for these countries as well.



## **ROAD SAFETY**

## **COUNCIL OF MINISTERS**

### **Strategy on commercial road hauliers and working time for road transport**

The October Transport Council held a policy debate on a strategy for commercial road hauliers based on the Commission communication 'Towards a safer and more competitive high-quality road transport system in the community' that was submitted to the June Transport Council. Discussion showed that the Member States' intentions converged on the following: Combating employment under irregular conditions, mandatory initial training for professional drivers and the need to introduce continuing training, and making inspections more effective and bringing Member States' practices into alignment.

Views converged on the need to simplify and clarify Regulation 3820/85 to achieve uniform interpretation of the text and to re-examine the

exemptions it provided for. The Commission said it would submit proposals on all these points.

However, the Council was not able to reach consensus on the issue of working time for road transport. Despite the generally favourable reaction to the compromise of the Commission with temporary exclusion of self-employed hauliers from the Directive's field of application, the opinions remained firm. Eleven Member States could live with the compromise of excluding the self-employed from the Directive. Italy and Portugal demanded that they be covered by the Directive. Six States wondered, however about the need to adopt a new Directive and three Member States wanted the issue of the harmonisation of the ban on weekend driving for hauliers also to be included in the package (see Safety Monitor 26-31, 33).

ETSC is currently reviewing the area of driving fatigue in road transport and intends to present a safety case for comprehensive revision of Regulation 3820/85 in the New Year.

### **Directive on safety of buses**

At the end of September, the Council adopted, under items approved without discussion, the Directive on special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat. This amends Directives 70/156/EEC and 97/27/EC.

The common position has gone to Parliament for its second reading. The objective of the Directive is to set harmonised provisions for the type-approval of vehicles for passenger transport (buses and coaches). It covers essential aspects of bus safety, such as stability, rollover behaviour, the number of service and emergency exits, and accessibility for people with a disability. Initially, it will be optional and exist alongside national type-approval systems until Framework Directive 92/53/EEC becomes mandatory for buses and coaches.

## **EUROPEAN COMMISSION**

### **Harmonisation of driving licence examinations and medical examinations**

On 19 September the Commission adopted a Directive modifying the Directive of 1991 by adapting it to technical developments.

It strengthens the theory and practical examination for obtaining a driving license, by

taking into account, for example, the behaviour of drivers. It also notes changes in equipment of vehicles used for training and exams: for example changes in heavy goods vehicles, in the length/height of vehicles, etc.

The new Directive forms part of the framework for a review of the European rules on the driving licence. In the autumn, a Communication and draft Directive is expected which will introduce obligatory medical checks and harmonise the duration of licences. It will make obligatory eye sight tests after the age of 50 for motorcycle and car tests, and general medical tests every 10 year for bus and truck drivers. At present only four Member States do not limit the duration of licences: France, Germany, Belgium and Austria.

## **EUROPEAN PARLIAMENT**

### **Road safety communication**

In October, Parliament's Transport Committee discussed the report of Ewa Hedkvist-Petersen (PSE, S) on the Commission's road safety communication. The majority of MEPs were very positive about her report and strongly supportive of further EU action.

Opening the discussion, Robert Atkins (PPE, UK), however, expressed concerns about speed limiters on light HGVs, legislative blood alcohol level on grounds of subsidiarity, the costs of forgiving roadsides and strongly opposed the rapporteur's statement that driving was a matter of licence rather than liberty. This position was attacked by several MEPs including the Rapporteur. The majority view was that action at EU level could definitely add value. It was noted that the UK government saw BAC limits as a matter for the EU. As regards forgiving roadsides, the benefits far outweighed the costs and, through guideline activity, the EU could encourage Member States to act.

Per Stenmarck (PPE, S) and Marieke Sanders-Ten Holte (ELDR, NL) also supported more being done at EU level. Marieke Sanders-Ten Holte said it was better to have a good shortlist of priorities than a long list of actions and supported the rapporteur's strategy. Accident prevention was the most important thing and infrastructure measures should be on the short list. She also supported clear quantitative objectives. Directives on vehicle safety should be implemented quickly. She also expressed the need for road safety education for children.

Giovanni Fava (PSE, I) believed that the Commission had been too cautious and current measures were clearly insufficient. EU policy, in general, accepted the need for intervention for better integration, quality of life and casualty reduction and more regulation in road safety was necessary. Even though it might affect civil liberty, actions should not be limited to prevention. In this respect seat belts, crash helmets and speed measures were important and a package of safety measures were needed. He noted further that too much deference was being paid to industry in road safety matters.

