

Enforcement in the EU – Vision 2020

This paper shortly outlines what action the EU needs to take to achieve a high level of enforcement of traffic law to save lives across the EU by 2020. ETSC still supports a Directive and that this should lead to both cross border enforcement and minimum requirements in the EU. But has outlined possible variations.

Option A) Directive: CBE and Minimum Requirements

Option B) Directive on CBE and non binding guidelines on minimum requirements as part of the Directive. Directive Committee to oversee.

Option C) Renewed implementation of the EC Recommendation on Enforcement AND participation of all EU MSs in TISPOL enforcement campaigns

Option D) Renewed implementation of the EC Recommendation on Enforcement OR participation of all EU MSs in TISPOL enforcement campaigns.

Background

In the EU's 3rd Road Safety Action Programme the EU specifically outlined a proposal to help achieve the proper enforcement of the most important safety rules. This resulted in a Recommendation on Enforcement in the field of road safety (EC 2003). The Directive on Cross Border Enforcement (proposed March 2008) is currently being re-drafted by the European Commission to take into account the European Parliament's adopted report, the Council's concerns and the new text of the Lisbon Treaty which awaits ratification.

What is needed:

ETSC continues strongly to support the preparation of a Directive that includes minimal requirements in the area of enforcement of road traffic law. In its publication "Enforcement Across the EU: an Overview" (2006) ETSC stated that the EC Recommendation on enforcement has undoubtedly helped to raise the profile of traffic law enforcement in the EU countries. It has stimulated discussion and best practice exchange. Member States should therefore continue the implementation of the Recommendation. However in order to ensure that all Member States achieve high standards in enforcement, the European Commission should also revise the Directive that includes minimal requirements in all areas covered by the Recommendation.

Effective enforcement of road safety rules would lead to a rapid and massive reduction in road deaths. Most drivers involved in traffic crashes do not comply with speed limits, blood alcohol levels and/or the EU-wide obligation to wear safety belts. The European Commission had a cost-benefit analysis carried out concerning the three enforcement areas of speeding, drink driving and seat belt use. It assessed that increased enforcement would result in a total annual reduction of 14,000 road deaths and 680,000 injuries in the EU 15, and in a net benefit of 37 billion Euro or 0.44% of GNP¹.

Enforcement is a means to prevent collisions from happening by way of persuading drivers to comply with the safety rules. It is based on giving drivers the feeling that they run too high a risk of being caught when breaking the rules, regardless of which

¹ ICF Consulting (2003): Costs-benefit analysis of road safety improvements. Final Report.

country they are currently travelling in. Efficient enforcement strategies are therefore not in the first place about increasing the actual amount of enforcement activity, but about increasing the risk of being caught as perceived by the drivers.

Why do we need a Directive on Traffic Law Enforcement for the EU?

1. Insufficient progress towards the EU Target

If current progress continues the EU will only reach a 35% reduction and not 50% by 2010 as planned. The European Commission committed in its Recommendation on enforcement (2003), to propose a Directive in case this objective was not achieved.

2. Enforcement is an effective short term measure

While education and engineering improve safety in the longer term, effective enforcement leads to a rapid reduction in deaths and injuries. Moreover, sustained intensive enforcement that is well explained and publicised also has a long-lasting effect on driver behaviour. Traffic law enforcement is a very cost-effective means of enhancing road safety. The benefits of applying existing best practice in enforcement to the whole of the EU exceed the costs by a factor of 4 (drink driving) to 10 (seat belt use). Traffic law enforcement is supported by a large share of the European public. A total of 70% of European drivers are (strongly) in favour of more enforcement of traffic laws, according to an EU survey². According to a public opinion survey in France, 77% support automatic speed enforcement as a good tool to improve road safety (2005).

3. Cross Border Enforcement: growing consensus for an EU wide approach

There is increasing evidence from different Member States that non-resident drivers flout traffic laws when travelling abroad as they do not fear punishment. The implications are twofold: firstly, their dangerous behaviour can lead to road accidents, and secondly it raises criticism in the country they are travelling as police are not always able to apply the sanctions fairly. For example in France, in 2005 1 million of the 8.6 million offences registered by the automatic radars were committed by non-resident drivers, of which 25 % were from Germany.

