



## **Group of Experts to advise the Commission on a strategy to deal with accidents in the transport sector**

### **UKOPA/04/0101**

#### **DRAFT Minutes of the first plenary meeting held on 14 July 2004 in Brussels**

##### **1 APPROVAL OF THE AGENDA**

The meeting was opened by its Chairman, the representative of the Commission and Head of Unit “Services in the general economic interest & users’ right”, Peter Faross, in the presence of all selected members to the group of experts except John Stewart Lang who had excused his absence due to other important engagements.

The meeting’s agenda (annex 01) was adopted.

##### **2 POLITICAL PRIORITIES IN THE FIELD OF TRANSPORT AND ON ACCIDENT INVESTIGATION BY MR LAMOUREUX, DG FOR ENERGY AND TRANSPORT**

The director general for energy and transport, François Lamoureux, informed the group of experts about Mrs de Palacio’s regrets not to be able to participate in this inauguration session. He then presented the Commission’s political priorities in the field of accident investigation and, in particular, referred to

- the unique situation of the group of experts, which will be advising the Commission in an area, where the predominant competence clearly lies with Member States. Spectacular accidents in the different transport sectors of EU-wide concern have however put pressure on the EU’s institutions to find adequate answers to safety and security issues. The added-value of an European approach therefore needs to be justified systematically for each and every intervention at EU-level.
- the fact that the situation in the five transport sectors is guided by different legal set of rules – some in place for years, others from recent periods - and sector specific concerns. One of the group of expert’s task however will be to find common denominators for harmonised action, an exchange of best practice and general principles applying to all modes.

- the lack of clear EU-wide definitions for certain terms, like “independence” or “safety and security”, which in several languages does not even foresee different words. A common methodology for the analysis of accidents offering a source of inspiration for member States obviously needs to be a starting point to be investigated by the group of experts.
- the development in mobility needs of individuals over the years and the public’s increasing expectation in having safe and secure transport facilities at its disposal. Reference was made to the Common area of security as a main objective for the EU in the future as well as the goal to achieve a high and uniform level of protection and safety in transport for the general public, to which the group of experts shall contribute.
- the large possibilities the group of experts has to advise the Commission based on its knowledge and experience. It has been confirmed that not only will the Commission have an open mind to any of its proposals but will also offer the necessary support if so requested.

### **3 INITIAL PRESENTATION OF THE MEMBERS OF THE GROUP**

The members of the group of experts each gave a short presentation of their curricula, their present tasks and their expectations into the work of the group as well as of possible future developments in the field of accident investigation in general.

### **4 ADOPTION OF THE MANDATE OF THE GROUP**

The mandate of the group has been adopted. For the final text of this decision see annex 02.

The modifications introduced underline a confirmation of an extended mandate covering also incident investigation and issues related to the prevention of accidents as well as an obvious limitation to accident investigation in the causes contrary to judicial investigations. A reference to the main objective the improvement of safety and security for all modes of transport has been introduced as well.

The group of experts was reminded that the mandate has to be read in the light of Commission Decision 2003/425/EC<sup>1</sup>, the Group of Experts to advise the Commission on a strategy to deal with accidents in the transport sector, on which it is based.

### **5 ADOPTION OF RULES OF PROCEDURES OF THE GROUP**

The rules of procedure of the group have been adopted. For the final text of this decision see annex 03. Modifications referred to the chairmanship of the ad hoc working groups, which will be held by a member of the group of experts to be elected by it, whereas the Commission will provide for the secretariat to the working

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<sup>1</sup> OJ L 144 of 12.6.2003, p. 10.

groups. An appeal to use English language when exchanging documents has been introduced as well.

**6 SECTOR SPECIFIC PRESENTATIONS BY OFFICIALS OF DG ENERGY AND TRANSPORT**

Copies of the presentations by Commission staff representing the different sectors will be sent to all members of the group of experts together with the minutes.

**7 PROPOSALS FOR THE GROUP OF EXPERTS' FUTURE ACTIVITIES: EXCHANGE OF VIEWS ON DISCUSSION TOPICS AND POSSIBLE CREATION OF WORKING GROUPS**

The group of experts decided to create five sector specific working groups on aviation, maritime, rail and land transport as well as transport by pipelines. For the final text of this decision see annex 04.

The creation of a working group on horizontal methodology issues was delayed to a later stage. To this extent each of the working groups set up now is invited to propose to the group of experts as quickly as possible its opinion on possible tasks of a working group on methodology. The group of experts will then take a final decision on the issue.