Dana Scallan (PPE, IRL) supported more EU action on road safety and improvements in national programmes. She believed Member States should be held accountable when they failed to meet best practice.

Wilhelm Piecyk (PSE, D) noted that more needed to be done, although there was no single right solution. He supported measures limiting HGV and coach hours of work and thought that the Commission would have a big job imposing more controls on Member States. He did not support a lower BAC level for professional drivers on human rights grounds.

Ulrich Stockmann (PSE, D) said it was an excellent report and was surprised that there had not been a drive for more harmonisation in road safety. He also thought that drivers' hours of work was an important issue. He was also interested in first aid measures. He expressed the need to do something about cyclist safety; he supported daytime running lights, telematics applications to limit speed and wondered whether or not driver assistance solutions alone would contribute to safety.

Mark Watts (PSE, UK) expressed full support for the report which he said built on the previous report of Pam Cornelissen. Top of the list was rightly safer car fronts for pedestrians and cyclists and early comprehensive legislation was necessary. He supported the invitation to EuroNCAP to join car and pedestrian ratings in one score and noted that the dissemination of EU best practice guidelines on forgiving roadsides were important – benefits would exceed costs. He also supported speed limits on light HGVs – why not learn the lessons from HGVs and coaches – and legislation on blood alcohol limits.

Cars were lethal weapons in the wrong hands. Car drivers should be licensed to drive not to kill – what about the civil liberties of their victims. It was important that the message that speed limits

should be enforced and complied with went out from Parliament

Emmanouil Mastorakis (PSE, GR) commented on excellence of the report, supported more stringent vehicle safety measures and thought they should be linked to VAT reductions e.g. air bags, anti-lock brakes.

The European Commission represented by the head of the road safety unit, Dimitrios Theologitis congratulated the Rapporteur and was very open to suggestions. He noted that road safety measures were a matter of science and sense. The EU should only take up those which could bring added value.

He believed that Paragraph 2 of the report which complained about the delay in bringing forward road safety actions was pessimistic. The action programme was well advanced, with many measures on the way. Concerning BAC levels it was up to Parliament; the recommendation was the next best thing but would not stand in the way of a Directive for which there already was a Commission proposal. On driving licences and tests it was noted that a third Directive was being drafted which provided an opening for a phased access to a full licence, although this was not yet foreseen.

Targets would be addressed in the next road safety programme. The issue seemed to be how to go about it and how Member States and the Commission could share the task of achieving it. The future programme would be a long term building on the format of the revised CTP till 2010. A large-scale consultation would take place in the first half of next year. The Commission's role could not take over responsibilities from Member States, but coordination and legislation were necessary. Appropriate staff and financial resources would have to be allocated.

The Rapporteur concluded the discussion by saying that it was clear that it was far from simple to take the wide range of actions proposed. At the same time, in thinking about individual freedom, so many people used the roads that it was impossible to avoid adopting rules towards a safer traffic system. Member States needed to sign up to common objectives but they must be achievable.

#### **Maximum authorised dimensions and weights in national and international traffic**

In October, the proposal from rapporteur Konstantinos Hatzidakis (EPP, GR) was approved

in plenary with technical amendments. These provided for the length of "articulated buses" to be brought into line with that permitted for a road train ("lorry + trailer") which was 18.75 metres, since they had similar geometrical characteristics and used the same roads. The Commission had already proposed that the maximum length of a 'rigid bus + trailer' should be 18.75 meters. If the length of an articulated bus which met manoeuvrability criteria was identical to that of a 'rigid bus + trailer', the articulated bus should be able to accommodate more passengers without breaching road safety (See Safety Monitor 31, 33).

#### **Motor vehicles and technical specifications**

In October, the report of rapporteur: Guido Bodrato (EPP, I) on three proposals for the EU to accede to UN Commission for Europe technical standards relating to motor vehicle headlamps and liquefied petroleum gas were approved in assent procedure without debate.

- Approval of motor vehicle headlamps emitting an asymmetrical passing beam
- Approval of motor vehicle headlamps emitting a symmetrical passing beam
- Approval of special equipment for motor vehicles fuelled by liquefied petroleum gas (see Safety Monitor 33).

#### **Transport of dangerous goods by road**

In September Parliament adopted at second reading the Council's common position concerning the amendment of Directive 94/55/EC on the approximation of the laws of the Member States on the transport of dangerous goods by road. No amendments were proposed because the Council had incorporated all amendments from first reading in the text (see Safety Monitor 28-30, 32).



