

New forms of governance and interpretative policy analysis

*A case study of the proposal for the European harmonisation
of motorcycle periodic technical inspections*

“It is well known that motorcyclists face a much higher risk of being killed than other road users. For the same distance travelled, the risk for riders to be killed in road accidents is on average 18 times the risk of being killed in traffic for car drivers.” (Jost e.a. 2008:4)



Richard van der Vliet
University of Amsterdam (UvA)
Master's thesis Political Science
(‘Bestuur & Beleid’)
Supervisor: Jonathan Zeitlin
Second Reader: John Grinn
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1. Introduction

Europe has rapidly expanded over the last few years, this led to interesting questions about the future of policy making in Europe. How should Europe legitimize its policy? How should the democratic deficit be solved? Should the European institutions be changed? How should Europe regain its capacity to tackle pressing problems? Its hard to find a straightforward answer to such questions, but they have given rise to new ways of policy-making in the EU, these forms differ from the traditional way of decision making (the community method) as they are more flexible, less hierarchic, involve more participants and are continuous processes of policy learning.¹

“In other words, policies adopted under new governance modes are not generally created and imposed top-down, but rather those to whom they are to be applied are involved in their shaping and application.” (De Búrca & Craig 2007:147)

Conflicting opinions are a central feature of politics and policy making. According to authors such as Hoppe (2010), Rein & Schön (1994) & Fischer & Forester (1993) these conflicts often stem from differences in the ways different people see the world, better said; the frames they use. If one is able to create consensus, or coherence in the way people frame the world, one *could* be able to create consensus in the policy making process. In this masters thesis the effectiveness of new forms of governance for tackling such problems will be researched.

Road safety is an important policy field in the EU, for years the EU has used ambitious plans to combat the number of people killed on the roads each year. These so called “Road Safety Action Programmes” set broad and ambitious goals regarding the number of people killed on the roads in the EU. The last programme set the goal of halving the number of people killed on the European Roads by 50% by 2010. (European Commission 2003) 2010 has passed and although the goal has not been reached, good progress has been made. This was however not enough, a new programme was needed² to further reduce the number of people killed (and additionally: the number of (seriously) injured). Consultations for this programme started early 2010 and the European Commission is now finishing in the consultation phase.

Here the consultation process for the “European Road Safety Action Programme 2011-2020”³ and more specifically the recommendation for harmonising motorcycle Periodic Technical Inspections (PTI) in this programme will be analyzed. This is an interesting case to research, as the Road Safety Action Programme is an example of a new form of governance⁴, while the policy process leading to a possible motorcycle PTI is more hierarchical and like the classical community method (and it appears to be one of the only area’s of road safety where the Commission has (legal) competences.) Further the latter appears to be a good example of a frame conflict; most of the facts in the policy are known and undisputed by the stakeholders, but still they seem to disagree on what has to be done. The contrast between the broad programme based on new modes and the specific recommendation for a

¹ This does not mean that the older, more hierarchical modes of decision making are disappearing, but they are losing ground.

² See website European Commission 2010

³ Ibidem

⁴ See page 30-1 for a more extensive description.

PTI based on more hierarchic governance, provides an interesting contrast that allows one to see which features of both ways of governance are beneficial to solving frame conflicts and which are not. Another reason to study this case is the traffic safety aspect, the European roads are getting safer and safer for most road users. Motorcyclists however, are behind in the indicators for traffic safety. (European Commission 2010a:12) This requires measures; frame conflicts can paralyze the policy process and make it difficult to take such measures. Insight in the reasons for conflict might make it possible to get the policy making process moving again, create solutions that all stakeholders can agree on and thereby reduce the number of motorcycle accidents each year.

In this thesis it will be argued that the emerging new forms of governance are well suited for creating consensus about the frames that the different stakeholders employ. So in short, the new forms of governance do a better job in solving problems that involve frame conflicts than the traditional community method does.⁵

Research into the parallels between interpretative policy analysis and new forms of governance is relevant as it could provide a relatively new perspective on the relative success of the new forms of governance, thereby it could contribute to a better (theoretical) understanding of these new forms of governance. There does not appear to be much research into this subject, the only study that was found is a study by Jacobsson (2002) where he does not explicitly speak of interpretative policy analysis, but researches processes of 'meaning giving', which are quite similar to the subject of this thesis. Jacobsson (2002) researches if and how '*Discursive Regulatory Mechanisms*' (which are basically implicit processes of creating a shared understanding of reality.) affect the success of the OMC in the European Employment Strategy (EES). He concludes that these mechanisms are an important aspect of the OMC and could explain the efficiency of the EES.

