



ETSC RESPONSE TO THE COMMISSION'S WHITE PAPER “EUROPEAN TRANSPORT POLICY FOR 2010: TIME TO DECIDE”

1. Introduction

The European Transport Safety Council (ETSC) is an international non-governmental organisation dedicated to the reduction of the number and severity of transport crash injuries in Europe. ETSC represents around 30 transport safety non-governmental organisations throughout Europe and brings together leading independent experts in vehicle and traffic safety in 17 technical working groups. ETSC's sole aim is to provide an impartial source of advice in identifying and promoting effective transport safety measures with due consideration to cost and public acceptability.

Transport crashes in the EU each year:

- Kill around 42,000 EU citizens with road crashes being the leading cause of death and hospital admission for EU citizens under 45 years.
- Cause over 3.5 million casualties
- Cost over 166 billion € - around twice the total EU budget for all activity

There are substantial differences between the safety of the different modes of transport and substantial differences within the road transport mode.

Deaths per 100 million persons km	Deaths per 100 million hours
Motorcycle/moped	16
Foot	7.5
Cycle	6.3
Car	0.8
Ferry	0.33
Air (public transport)	0.08
Bus and coach	0.08
Rail	0.04
Motorcycle/moped	500
Foot	30
Cycle	90
Car	30
Ferry	10.5
Air (public transport)	36.5
Bus and coach	2
Rail	2

Forecasts to 2010 show that passenger transport is likely to increase by as much as 24 per cent increasing further exposure to crash injury risk. The forthcoming expansion of the EU to include countries with comparatively higher road crash injury risks than many Member States must also be taken into account when considering EU policy in the next decade.

In view of the size of the challenge to reduce injury risk, ETSC believes that measures to reduce the incidence and severity of transport accidents should be given high priority at EU level. Safety should be given at least an equal consideration to mobility and environmental considerations in transport policy. ETSC believes that access to the safest possible transport and travel is a fundamental expectation and that policymakers at EU, national and local levels have the prime responsibility for ensuring the delivery of a safer transport system. Harmonisation of transport safety policy should be firmly in the public domain and never a function of negotiation between employers and employees or deals negotiated between the institutions and commercial interests.

The EU has substantial grounds to act given the common nature of transport safety problems, the huge potential added value it can bring, and not least, the clear shared and exclusive responsibilities set out in the EU Treaty. The EU has a Treaty obligation to take measures, within the bounds of subsidiarity, to promote transport safety (Article 71 of the EC Treaty) and to deliver a high level of protection in the harmonisation process Article 95(3).

ETSC welcomes the European Commission's acknowledgment in the White Paper that the current trends in transport cannot go on as they are and that the safer mobility of European citizens is a key objective in EU transport policy. However, ETSC queries how far the Commission's transport safety proposals in this document represent an effective response to this challenge. While aspirations for better safety may be going forwards plans for the delivery of effective research-based measures, particularly in road safety, seem to be going in the other direction in the White Paper. Setting out a few ad hoc and low priority measures in casualty reduction terms (e.g. harmonisation of penalties on the TERN, seat belt use on coaches, and black spot signs), endorsing weak voluntary agreements (e.g. pedestrian protection), and withdrawing key road safety proposals (e.g. common blood alcohol limits) hardly provide a credible response to this major Community problem.

ETSC notes that the European Parliament has set out clearly in its last two road safety opinions clear lines for strategic action and support for demonstrably effective measures.

a) A comprehensive transport safety plan to 2010?

Experience shows that an effective approach for the improvement of transport safety entails:

- setting numerical safety targets and performance indicators
- ensuring independent accident investigation and safety studies
- establishing accident and injury databases to identify the most important casualty problems
- identifying and implementing effective measures:
 - to reduce crash injury risk
 - to reduce the severity of injuries when they occur
 - to reduce the long term consequences of injuries through better post impact care.

ETSC is concerned that transport safety as a whole has not been given explicit consideration equal to the economic and environmental considerations of transport policy in the White Paper. Its analysis of the current state of transport safety is wholly inadequate and it fails to set out a strategy to 2010 to address the problem systematically. While a range of ad hoc measures are proposed, some of which are very important, an explicit transport safety strategy covering each of the modes and encouraging the use of the safer modes is missing.

b) Setting numerical objectives and performance indicators for transport safety?