The group of experts has appointed a chairman for each working group and taken note of the wishes of its members for participation in individual sector specific groups. The following result has been achieved:

***Working group air transport accident investigation***

Chairman: Ken Smart	Secretariat: Jean-Pol Henrotte, Commission
Member(s): Paul Louis Arslanian	

***Working group maritime transport accident investigation***

Chairman: John Stewart Lang (proposed)	Secretariat: Bernardo Urrutia, Commission
Member(s): Salvatore Funari, Pirjo Valkamao-Joutsen	

***Working group rail transport accident investigation***

Chairman: Victor Risota	Secretariat: Patrizio Grillo, Commission
Member(s): Antonio Dominguez Chala, Pieter Van Vollenhoven	

***Working group road transport accident investigation***

Chairman: Jesus Monclus	Secretariat: Jean-Paul Repussard, Commission
Member(s): Lars-Göran Löwenadler, Reinhold Maier	

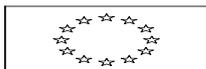
***Working group pipelines accident investigation***

Chairman: Servie Simons	Secretariat: Ioannis Samouilidis, Commission
Member(s): -	

**8 OTHER BUSINESS**

Lists of contact information on all members of the group as well as responsible Commission staff is to be found in annex 05 and 06.

The next meeting of the group of experts will be organised during the first half of November. Members will communicate preferences to the chairman who will decide upon the final timing.



EUROPEAN COMMISSION  
 DIRECTORATE-GENERAL FOR ENERGY AND TRANSPORT  
 DIRECTORATE A - General Affairs & Resources

## GROUP OF EXPERTS ON ACCIDENT INVESTIGATION IN TRANSPORT

### Draft agenda for the first plenary session of the Group of experts

**Wednesday, 14 July 2004 from 10.30 to 17.00**  
**Conference Center Albert Borschette (CCAB)**  
**36, rue Froissart – 1040 Brussels**

10:30	<i>Approval of the agenda</i>
10:40	<i>Political priorities in the field of transport and on accident investigation Mr Lamoureux, Director General, DG Energy and Transport</i>
11:15	<i>Initial presentation of the Members of the group</i>
12:15	<i>Adoption of the Mandate of the group</i>
13:00 - 14:30	<i>Lunch break</i>
14:30	<i>Adoption of Rules of procedures of the group</i>
15:30	<i>Sector specific presentations by officials of DG Energy and Transport</i>
16:00	<i>Proposals for the Group of experts' future activities : exchange of views on discussion topics and possible creation of working groups.</i>



## MANDATE

Having regard to the Commission Decision 2003/425/EC<sup>2</sup>, the Group of Experts to advise the Commission on a strategy to deal with accidents in the transport sector shall:

- (1) take it as its objective to improve safety and security with regard to all modes of transport, including the transport of energy (oil and gas pipelines), excluding the occupational health and safety aspects;
- (2) advise the Commission on its strategy as well as on draft legislation the Commission might propose in the field of independent investigation looking into the causes of accidents or incidents as well as in the field of accident prevention in all modes of transport, including the transport of energy (oil and gas pipelines), excluding the occupational health and safety aspects;
- (3) examine the current methods, frameworks and policies on accident and incident investigations and, if appropriate, may advise the Commission on the need to carry out benchmarking studies or to centralise investigation;
- (4) advise the Commission on the formulation of common European methodological elements for independent accident and incident investigations;

*Decided 14 July 2004 in Brussels*

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<sup>2</sup> OJ L 144 of 12.6.2003, p. 10.



## COMPLEMENTARY RULES OF PROCEDURE

Having regard to the Commission Decision 2003/425/EC<sup>3</sup>, the Group of Experts to advise the Commission on a strategy to deal with accidents in the transport sector, hereinafter “the Group”,

HAS DRAWN UP ITS RULES OF PROCEDURE:

### *Article 1*

#### **Plenary meetings**

1. The Group shall meet in plenary session twice a year at the Commission headquarters on invitation by the Commission.
2. Without prejudice to paragraph 1, a meeting may be convened by the Chairman, either on his or her own initiative, or at the request of a member of the Group.

### *Article 2*

#### **Agenda**

1. The Chairman shall draw up the agenda and submit it to the Group.

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<sup>3</sup> OJ L 144 of 12.6.2003, p. 10.