In this thesis a same sort of link will be researched by searching the answers to the following questions;

- How effective⁶ are new forms of governance for tackling frame conflicts compared to the community method?
 - What do frame conflicts and new forms of governance have in common?
 - What is the relation between the classical community method and frame conflicts?
 - What did the policy process leading to the Road Safety Action Programme 2011-2020 look like? (What stakeholders, which conflicts how can the conflicts be characterized in terms of new governance?)
 - What does the policy process leading to a possible harmonisation of motorcycle PTI look like?
 - What is the contribution of the new modes of governance and/or the classical community method to these policy processes?

⁵ For other sorts of problems or conflicts however, the traditional community method might well be more effective, these new forms are thus not seen as a magic cure for all problems, but only for a specific set of problems.

⁶ Effective in the sense that they are adequate for generating consensus about the frames and policies.

- How effective was the specific governance arrangement for generating frame consensus?

This research is designed as follows; in the next chapter the research methods will be described and the reasons for the various design choices will be given. After this has been done the relevant theories will be explained and linked together in chapter 3. This will be done by first explaining what interpretative policy analysis is and second what the classical community method and new forms are. Then these will then be linked together, this should provide an answer to the first two research questions. After this theoretical chapter, an analysis of the case will be carried out in chapters 4, 5 & 6. In chapter 4 the research done prior to the Road Safety Action Programme and the previous action programme will be described. In chapter 5 the different consultation processes will be analyzed and in chapter 6 the positions and frames of the different stakeholders will be described. These three sections should provide an answer to the 3rd and 4th question.⁷ In chapter 7 a conclusion will be drawn where the different parts of the study are again summarized and related to each other. This should provide an answer to question 5 and 6, together with the main question; the hierarchical aspects of the policy process seem to do a poor job in generating frame consensus, while the participative aspects seemed to be quite effective in generating such consensus. In the last chapter the results of this study will be critically analyzed and suggestions for future research will be made.

⁷ Note that not every stakeholder is included because of the limited resources available for this thesis, instead of covering every stakeholder with some involvement in the process, a selection of the most important stakeholders has been made. 'Most important' means that these stakeholders represent the different framings that have been used to understand this subject and were the most active contributors to the process. So although not every stakeholder was covered, all perspectives were covered, which justifies this choice.

2. Research methods

In this study *one* particular case will be studied, the policy process that may lead to harmonisation of motorcycle PTI in Europe.⁸ This is not the easiest case to study; the process is still in an early phase and is far from being finished. More precisely, the European Commission is in the final phase of preparing the legislation and the European Parliament (and member states) still has to decide whether to approve and implement the legislation or not. This makes studying this case harder than a case that's a straightforward example of a new form and has already been finished, or which has been around for a while. (As new forms usually do not 'end' but get revised) After all no formal decision has been made in this case and things could still change, even during the research. But apart from being a difficult case, this is also an interesting⁹ and original case as the frame conflict is quite obvious here and there has been much of attention for this subject. (From some of the stakeholders)¹⁰

One could ask what the relevance of the findings will be if the policy process is in such an early stage, as the conflict could change over time. The answer is that the European Commission has limited resources and should thus try to use their resources in the most efficient way possible, if the Commission proposes legislation that does not have the support from all the stakeholders and member-states or legislation which generates considerable conflict, it is questionable whether it will be passed through the European Parliament or Council and is thus a waste of their limited resources. Whereas legislation that generates broad support will probably be accepted much easier.

Further it should be noted that only *one* case has been selected, although the study seeks to provide an answer to the question of how effective new forms of governance are. Speaking of the effectiveness of one method implies that there is some sort of benchmark to compare it against; in this case the classical community method is that benchmark. Unfortunately it was not possible to select two different examples for each method because of the limited time available for this research, but the mixed character of the case together with a good description of both cases will hopefully make it possible to make a comparison.

To find the material for the theoretical section an extensive search was performed on Google, Google Scholar and in the UvA (digital) library. The choice of the material for the theoretical part of this

⁸ Initially it was thought that all aspects of this programme resembled the new forms of governance structure, but upon closer investigation the recommendation for a PTI was more like the classical community method, the case thus had some new governance aspects but also shared aspects with the classical community method. Because of this the research plans had to be changed slightly.