-Road deaths

ETSC welcomes the fact that the White Paper sets, for the first time, a numerical aspirational target to cut road deaths. The target chosen by the Commission is to reduce road deaths by 50 percent by the year 2010 (20,000 deaths). ETSC strongly supports the Commission's intention to set an ambitious goal, but notes that the targeted level of safety performance is more challenging than has ever been achieved by even the best performing Member States or proposed by the European Parliament and safety organisations.

Experience shows that setting a target is a meaningless act unless backed up by practical attempts to reach it. The White Paper fails to recognise that demonstrably effective EU policies need to be enacted now if the EU is to realise the effective contribution which it can make towards this target. The action proposed to 2005 is inadequate and needs to be much expanded in the forthcoming 3rd Road Safety Action Programme.

- other public transport modes

The safety record of public transport is much better than for private road transport when measured by distance travelled. ETSC expects targets to ensure that effective Community policy can be introduced which will at least preserve these safety levels against the forecasted increase in traffic. In addition, in a recent report *Transport safety performance indicators in the EU*, ETSC has recently called for transport safety performance indicators to be set for all modes to allow progress to be assessed.

c) Establishment of data systems and independent accident investigation?

EU accident and casualty databases covering all the transport modes are needed to describe better the current state of transport safety across the EU' to monitor common transport policies and to help define priorities. In view of the scale of road deaths, a co-ordinated independent EU road accident investigation strategy should be developed with new, systematic, in-depth injury and accident causation databases established. The Commission's road accident information system - CARE – also needs further development and should be made more widely accessible.

ETSC has also called on the EU to introduce the same mandatory independent accident investigation requirements for maritime and rail transport, as are in place in aviation and to improve the level of information available on EU transport crashes. Binding EU legislation is needed to ensure it is independent of the regulatory body, judiciary or operational regime in the rail and maritime sectors. EU action is also needed to ensure accident investigation findings are made public; that a timely response is made to safety recommendations and that the lessons learned from accident investigations and the safety recommendations that follow are shared freely between Member States, through centralised Europe-wide databases. The priorities for EU action have been set out in two recent ETSC reports *Transport accident and incident investigation in the EU* and *EU transport accident and incident databases: Current status and future needs* (<http://www.etsc.be/rep.htm>).

2. ROAD SAFETY

The White Paper recognises that, of all the transport modes, transport by road is the most dangerous and the most costly in terms of human lives. Every day the total number of people killed on Europe's roads is practically the same as in a typical European passenger air crash.

The majority of the 41,000 deaths annually occur in the most heavily motorised countries - Germany, France, Italy, Spain and the United Kingdom. The highest risks occur in Greece, Portugal, Spain, France, Belgium and Austria. There is a sevenfold difference in the risk of dying in a road accident between the best and worst performing EU countries. Many citizens have to face much higher levels of risk when travelling abroad either for work or leisure than they would at home.

Most injuries result from collisions with cars. While car users comprise the greatest proportion of overall road deaths (57 per cent), the risk of death on EU roads is substantially higher for vulnerable road users – some 8-9 times higher for pedestrians and cyclists.

Meeting this challenge means encouraging the use of the safer modes of travel, targeting reductions in total numbers of deaths, reducing the highest risks borne by vulnerable road users, and using the holistic approach to the safety of the traffic system which has been more evident in the other transport and travel modes. Preventing road death and disabling injury means a traffic system that is better adapted to the needs, errors and physical vulnerabilities of its users rather than one which expects users to cope with increasingly demanding conditions.

ETSC strongly supports the European Commission's intention to set a numerical aspirational target to cut road deaths in the EU but is astonished that the White Paper foresees only two areas for action in the short-term.

The harmonisation of signs at high risk accident sites and the harmonisation of checks and penalties for commercial road transport drivers hardly address the core of the problem and will be applied first and foremost on the EU's safest roads (the largely motorway element of the Trans-European Road Network).

On the other hand, the implementation of new technology cannot be seen as a great help in reaching the target because its effects will be seen only in the longer term. Is it, for example, realistic to expect all cars to be fitted by 2010 with effective measures such as intelligent speed adaptation devices ? The EU also needs to take into account that new technology has potential to save thousands of lives on European roads but can also be part of the problem. Research shows that, if poorly designed, new technology can create hazards for the driver and other road users.

Up to 2005, the Commission intends to give priority to exchange of good practice but reserves the right to propose legislation if there is no drop in the number of accidents. This means that, if in 2005, the number of road deaths has not dropped significantly, the Commission will have only 5 years to meet a target it has defined as already difficult to reach on a 9-year basis!