2. Members of the Group may propose additional items for the agenda.

### *Article 3*

#### **Documentation to be sent to Group members**

The Chairman shall send the invitation to the meeting, the agenda and any other working documents to the Group members, as a general rule, no later than 14 calendar days before the date of the meeting.

### *Article 4*

#### **Chairmanship and secretariat of the Group**

The chairmanship and the secretariat of the Group shall be provided by the Commission.

### *Article 5*

#### **Summary reports of the plenary meetings**

1. The summary reports and the attendance list of the plenary meetings shall be drawn up under the auspices of the Chairman. The minutes shall be sent to the members of the Group within 20 working days.
2. The members of the Group shall send any written comments they may have on the minutes to the Chairman, within 20 working days of receipt of the draft minutes. The amended minutes and/or additional comments shall be circulated to the members of the Group.

### *Article 6*

#### **Working groups**

1. In fulfilment of its mission, the Group may set up ad hoc working groups. The working groups shall report to the Group.
2. Each Working Group shall be chaired by a Member of the Group of Experts representing the sector in question and shall be composed of a maximum number of 6 members: one representative of the Commission, one or more members of the Group of Experts and invited expert(s). The secretariat of the Working Groups shall be provided by the Commission.
3. The Working Groups may meet up to 4 times a year.

### *Article 7*

#### **Reporting**

1. Upon request of the Commission or on its own initiative the Group will provide the Commission with opinions and reports.

2. Three months before the end of its term the Group will submit to the Commission a final report on their activities. To that extent the Group may set up a drafting committee composed of a representative from each working group.

#### *Article 8*

##### **Decision**

1. The Groups opinions and reports are considered to be adopted if eight of its members agree on its contents. A dissenting opinion of all members belonging to the same working group shall be referred to in the report.
2. An opinion or a report drafted by an ad-hoc working group is adopted by simple majority of the members of the working group, including invited experts.

#### *Article 9*

##### **Correspondence**

1. Any correspondence concerning the work of the Group shall be sent, as a general rule, by electronic means only and preferably in an English language version.
2. Correspondence of general concern shall be addressed to the Chairman of the Group, and were appropriate in copy to all other members. Correspondence of sector specific concern shall be addressed to the Chairman of the relevant working group and were appropriate in copy to the members of that working group. Correspondence to the members of the Group and of the working groups shall be addressed to them personally.
- 3.

#### *Article 10*

##### **Transparency and Confidentiality**

1. The principles and conditions concerning public access to the Group's documents shall be same as those applying to Commission documents. It is for the Commission to take a decision on requests for access to these documents, pursuant to the provisions of Regulation (EC) No 1049/2001 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>4</sup>.
2. The Group's discussions and those of the working groups shall be kept confidential.
3. Without prejudice to Article 6 of Commission Decision 2003/425/EC<sup>5</sup> and taking into account his or her obligation of loyalty to his or her Authority, a member of Group may, with the explicit agreement of the Commission, report in general terms back to his or her

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<sup>4</sup> OJ L 145 of 31.5.2001, p. 43.

<sup>5</sup> OJ L 144 of 12.6.2003, p. 10.

employer: the broad lines of discussion in the group, initiatives the group might be taking and the potential risks to safety in his or her own Country's transport systems. The reported information shall nonetheless remain confidential and may not be used for any other purpose.

4. The members of the Group and of the working groups may not issue any public statements on the information obtained through their work within the framework of the activities of the Group and of the working groups.

*Article 11*  
**Publication**

In the interests of openness and transparency it is planned to publish on the Europa website of the Commission, any reports, opinions and proceedings of the group that are not confidential.

*Decided 14 July 2004 in Brussels*



### **Decisions on Working Groups**

1. Having regard to the Commission Decision 2003/425/EC<sup>6</sup>, and in order to accomplish its mandate the Group of experts decided to create the following ad hoc working groups:

- i. Working Group on air transport accident investigations
- ii. Working Group on maritime transport accident investigations
- iii. Working Group on rail transport accident investigations
- iv. Working Group on road transport accident investigations
- v. Working Group on pipelines accident investigations

2. The rules of procedure for the Group of experts to advise the Commission on a strategy to deal with accidents in the transport sector apply respectively.

*Decided 14 July 2004 in Brussels*

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<sup>6</sup> OJ L 144 of 12.6.2003, p. 10.



**List of Commission support to the group of experts on accident  
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on maritime transport	safety	
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