⁹ It is interesting (from the authors perspective) as I'm also a motorcyclist and was wondering how it is possible that the different stakeholders seem to have so much attention for this subject, while the *available* statistics make it reasonable to assume that relatively little can be gained from a motorcycle PTI. I hope the same applies for the reader. (Keep in mind that I'm judging from my own frame/perspective here, which resembles that of the Dutch Parliament.) Further I think that this case will provide a good learning process in how to creatively use the data available.

¹⁰ Compared to other recommendations of the New Road Safety Action programme; The recommendation for a PTI was one of the only recommendations that had a separate internet consultation, despite the lack of cost benefit analysis some stakeholders still recommend this option, the Dutch Parliament explicitly treated the subject and this option received substantial attention from stakeholders representing motorcyclists.

research was based on the following factors; the knowledge of the Author (what material was known?), the popularity of the books/articles in Google scholar (how high were they in the list of search results? Were they cited often?), references to material in other material (does some reference show up often? Does it appear to be an important contribution?) and the authors personal judgement (Is the theory convincing? Is it useful for the topic at hand?)

To describe the case use will be made of the available documents published by the European institutions (mostly the Commission as the proposal is still in an early phase) and the important stakeholders. These stakeholders will also be contacted for interviews.

Not all stakeholders will be analyzed, some stakeholders are more involved than others and the time available for this research is limited. For these reasons a selection of stakeholders will be made, these stakeholders should be the ones who participated most actively in the consultation/lobbying process and the selection should represent all the different framings of the situation.

The documents that will be used to analyse the case will be found through Google, on the websites of the European Commission and the different stakeholder websites, by searching on terms related to the case. The documents found this way will be analyzed and the references to other information for this case should provide additional documents for analysis.

The document about the consultation phase for the Road Safety Action Programme (European Commission 2010b) will be used as a general guideline for identifying the most important actors.

When most of the documents have been analyzed and the stakeholders to be interviewed are identified, e-mails will be sent to members from the different stakeholder organisations. These stakeholders and their members will be identified in the documents and through the (stakeholder) websites.

When no response to the initial e-mail is received a second e-mail will be sent and if this still does not yield a response, then phone calls will be made (if possible). The interviews should provide insights that cannot be found in the documents (and perhaps inside information) and also serve to validate the findings/interpretations of the researcher. Through these interviews with the stakeholders, together with the documents it should become clear how the process was shaped in terms of new forms of governance/the classical community method and how the different stakeholders frame the issue. These findings about the process and the stakeholders will then be critically analyzed and compared to each other to see whether what has been said is reliable or not and then the findings will be related to the theory, which should eventually lead to a conclusion.

3. Theory

In this section the positivist and interpretative ways of doing policy analysis will be described focussing mainly on the role of power and participation. This will be done by first describing the positivist way of doing policy analysis, then the (ideological) differences between the positivist and social constructivist way of doing policy analysis will be explored and after this the concepts: 'frames', 'relativism' (together with practical advice to overcome this obstacle) and 'problems' will be clarified. After this has been done two different ways of policy making in the EU will be analyzed; the classical community method and the new forms of governance. Last but not least the similarities between the new forms and interpretative policy analysis will be analyzed, which will lead to the hypotheses that new forms of governance are well suited to tackle frame conflicts, whereas the traditional community method is not.

3.1 What is the 'opposite' of interpretative policy analysis?

Interpretative policy analysis differs from more 'traditional' approaches to policy analysis and science. To be able to explain what interpretative policy analysis is, one also needs to know what its predecessor, or in some ways the 'opposite' is. The opposite, positivist policy analysis, will be shortly summarized in this section.

For a long time positivist thought has dominated social science and policy analysis and today it still has a dominant position in the social sciences, albeit in a somewhat weaker form. (Fischer 2003:119) For the positivist, social phenomena should be explained using scientific methods that resemble those of the natural sciences. (Fischer 2003:118) Positivists place strong emphasis on the distinction between facts and values, use rational and economic models of thought to explain social phenomena and the main goal of positivist science is to make causal inferences, irrespective of social or historical context. (Fischer 2003:118)

Policy analysis here is about "speaking truth to power" as Lasswell put it. The policy analyst was to find the best (most rational) way of solving problems that politics identified. This was seen as a relatively straightforward and technical process whereby the truth, or best solution, was able to be found as long as the analyst did a good job in finding all the relevant information. (Fischer 2003:3,4)

Policy making here is seen as different from politics, central to good policy making are tools such as cost-benefit analyses and risk assessments. The social constructivist idea that researchers also interpret reality¹¹ (and are thereby political players) is not accepted, the policy analyst is neutral and only serves the politicians.