ETSC believes that if the EU intends to meet the target, the 3rd Road Safety Action Programme will need to be extremely ambitious in introducing demonstrably effective measures. The programme needs to go well beyond the two fields of action foreseen in the White Paper and will require a new willingness to take effective action, not least on the part of the Commission, whose recent communications on alcohol limits and safer car fronts have given little encouragement. The EU has broad scope to act on road safety and should act to address systematically the most important common road safety problems in the following areas:

- Legislating where it has exclusive and shared responsibilities
- Using financial instruments and support to create a market for safety
- Encouraging best practice and information exchange
- Accident and injury data gathering and analysis
- Research and development towards future solutions

ETSC estimates that appropriate EU measures could save at least 40% of the targeted reduction by the year 2010 and urges the adoption of a programme that includes the following research-based actions:

Legislative responsibilities:

Action where the EU has exclusive responsibility (such as Single Market vehicle standards legislation) is of particular importance. Vehicle engineering improvements for safety can either be achieved by modifying the vehicle to help the driver avoid accidents or by providing protection against injury in the event of a crash. Although much can be done to stop some accidents from happening, the European Commission's recent Barcelona Conference concluded that active safety improvement was still volatile with safety value, feasibility and public acceptability still needing to be demonstrated. A recent study in one EU Member State reviewed the effectiveness of casualty reduction measures nationally since 1980 and demonstrated that the greatest reduction was from vehicle crash protection (15 per cent) compared to drink/drive measures (11 per cent) and road safety engineering measures (6.5 per cent). Reducing injury risk in accidents remains a priority and the single most effective way of achieving this is by improving the vehicle crash protection.

- A Directive to implement the four EEVC performance tests leading to safer car fronts for pedestrian and cyclists (saving estimate: 2,000 lives annually). ETSC believes that a Directive implementing the EEVC tests will save many more lives than could be achieved by the voluntary agreement the car industry has proposed to the European Commission. The voluntary agreement fails to deliver the high level of protection expected from the harmonisation process and would provide around 70% less of the life saving potential of the four EEVC tests;
- Harmonisation of effective seat belt reminder systems in cars (Saving estimate: at least 3,000 lives annually). Audible seat belt warning devices are intelligent devices which detect whether seat belts are in use and if not, give out increasingly aggressive warning signals until the belt is used. In-vehicle measures such as this could make a very cheap contribution in the short term to encouraging safe behaviour;
- Improvements in the front and side impact crash testing legislation, supported by European New Car Assessment Programme testing (Saving estimate: substantial and at least 2500 lives annually)
- Energy absorbing frontal protection on heavy goods vehicles to prevent cars under running the fronts of heavy commercial vehicles (Saving estimate: 1200 lives annually).
- Mandatory fitment of daytime running lights to motorcycles and mopeds (Saving estimate: around 500 lives annually)
- A Directive requiring mandatory crash helmet use by motorcycle and moped riders (EU action on seat belt use is an exclusive EU competence) (Saving estimate: around 1000 lives annually);

- Effective harmonization of driving/working times in road transport to reduce the effects of cumulative fatigue. The current driving time proposal (and the lack of any formal interface with the Working Time Directive) astonishingly still allows an 80-hour working week!
- A common blood alcohol limit of 0.5g/l and a modest increase in enforcement (Saving estimate: around 1000 lives annually.) The Commission's recent decision to withdraw its legislative proposal represents a major backtrack in policy.

Financial instruments:

The EU can help to encourage a market for safety by providing financial support for initiatives to improve awareness about key safety problems and their solutions amongst policymakers, professionals and the wider public. The EU can also provide financial support for consumer information programmes such as the European New Car Assessment Programme which is clearly having a large influence on encouraging safer design, at least as far as car occupants are concerned.

ETSC would like to see EU funding conditional on best practice standards being met. Requiring safety audit on EU-funded infrastructure is one example of using financial instruments to improve road safety.

Another priority is for support to be given to EU road safety databases (including in-depth data systems) and a EU-wide information system.

Best practice

ETSC believes the EU has an important role to play in information exchange and promoting best practice. The EU should promote best practice in road safety work by establishing a framework of best practice guidelines for the voluntary use of safety professionals. The purpose of these EU guidelines, produced by professionals for professionals, would be to synthesise and promote universal best practice principles in road safety with detailed case study examples whether in road safety plans, road safety engineering, or in road safety information, training and enforcement.