The EC Recommendation also includes requirements on addressing these cross-border aspects. Member States are asked to set up Enforcement Co-ordination Points to ensure that serious or repeated offences committed by non-resident drivers are reported and followed up by the competent authority of the Member State in which the vehicle is registered. Moreover, countries are working to transpose the Council Framework Decision on the Application of the Principle of Mutual Recognition to Financial Penalties (2003) (COPEN 24). This Decision applies to traffic offences carrying penalties over 70 Euros. There is a clear consensus that a common EU approach is needed to tackle non-resident offenders. ETSC recommends that this should form a key part of a Directive on traffic law enforcement.

4. The Road Safety Gap

² Ewers U 2004. Changes over time. Presentation to the SARTRE 3 Final Seminar in Paris, France.

The level of road safety enforcement varies between the Member States. This includes both the level of police enforcement activity and the application of best practice. High common standards should be the norm. Although the EC Recommendation has helped to raise the profile of traffic law enforcement in the EU and in some Member States, a Directive is needed to achieve high standards in all countries. The European Commission should note the correlation between a low take up of enforcement best practice and high level of deaths as in Lithuania and Hungary.

5. Achieving Best Practice

Research should be used as a basis for achieving best practice exchange and this should be incorporated into binding legislation. There is no need to reinvent the wheel and Member States could very much benefit from learning from one another's best practice approaches. Experience of setting up and managing safety camera networks can be of real relevance to countries setting up new systems. Sweden has for example taken on the French model of automatic follow up of offences for speeding. In Sweden research has shown that so far deaths on road stretches covered by fixed cameras have been reduced by up to 60%.

Future Enforcement in the EU Member States

The EU should strive to achieve high levels of enforcement in the Member States. The EU should avoid introducing burdensome changes of practice and new procedures on Member States who are already implementing best practice, but should lead all Member States to:

General

- Prepare enforcement plans with yearly targets for compliance in the areas of speeding, drink driving and seat belt use.

In the long run Member States should strive to achieve 100% compliance with the legislation. According to ETSC "there need be no contradiction between a far-reaching long-term vision or philosophy and a challenging but achievable, and thus necessarily more modest, shorter-term target associated with a strategy for the foreseeable future" (Assessing risk and setting targets in transport safety programmes ETSC 2003).

- Ensure that enforcement through new technologies does not diminish the important role of the police officer as a deterrent presence on the roads.
- Stick to a '0 Tolerance' approach to enforcing the three priority areas of road safety legislation.

Speeding

- Conduct mobile checks to deter speeding across the network.
- Use stationary camera equipment in places where speeding causes a high level of accidents.
- Channel revenues from camera enforcement back into road safety work.

- Collect speeding rates for all types of road three times a year, based on the example of France.

Drink driving

- Introduce targeted breath testing to complement enforcement based on suspicion. This would allow roadside breath testing of anyone driving within a defined location for a defined period of time. This would give the Police extra scope to target drink-driving hotspots, and would increase the perceived likelihood of getting caught, which is a major deterrent to drink driving. This should also be supported by the introduction of evidential roadside breath testing.
- Systematically allow for the testing of drink driving in all Police checks relating to driver behaviour.
- Introduce obligatory testing for alcohol in all collisions dealt with by the Police.
- Collect quarterly rates of drink driving, based on the example of Finland and Estonia, and/or rates of traffic deaths from accidents involving drivers over the limit.

Seat belt use

- Conduct intensive actions of 1-4 weeks, which must take place at least twice a year.
- Collect yearly seat belt wearing rates for the various road and occupant categories (driver, front and rear passengers).

Follow-up of offences

- Work towards a low level of appeals for fixed penalties for speeding violations.
- Introduce a set of fixed penalties for minor speeding and seat belt offences.
- Include speeding and seat belt wearing offences in penalty point systems, where they exist.
- Introduce rehabilitation programmes to address recidivism in case of drink driving and speeding.