Of course this is a somewhat simplified exaggerated version of the positivist way of science and policy making, most principles are however still relevant for positivist policy makers, albeit in a weaker form.

¹¹ By giving their own definitions to concepts and interpreting the results in a certain way

3.1.1 The contrast between positivism and constructivism

Recently, a new way of doing policy analysis is emerging. Authors such as Robert Hoppe, Frank Fischer, John Forester, Martin Schön, Donald Rein argue that positivist policy science has been unable to adequately explain reality and therefore policy approaches based on the premises of such research often failed at delivering good policy (outcomes). It is argued that positivists could not provide an adequate picture of reality because they do not recognise the social constructedness of reality. If we see facts as constructed out of interpretations it becomes apparent that different interpretations are possible and “facts” that are in fact interpretations are thus also a political product. Studies into the history of scientific method and knowledge have shown that in scientific research the type of knowledge that became dominant was usually not based on “factual” considerations, it was mostly based on the interests of the people who were in positions of power.¹²(Fischer 2003:123,125) The knowledge social science reproduces should therefore not be seen as “objective” and “value-neutral”, instead it should be recognized that social science (and policy analysis/advice) is also based on normative criteria for accepting and rejecting data. Therefore Fischer (2003:127) speaks of “scientific interpretations of reality”, whereby it becomes clear that interpretative researchers do not see science as the only possible (or: best) perspective on reality, but as one out of many. (This is not to say that science is useless, but the idea that science is the only legitimate form of knowledge is rejected.)

Social constructivist authors thus do not see reality as an objective situation that is ‘out there’ (like positivists do, (Fischer 2003:124) instead they argue that reality and facts do not exist beyond our thinking. Facts are constructed in the human mind and different constructions/interpretations of reality are thus possible.¹³ (Fischer 2003:124, Rein & Schön 1994:30, Hoppe 2010:16, Fischer & Forester 1993:6-7) This distinction between fact and value is the fundamental difference between social constructivism and positivism, positivism assumes that facts are ‘out there’¹⁴ and can be objectively found, free from the ‘values’ or interpretations of the researcher, whereas the constructivist sees facts and values as interwoven and inseparable.

In social constructivist policy science, the knowledge science generates is seen as one perspective on reality, this perspective can (and often should) co-exist along with other positions in the policy making process. The specific role that is attributed to science should be determined per situation. (Preferably together with the different stakeholders). For some problems science might offer the best kind of perspective, for others it’s role should be limited. (Hoppe 2010:26) Social constructivist policy analysis is thus not a search to find universal truths by using one sort of knowledge, but as Fischer argues:

“Instead of simply uncovering reality, scientific work is better understood as a mix of discovery and construction of reality.” Fischer (2003:124)

¹² For more information and more extensive coverage of this subject see (Fischer & Forester 1993 Chapter 1)

¹³ This new way of thinking is often labelled “social constructivism” or interpretive policy analysis I will use both terms in this paper to cover this way of thinking.

¹⁴ Which also explains why positivists see policy making as a technical and politically neutral process, it is seen simply as a process of finding problems and/or the best solutions. As these are seen as objective situations, the policy analyst does not have any influence on these, he only *finds* them.

The role of the policy analyst in interpretative policy analysis is not to do research and then impose his own perspective on others, but instead the scientist has to be a sort of mediator between the different perspectives on reality that co-exist in society; the aim would be to create a (broadly accepted) workable consensus between those perspectives. Science is thus not an area for scientists only, the goal is to democratize knowledge. (Hoppe 2010:43-4, Fischer 2003:223-4)

If scientists and policy analysts recognize the social constructedness of facts, they can ultimately deliver a better account of reality and thereby better policy. (Fischer & Forester 1993:4) More specifically, by taking social constructivist stance towards reality, the policy analyst/scientist would be better able to: (Fischer & Forester 1993:5,6)

“[...] appreciate the many ways practitioners formulate and construct what “the problem” shall be taken practically to be—before they can delineate plausible alternatives or recommendations.”