ETSC believes the EU should encourage the development and the exchange of road safety guidelines in the fields of:

- Urban safety management
- Speed reduction
- Low cost measures
- Safety audit

Research and development

ETSC has recently set out its proposals for a EU transport safety research strategy. (<http://www.etsc.be/rep.htm>)

A European Road Safety Agency

ETSC welcomes the opportunity provided by the rapporteur to re-opening the debate about establishing a European Road Safety Agency. ETSC's experts have embarked upon a study to examine what part such an agency can play in assisting the EU in delivering its target. However, it is already clear that this would need to be a publicly-funded non-regulatory and independent organisation (at least independent of the regulating

Directorates) which could help to speed up developments in road safety and provide a good catalyst for road safety information and data collection, and encourage best practice across the EU.

3. RAILWAY SAFETY

The intended shift in the nature of rail transport envisaged by the White Paper has profound implications for safety. This is partly because the many interfaces between track and train will shift from being within a single organisation to being between different organisations, and will require careful management. It is also because the possible introduction of new operators will require new regulatory machinery, both to test competence and subsequently to approve operation.

ETSC strongly supports the requirement for transparent rule-making in railway safety regulation. However, ETSC underlines the need for the system to be managed as a whole. The key railway safety rules and regulations must be public and transparent so that new operators know their obligations, and authorities acting on behalf of the public can test whether both newcomers and existing operators meet essential requirements. These rules should be created, owned, and enforced by public national railway safety authorities, separate from the infrastructure managers and train operators, regardless of whether or not these are also in the public sector.

ETSC sees the independence and transparency of accident investigation as being a major step towards the improvement of safety, and strongly supports the Commission's proposals. Comprehensive investigation of transport accidents makes an invaluable contribution to improving safety. ETSC believes that, to be genuinely effective, the investigating organisation must be independent. It must have the authority to investigate whatever accident it sees fit, be independent of the regulator, the infrastructure manager and the railway undertakings, and be able to produce its findings, conclusions and recommendations without recourse to higher authority and without interference by any vested interest including the state. Its investigations should be conducted with the minimum of delay and be separate from any legal proceedings. It should be financially independent. Its work should be transparent; all its reports, recommendations and the actions taken (or not taken) following the publication of a report should be made public so as to maintain public confidence.

Finally, ETSC warmly welcomes the provisions on a common set of railway safety indicators, covering accidents, incidents and "near-misses", and accident consequences. The national safety authorities will be required to assemble these data, aggregate them to the national level, and report them to the proposed European Railway Agency (ERA). They will also be required to publish an annual report. The independent accident investigation bodies will be required to send copies of their reports to the ERA. Thus, for the first time, comprehensive safety performance data and accident reports will be available at the European level. Because serious railway accidents are rare events, ETSC suggests to assemble some of this information retrospectively for a specified past period in order to provide a context for current events.

4. AIR SAFETY

Europe is involved in one third of worldwide activity but accounts for one tenth of the casualties. However, global accident trends and traffic forecasts indicate that there is no room for complacency and concerted action is now necessary if current safety levels are, at least, to be maintained.

Up until 1970, the fatal accident rate worldwide had been falling significantly. Since then, while the rate has decreased slightly, this has not been accompanied by an equivalent reduction in the fatality rate of those onboard aircraft. Forecasts for the doubling of air traffic over the next decade are causing safety experts to forecast a quadrupling of the numbers of deaths, a higher number of traffic density related accidents such as mid-air collisions and a rise in third party casualties.

The increasing exposure to the risk of accident and injury in air travel and the prospect of larger numbers of passengers being lost in increasingly large aircrafts can only lead to the lowering of current public confidence in air safety unless concerted action is taken now.

European Aviation Safety Authority (EASA)

ETSC supports the establishment of a European Aviation Safety Authority (EASA) to regulate many aspects of air transport activities. However, in order that safety performance monitoring is separated from the regulatory function, another organisation independent of this agency should be established to:

- Initiate and maintain a European databases of accident, incident and exposure data statistics;
- Initiate and maintain an EU system for monitoring the implementation and effects of any safety recommendation following independent accident investigations;
- Initiate safety performance indicators;
- Initiate a database on injury causation;
- Encourage further co-operation between the EU air accident investigation bodies.

Air traffic control

A European Air Traffic Control System needs to be established that can address the problems which exist within the European air traffic system of incompatibility of equipment used by different Member States, the relation of airspace to national boundaries, and the management of flow control across such boundaries. ETSC welcomes the Commission's intention to create a Single European Sky by 2004 which will need harmonised rules and procedures to offer a high level of protection.