## **MARINE & INLAND WATERWAY SAFETY**

### **COUNCIL OF MINISTERS**

#### **Maritime Safety**

In the October Transport Council a favourable position was reached on the draft Directive amending the 1995 Directive on port state control. The result was the same as already produced at the June Transport Council on the draft Directive on ship inspection organisations, providing for mandatory inspections for high risk ships, refusal

of access to EU ports to dangerous ships, wider divulgation of information and improved monitoring of application of the Directive. In a reaction the Commission stated that the Council position was an improvement on the present safety situation of ships, but insufficient to ensure the level of safety it had proposed.

The Council agreed further on a common approach to the accelerated introduction of the double-hulled tanker proposal set out in the IMO Convention (MARPOL).

In the discussion on maritime safety:

- Member States restated their commitment to continued efforts to improve maritime safety and that the proceedings on several matters should continue within the IMO without prejudicing the possible introduction of Community legislation;
- the Council agreed that surveillance of ships carrying dangerous or polluting materials along European coasts must be made more effective;
- cooperation between Member States should to be enhanced and the idea of a European structure in this area should be examined in depth.
- there was general support for a significant increase in the compensation given to pollution victims and that it was also considered appropriate to make all those involved in maritime oil transport liable in the event of an accident.

The discussion also covered social policy matters affecting seamen. In that context it was noted that it would be appropriate to begin by taking stock of existing or proposed rules at Community level and in the wider sphere of the International Labour Organisation. The Commission confirmed its intention of submitting legislative proposals shortly (see below).

## **EUROPEAN COMMISSION**

### **Progress report on safety measures**

In a report adopted in October, the European Commission set out its progress on the evolution of the package of legislative measures which were announced immediately after the Erika accident. Proposals to be presented shortly include: the improvement in surveillance of shipping off European coasts; the responsibility and the ways of providing compensation for pollution and on the creation of a European agency of maritime safety.

### **Sinking of Greek Ferry Samina and of Italian Chemical tanker Ievoli Sun**

Following the ferry accident which occurred near the Island of Paros in the Cyclades on 27 September, causing the death of more than 60 passengers, Loyola de Palacio said that maritime safety was an absolute priority like road and air safety adding that the European transport policies as a whole should aim to guarantee maximum safety for everyone.

She hoped that the official investigation on this accident would soon show whether or not existing Community legislation was respected.

In October, Parliament adopted a joint resolution calling on the Commission to review the 1998 Directive on the safety on sea vessels with a view to abolishing the exemption for Greece and other Member States. The resolution calls for the speeding up of the implementation of the Directive which is not due to come into force until the year 2009. MEPs particularly wanted to see stringent rules relating to the training of ships' crews in safety and emergency procedures.

Mark Watts (PES, UK) noted that over 60 Greek passenger ships had been suspended as they did not meet minimum safety standards. He wanted the Transport Council to examine why certain Member States were ignoring EU shipping rules.

In response to the sinking of the chemical tanker on 30 October, Loyola de Palacio again called for urgency in adopting the maritime safety measures, proposed after the Erika accident in December 1999. In the run-up to the final adoption expected during the next Transport Council in December 2000, the Transport Commissioner confirmed that the Commission would not accept any attempts to lower the level of responsibility of port state control authorities for the safety of vessels and that all parties concerned should make an effort.



**AIR SAFETY**

### **European Air Safety Agency (EASA)**

In September, the European Commission adopted a draft Regulation aimed at setting up a European Aviation Safety Agency. According to Transport Commissioner Loyola de Palacio, this would enable the EU to have at last the means to conduct a genuine aviation safety policy that would guarantee a level of safety that would be among

the highest in the world, while giving industry the means to compete on an equal footing outside the EU.

Growth in air traffic was accelerating, and the public expected a better quality of service with fewer delays and lower fares. However, people also wanted the highest possible level of safety and did not want the increase in air traffic to affect their environment.

The Agency would in particular:

- help the Community legislature draw up common standards to ensure the highest possible level of safety;
- ensure that they are applied uniformly in Europe and that any necessary safeguard measures are taken; and
- promote their adoption worldwide.

To ensure that the common standards are drawn up without any political interference, the Agency's decisions would be taken by its Executive Director. It would itself carry out certain executive tasks where collective action is more effective as is the case with the issue of certificates for aeronautical products. It would also help the Commission monitor the correct application of the common rules.

To ensure the environmental compatibility of aircraft, the Agency would encourage the harmonisation of technical rules and especially ensure their uniform application. It would give the Commission technical assistance during negotiations with third countries' aeronautical authorities and the competent international organisations, and would also assist the Community and the Member States in development co-operation activities with third countries.