Information

- Publish the results of dedicated enforcement actions on the relevant Police websites.
- Prepare an annual enforcement and information campaign calendar with all key actors including actions in all three areas (speeding, drink driving, seat belt use).

Cross Border Enforcement:

- Continue the implementation of the Recommendation and set up Enforcement Co-ordination Points to ensure that serious or repeated offences committed by non-resident drivers are reported and followed up accordingly.
- Implement a Directive that would lead to the cross border enforcement of the most important traffic offences.

Measuring Enforcement:

- Collect and monitor the number of offences over time and percentage change of cause of death for the priorities year on year: speed/drink driving/seat belt use to set targets and evaluate progress.

EU Funds for Road Safety

Introduction:

EU funds should concentrate on supporting the implementation of the measures included in the EU' 4th RSAP. This is to say on the improvement of road safety through application of known, effective, science based countermeasures targeting the most life saving actions.

1) Beneficiaries

EU Member States

The level of road safety varies significantly between countries, despite the first signs of a slow convergence. New member states, but also some other Southern European countries exhibit underperformance in various areas of road safety ranging from a poor infrastructure, to poor behaviour mirroring a lack of law enforcement. The improvements of safety in lacking countries would contribute to reaching cohesion in Europe and would benefit socially disadvantaged population

The EU should focus road safety investment through its funds to specific regions with lower levels of road safety in order to raise the common road safety level in the EU. The target areas could be not only infrastructure, but also police activities, and other tools. Actions aimed to transfer knowledge, best practice and solutions between "leading & lagging" countries should also be considered as a priority by the EU.

European Road Safety Agency

A safety agency exists for each other transport mode apart from roads. At present every one of the special EU agencies for safety fulfils a different role. The currently existing European Road Safety Observatory should be the base for a European Road Safety Agency. Its roles should cover collecting and analysing exposure data and accident data. It could also help 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. Its role should also include the labelling of unsafe roads and vehicles, identifying unsafe behaviours, and communicating the results to EU road users. Moreover it should work to propose new areas of legislation for improving road safety.

NGOs

It is important that NGOs are able to take part in such a dialogue and their presence is important to provide a sound balance in relation to the interests of other players. European NGOs are valuable in co-ordinating and channelling views of national organisations and citizens as input to the decision making process. NGOs are also crucial in producing scientific knowledge through research and in raising the awareness of the need to take action to improve road safety by the general public. Associations of road safety victims are also important to take into account when balancing interests in EU policy making. NGOs active in the field of road safety should be supported and their

networks extended. This should be both at the national level as well as the European level. In particular core funds which guarantee the coverage of an NGOs' basic running costs. The European Commission should consider taking a similar stance in supporting NGOs active in the field of road safety at EU level as it has done with environment, education, student, youth and social NGOs who can apply to benefit from annual core funding. Such funding would give greater stability to NGOs working in the road safety sector. This would give them the opportunity to grow as well as reduce the dependence upon other donors. Particular attention should be paid to help extend the NGO network to the New Member States.

Moreover, cooperation and collaboration between different NGO networks such as with the transport and environment and health and alcohol and drug policy is also important. NGOs are an essential part of coalition building and are helping advancing the road safety agenda at a European and national level. ETSC's VOICE project which aimed to mobilise NGOs active in protecting vulnerable road users should be a model for such cooperation. Initiatives such as the DG SANCO led "Alcohol and Health Forum" which has included NGOs should be continued and strengthened. Moreover should further high level groups be convened by the European Commission with concrete policy recommendations for road safety such as CARS 21, these should as a matter of course be made open to NGOs.

Another future action should be greater sharing of expertise and experience between NGOs. The main priority area should be in the EU but this should also be extended to neighbouring countries beyond the EU borders and on a global level. Setting up twinning projects and EC funding to support this could yield useful benefits.