“[...] ask not only *what* an analysis claims but when it does, to whom, in what language and style, invoking what loyalties, and appealing to what threat and dangers. We study, for example, not only the economic policy analyst’s findings but the rhetoric of the economic analysis as well.”

“[...] understand immediately how they –argumentative processes of policy making and planning - can be complex exercises of agenda-setting power. In some cases, what analyses do not say matters more than what they do say.” (Part between “-“s added)

In the next section the way in which conflicts of interpretation could or should be solved in ‘real-life’ policy situations will be described, but to do so, first the concept of ‘framing’ will be introduced and clarified.

3.1.2 Framing:

According to Rein & Schön (1994) two kinds of policy conflicts can be distinguished:

Policy disagreements: “[...] disputes in which the parties to contention are able to resolve the questions at the heart of their disputes by examining the facts of the situation” and *Policy controversies*: these disputes are “[...] immune to resolution by appeal to facts.” And “Disputes about such issues tend to be intractable, enduring, and seldom finally resolved” (Rein & Schön 1994:3,4) Rein & Schön focus especially on the last kind of policy conflict and advocate a frame-oriented approach to solve these.

As said in the previous section, people create their own social reality by the interpretations they give to what they see. These interpretations are not necessarily the same for different people. Rein & Schön call these interpretations **frames**; structures of belief, perception, and appreciation which underlie policy positions. (Rein & Schön 1994:35,6) Put differently; frames are the glasses through which we see the world, they help to select and emphasize certain aspects of reality, while neglecting others. A glass can be half full or half empty. People need frames because they allow them to make sense of “[...] complex, vague, ambiguous and indeterminate.” situations. (Rein & Schön 1994:26) Frames are however not only descriptive, they usually also have a prescriptive/normative element, the

story people construct of a situation usually also implies a course of action. (Goffman 1974)

Frames, Framing, Perspectives & Re-framing

Framing refers to the way in which people see the World, not all authors write about framing as explicitly as Rein & Schön do. Fischer (2003) for example speaks of interpretations that people give to certain situations and so does Hoppe (2010). Although they do occasionally use the term, they do not use it as much as Rein & Schön. What the Authors mean is however more or less the same, although some details differ.

Hoppe gives a good description of what a frame is and how it works:

“frames are interpretive schemas or groups of ideas or ‘paradigms’ which generate broad attitudes and orientations towards a problematic situation. They *highlight* certain worries over others, *select* out irrelevant ones and bind the remaining concerns in a *coherent pattern*. The key to understanding frames is to see them as questioning processes ‘that *structure the world* by delimiting the field of possible answers’.”(Hoppe 2010:27 emphasis added)

In this thesis a **frame** is considered:

An interpretation that people give to what they perceive. **Framing** is thus the process of giving meaning to what is perceived. A frame can also be called a **‘perspective’**, both terms will be used in this thesis.

Rein & Schön (1994:33-4) distinguish between three different levels of frames;

- **Policy frames:** “[...] the frame an institutional actor uses to construct the problem of a specific policy situation”(Rein & Schön 1994:33)
- **Institutional frame:** “[...] a more generic action frame from which institutional actors derive the policy frames they use to structure a wide range of policy situations.” (Rein & Schön 1994:33) These frames lead people to expect certain things from certain institutions. Frames of this level are usually complex, coexist with other frames and are hybrid in nature. They are usually only weakly related to the individual frames of the members of this institution.
- **Metacultural frame:** these are “[...] broad, culturally shared systems of belief.” (Rein & Schön 1994:33-4) These frames are the root of policy and institutional frames, examples of contrasting metacultural frames may include nature versus nurture.

Different framings of reality are most often found on the lower levels and these are usually the easiest to solve. The higher the level of a frame, the more stubborn it usually is.

Frames can change for various reasons, new information or insights is one main reason why people change their framing, although this relation is not straightforward. (Rein & Schön 1994:38) This change of frames usually occurs in action, as actions change the things people perceive and can lead to new interpretations of a situation, where consensus *might* be possible. (Fischer 2003:69) The level of a frame correlates with the “stubbornness” of the frame, it is more likely that people change their lower level frames than the macro-frames.