All the European countries linked to the Community by agreements in which they undertake to apply the relevant Community legislation, i.e. at present Norway, Iceland and Switzerland and shortly all the accession candidate countries, will be associated with the work of the Agency.

This strengthening of the free movement of individuals and services in the internal market and with third countries would also facilitate the development of co-operation and alliances between Europeans and their external partners.

A Community air safety agency was needed:

- To create a genuine internal market in aeronautical products while ensuring aviation safety
- To protect the environment from the effects of the growth in air traffic
- To ensure the rapid deployment of the Community aviation safety system

In 1996 the Commission proposed transforming the Joint Airworthiness Authorities into a genuine international organisation with appropriate powers to play the role of a strong central authority acknowledged in Europe and the rest of the world as a centre of excellence for aviation safety and environmental protection.

The Council agreed to this suggestion in July 1998 and in cooperation with interested parties the Commission started drawing up an International Convention which would have set up such an authority. It then became clear that the transfer of executive powers that would be needed in order to guarantee its strength and independence would raise awkward constitutional issues in certain European States and make it very uncertain whether the convention setting it up would be ratified.

Accordingly, the Commission suggested to the Council that thought should be given to setting up this authority under the auspices of the Community, which can be delegated executive powers in the context of political and judicial scrutiny of the Treaty.

On 26 June the Council gave the go-ahead for the creation of an authority under the auspices of the Commission, and the Commission's draft Regulation aims to set up a Community system to regulate the safety and environmental impact of civil aviation and creating a European Aviation Safety Agency.

ETSC supports the establishment of a single European air safety authority that is within EU control so that Treaty obligations for safety can be met. Above all such an authority and the co-ordination of common positions on proposals should be properly accountable. Open debate on safety needs identified by accident investigation and research should be encouraged.

Since the definition of acceptable risk or safety is a highly political concept, ETSC questions that the final decisions should be left to one Executive Director. Any issue impinging on the safety of the EU citizens should receive full scrutiny by the EU institutions, and the European Parliament in particular.

The October Transport Council instructed the Permanent Representatives committee to examine the proposal for the creation of the EASA, giving it all the priority necessary to discuss it in the December Transport Council.

### **EEA discussions**

The EASA also was discussed in the fourteenth meeting of the European Economic Area Council in Brussels in September and the EEA followed with interest the initiative of the EU, and asked for a solution for the participation of EEA/EFTA States in the context of the work the Commission had recently been invited to prepare.

It took note of the ongoing negotiations on the establishment of a European Common Aviation Area, and trusted that a solution would be found regarding the institutional modalities for the participation of Iceland and Norway.

The October Transport Council adopted a resolution on the rights of passengers in air transport which mostly follows the Commission proposal of June 2000. The new rights of passengers should be guaranteed foremost by voluntary agreements of airline companies and other interested parties but without ruling out a regulation. In case of failure in the voluntary

cooperation process, legislative initiatives would be envisaged.

The Council also took note of the progress of proceedings on the amendment of Regulation 3922/91 and of the HJAR OPS and of the proposal for a Directive on safety requirements and attestation of professional competence for cabin crews and instructed the Permanent Representatives Committee to continue its proceedings (see Safety Monitor 31).



## **RAIL SAFETY**

### **EUROPEAN PARLIAMENT**

#### **Transport of dangerous goods by rail**

In September Parliament adopted without amendments the Council's common position on amending Directive 96/49/EC on the approximation of the laws of the Member States on the transport of dangerous goods by rail in second reading. Rapporteur Kostas Hatzidakis (EPP, GR) underlined the great interest of the general public in the safe transport of these goods (see Safety Monitor 28-30, 32).

## INTERNATIONAL EVENTS DIARY

- 23 January 2001 **ETSC's 3<sup>rd</sup> European Transport Safety Lecture, Brussels**
- June 2001 **ETSC's Best in Europe 2000, Brussels**
- 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 8<sup>th</sup> World Congress on Intelligent Transport Systems to be held at the Sydney Convention & Exhibition Centre, Darling Harbour, Australia. Internet: www.itsworldcongress.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
- 12-15 May 2002 6<sup>th</sup> World Conference Injury Prevention and Control organised by the WHO, Palais des Congrès Montréal, Convention Centre, Montréal Québec, Canada. Contact: place d'Armes 511 #600 Montréal QC H2Y 2W7 Canada Tel: +514 848 1133 Fax: +514 288 6469, E-mail: trauma@coplanor.qc.ca, Internet: www.trauma2002.com

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