Research

Sound policies are based on known, effective, science based countermeasures, which in turn are grounded in good research. Road Safety research should continue to benefit from European funds. Related to this is the need to ensure the dissemination of knowledge about successful measures (best practice) and research results among decision makers and practitioners.

International cooperation with neighborhood countries and 3rd Countries

The EU's twinning programme TAIEX which enables exchange of best practice between experts in the EU's New Member States, Candidate Countries and Neighbourhood countries also in road safety is a good example of such co-operation and should be strengthened and extended.

2) Sources of EU Funds

DG TREN Project Funds

The FP7 midterm review should include a careful review of the need of DG TREN funds for R&D projects.

DG Research Funds

DG Research should fund innovative projects to improve road safety. Sound policies are grounded in good research. Road Safety research should continue to benefit from European funds. Related to this is the need to ensure the dissemination of knowledge about successful measures (best practice) and research results among decision makers and practitioners.

Regional Development Funds

Regional development funds for transport to improve road safety. Poland has applied successfully to use structural funds should be used for purchasing breathalysers, speed cameras and police cars to improve road safety. As under DG Environment regional funds should also encourage the development of safe and sustainable mobility in urban and rural areas in the EU.

TEN-T Funds

The extension of the TEN-T for the financial period 2007-2013 is estimated at about 390 billion EUR of which 27% is estimated to be made up of Community loans and grants. The sources of funding include loans from the EIB, EU grants from the European Regional Development Fund, Cohesion Fund and the TEN-T programme.

http://ec.europa.eu/transport/infrastructure/funding/doc/funding_figs.pdf

The contribution to road safety improvement of specific projects should be part of the evaluation of these projects. Guidelines on how to evaluate projects under the perspective of road safety gains should be developed.

European Social Funds

European Social Funds should be used to train and educate employers and employees to improve road safety at work and implement the EU's Health and Safety at Work Strategy and reach the 2012 target of reducing road accidents at work by 25%.

Development Funds

Road safety mechanisms such as the application of the four instruments of the Infrastructure Safety Directive, should be implemented in the use of funds in Third Countries. Their strict application should be a pre-condition for funds thus also promoting high safety standards in transport projects beyond the EU's borders.

Education and Culture Funds

DG Education and Culture supports Youth programmes. Traffic collisions are the single largest killer of 15-24 year olds. The highest risk circumstances of young drivers – in particular male drivers – are associated with speeding, drink driving, non-wearing of seat belts and drug driving. The European Commission's DG Education and Culture could support programmes targeting road safety and young people.

DG Sanco

Road injuries and deaths should be treated by DG SANCO as a public health problem as well as by DG TREN. DG SANCO runs the EU's Alcohol and Health initiative. The EU's

Health programme could also support road safety project that improve conditions from a health perspective. Topics for research under health could include the effects of dietary habits, sleep and stress management on driving and road safety.

DG Environment

A comprehensive approach to road injuries and deaths should be treated also by DG Environment as a problem related to sustainable mobility. Sustainable mobility is a key factor in the development plans for the cities of the future.

3) Estimations of funding needs?

The EU's 4th RSAP should include a careful and detailed Impact Assessment of all road safety measures considered in this plan.

4) Ways of raising funds

A consultation on ways of raising funds for road safety at EU level could be organized.

5) Cost-benefit analysis or comparing the needs with the updated value of prevention

The EC should offer updated estimates of the cost of different types of death and injuries (serious and slight) for each of the Member States as is requested under the Infrastructure Safety Directive.

6) Conclusions and recommendations

The EU should:

- Through its different EU funds implement the 4th RSAP's measures that are known, effective and science based.
- Focus funding of road safety in regions with lower levels of road safety in order to raise the common road safety level in the EU.
- Fund the extension of the currently existing ERSO to create a European Road Safety Agency.
- Further support the EU's twinning programme with enables best practice exchange with New Member States and neighbourhood countries.
- Fund EU umbrella NGOs and the extension of networks of NGOs active in the field of road safety within key countries including in particular the new Member States.
- Support twinning and cooperation projects between different NGOs to build capacity.