This process of changing frames is called **reframing**.

These ways of seeing determine which facts and arguments are seen as valid and which are not, they are usually implicit in actors’ reasoning, correlate strongly with the interests of the actor and are hard to observe. The following quote is a summary of how framing works in practice and shows how different frames can easily lead to conflicts:

“By focusing our attention on different facts and by interpreting the same facts in different ways, we have a remarkable ability, when we are embroiled in a controversy, to dismiss the evidence adduced by our antagonists.” Rein & Schön (1994:5)

Problems can thus arise from the different interpretations that people give to what they see. These problems can be solved if people start to see reality in the same way; by generating consensus on the framing of the problem in a process of reframing. (Rein & Schön 1994, Hoppe 2010) This however leads to the following problem, that of relativism, as every actor “frames” or interprets reality no objective grounds to judge frames against can be found. Therefore knowledge can never be fully falsified or proven to be true. (Fischer 2003:124, Rein & Schön 1994:30) This is important as it shows a major obstacle, how can people rationally create consensus about frames if there are no objective grounds to judge these against? As said earlier, social constructivists deal with this by

arguing that the perspective that's able to generate most support/consensus in the general public is the best one, but the next section will deal with this more extensively.

3.1.3 Relativism & solving frame conflicts

As shown, social constructivists argue that reality is a 'social construction' that only exists in people's mind. Further they note that everyone constructs reality and this leads to the obstacle of relativism; there is no value-free position to judge frames from, as everyone sees the world through their own frames the world cannot be understood without framing. This means that the 'best' or policy option (that's based on a frame) can not be determined from a single 'objective' point of view, one has to find consensus between the different perspectives to determine what the best frame is. Contrary to positivism, in which the scientific or expert perspective is usually imposed by people in power positions (such as policy makers or politicians) as the 'best' perspective. This is way of 'solving' the problem of relativism often generates resistance from actors with different interpretations of reality, as these perspectives put forward by people in positions of power on are thus not necessarily the 'best' perspectives, such an approach to policy making ignores the political/interpretational aspect of policy making.

The 'best' perspective from a social constructivist viewpoint would be the most rational perspective, or better said, the

perspective that generates the broadest support (preferably consensus) in society. In sum: social constructivists argue that policy should not be based on narrow perceptions of what is true and what is not, backed up by power, because this would only make the ones in power more powerful. Instead they argue that good policy should be based on deliberation between the different perspectives on what is "true" (Fischer 2003:134), relatively free from power games.

So reason has to determine the perspective with the broadest support; the "truth". However, at some point 'power' is needed to decide between the perspectives and implement the policy based on the perspective that generates the most support.

Relativism

Postempiricist policy approaches are often associated with **relativism**, relativism refers to a situation where there are no objective standards to judge things against. In the extreme relativist position there is no truth and no wrong or right etcetera. This is associated with social constructivism as social constructivism does not believe that there is a reality 'out there' to understand, thus there are no objective standards to judge. According to Fischer

"Relativism arises when the knowledge and social meanings of the observer are seen to be a function of their social positions or normative orientations." Fischer (2003:136)

The problem is often referred to by empiricist scientists to show the weakness of interpretive policy analysis, however, if one accepts the social constructivist viewpoint, the same would apply to them, as in this viewpoint empiricist science also offers one possible perception of reality. (Fischer 2003:136-8)

"For the postempiricist, this worry about relativism is an outmoded relic of neopositivist/empiricist epistemology. They simply turn the question around and charge the neopositivist with erasing the very social contexts that make meaningful judgements possible." Fischer (2003:137)

This 'problem' can however be circumvented, as long as good reasons for either supporting or rejecting knowledge can be found, and that's what interpretive policy analysis is all about. (Fischer 2003:138) According to Fischer the main criteria for (temporarily) supporting one form of knowledge (or frame) is the democratic support it generates, this is what interpretive policy making is about; the democratisation of knowledge.

Here the difficult relation between power and rationality becomes apparent, on the one hand people in power can impose their perspective on others, but this does not necessarily mean that the perspective will be seen as the best/most rational way.¹⁵ On the other hand, rationality only can not put closure on debates, at some point power is needed to determine what is most rational. (Hoppe 2010:30)

To summarize what was said:

“[...] social science—like science generally—is a social activity and its products are based more on *consensus* than proof in the traditional understanding of the term. Towards this end, postempiricism offers a craft-oriented discursive or deliberative approach to policy science, one that better explains what social scientists are already doing.” (Hoppe 2010:28-9, Emphasis added)

The previous section is quite abstract and theoretical, in the next section it will be shown how to do interpretative policy analysis in real-life policy situations.