Flight deck automation design and training standards

Recent problems with highly automated aircraft have shown that the aircraft may react quite differently from pilot expectation. There is a clear need for the man-machine interface to be improved through better understanding by pilots via training of the common principles of automated systems, and through better instrumentation design.

Flight time limitations (FTL)

ETSC believes a EU scheme is necessary to ensure that all 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). EU action on safety is necessary to balance other EU policy development on air transport which is leading to increased air traffic and increased exposure to risk of air accident and injury. ETSC has, for a long time, campaigned for the introduction of EU legislation on flight duty time limitations to create a common framework to ensure a high standard of safety.

Impact protection and fire survivability and evacuation measures

It is often suggested that the capacity to improve passenger survival through improvements in crash protection features is limited. However, around 70 per cent of accidents occur to aircraft on

take-off and landing, where speeds are relatively low and the crash potentially survivable. Of the 1,500 deaths occurring annually worldwide, ETSC estimates that around 40 per cent occur in technically survivable accidents. ETSC believes the following measures are important:

Just over half of those dying in technically survivable accidents die as a direct result of the impact, yet current crash protection standards are still far from replicating 'real world' conditions. The provision of three point safety restraints, improvements in seat/floor strength and overhead stowage bins which offer better crash protection are promising areas for action.

Around 270 lives, on average, are lost annually due to the effects of smoke, toxic fumes, heat and resulting evacuation problems. The provision of passenger smokehoods, the installation of water mist systems and the fitment of externally mounted cameras would all increase the chances of survivability in the event of a fire. Increased aperture widths between bulkheads and better training for cabin crew members would result in swifter evacuation.

Airport safety and third party risk

The exposure of EU citizens on the ground to the consequences of aircraft accidents is particularly unacceptable. The recent increases in the number of people killed on the ground by aircraft in the vicinity of airports have sharply increased public awareness of this risk. For example, the 747 crash in Amsterdam in 1992, showed that the risk to the population living around the airport due to possible aircraft accidents, is comparable to the risk around chemical plants, which are strictly regulated in that regard.

Third party risk around airports is becoming a major limitation to airport expansion plans intended to keep pace with increased demands for capacity. Therefore, decreasing the likelihood of accidents is a high priority issue for airport regions and measures to improve safety should take not only aircraft occupants but also third parties into account. There are effective ways of managing and containing the risks which require initiatives at European level including:

- Mandatory airport licensing including a requirement to establish, maintain and ensure adherence to an integrated safety management programme.
- Mandatory collection of data on ground-based incidents, with appropriate emphasis on organisational and corporate culture factors.
- Mandatory inclusion of third party risk in Environmental Impact Statements for airports.

5. MARITIME SAFETY

Port State controls

ETSC welcomes the provisions on Port State control and supports the December European Parliament's decision approving the conciliation agreement on this subject. ETSC further welcomes the fact that ships calling at Community ports or sailing in EU waters should be required to carry voice data recorders. Under the new Directive, a port authority will have the right to detain a ship if it is not equipped with a functioning black box. ETSC sees this decision as a big step forward in guaranteeing maritime safety.

Classification societies

ETSC welcomes the tightening up of the legislation on classification societies to ensure that only competent societies, meeting strict quality criteria, will be authorised to act on behalf of Member States. ETSC also welcomes the conciliation agreement on ship inspections. Under the new Directive, a ship inspection or survey organisation shall not be controlled by ship owners, ship builders, ship repairers or similar companies.

Phasing out of old single hull tankers

ETSC agrees with the White Paper on the need to phase out old single hull tankers.

European Maritime Safety Agency

The White Paper announces the creation of a European Maritime Safety Agency (EMSA) to facilitate systematic exchange of information and to put a traffic management system in place to protect EU waters against dangerous or suspicious movements of ships.

Effective EU policymaking on maritime safety which balances safety with economic and environmental objectives needs to be informed by a range of statistical and in-depth data on maritime and inland waterway accidents, incidents and casualties. However, fully comprehensive data on accidents and casualties in EU waterborne transport are scarcely available and hardly accessible. Not all countries keep a systematic, publicly available record of the safety situation in their territorial waters or economic zones and the databases that exist are highly incompatible. Better arrangements need to be set up to contribute to a better understanding of maritime safety needs and to allow monitoring of EU maritime policies. Clearly, the new European Maritime Safety Agency will play a key role in this area.

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