To solve a frame conflict the policy analyst first needs to know which different frames are being used by the actors; to reconstruct the different frames that co-exist. This is however a difficult task because frames are hard to reconstruct¹⁶; frames are usually implicit in the actions of people, different frames can lead to the same actions and different levels of an organisation may employ different frames. Even if one is able to reconstruct the different frames it's hard to distinguish between conflicts within frames and conflicts between different frames. People might share frames at one level, but have conflicting frames on another (lower) level (Rein & Schön 1994:35). The last problem is that it's difficult to distinguish between potential or real frame shifts. According to Rein & Schön most of these problems can however be overcome by careful observation and analysis, so although it is difficult, frames can often be reconstructed.

When these frames have been reconstructed there is the issue of relativism which makes reframing the issue in the most rational (or best) way difficult, this reframing is however the main goal for social constructivist policy analysts.

Most social constructivists refer to some way of “making sense together” (Hoppe 2010:22 & Hoppe 1999) to find this most rational way of solving a problem. The best interpretation of reality is the interpretation that is democratically supported.

Rein & Schön (1994:43-5) distinguish between three different ways to (temporarily) solve frame conflicts:

- **First**, as frames exist on different levels sometimes it is helpful *to move to a more abstract/higher level of framing* and see if the actors agree there. For example actors might disagree about tax increases because of a recession, but they might agree on the mechanisms that the liberal market works. (Fischer & Forester 1993:h3, Rein & Schön 1994:161)

¹⁵ Note that we speak of rationality here, **rationality** in interpretative policy analysis refers to a broadly shared perception of what is best/most rational.

¹⁶ Rein & Schön (1994:34-6) speak of frame “construction” and not “recognition” for example, as the policy analyst does not “find” a frame but creates a reflection of it, (through his own interpretation) frames are implicit and therefore they have to be reconstructed so they can be explicitly recognized.

- **Second**, sometimes it might not be able to solve conflicts by a *shared perception of facts*, but it might be able to agree on criteria to determine these perceptions. (Take for example joint fact finding, whereby the different actors first agree on the way that facts should be interpreted and then give an independent expert the task to find this information.)

Rein & Schön (1994:44) suggest some criteria that could help to judge frames, these are: Truth, Beauty, Justice, coherence & Utility. They argue that although no real objective criteria can be found, these criteria will probably be acceptable to most of the people and can therefore be seen as legitimate.

But even if one takes these criteria in mind, reflecting across frames is difficult, as people come from different positions and objective criteria for judging what position is best are lacking, creating consensus over what is the best interpretation of reality is no easy task. Another option is Toulmin's argumentation model that Dunn put's forward. (Fischer & Forester 1993:H9) This model judges arguments (frames) by breaking them up into six elements: the claim, grounds, warrant, backing, qualifier and rebuttal. (Toulmin 1969) This makes it possible to judge the different aspects and thereby judge the argument.

- And **last**, sometimes it might be possible to "*translate*" between frames, so instead of finding objective criteria people might try to understand the positions of other people by reflecting on their own behaviour. (This is one of the most important points, also for other authors)

Rein & Schön (1994:45) argue that creating consensus about a certain frame might be possible if the actors involved in a conflict try to envision the position of their "opponents" by reflecting on their and the others standpoint. An important aspect of their theory is their conviction that competent practitioners are able to "reflect on the meaning of the policy-making game from a position within it". (Rein & Schön 1994:105) By reflecting on their own behaviour people should try to see how their frames help with the continuation of the problematic situation they find themselves in. In short policy makers "[...] must overcome the blindness induced by their own ways of framing the policy situation in order to see that multiple policy frames represent a nexus of legitimate values in conflict" (Rein & Schön 1994:187) By doing so together with other parties in the controversy, they can reframe the problematic policy situation and create a frame that all parties can agree on.

The best way to have a conversation whereby the different actors reflect on their own positions and try to reach consensus would be a combination of Thomas Kuhns and Jurgen Habermas' theories about "normal & abnormal science" and the "Ideal speech situation" respectively.

Rein & Schön (1994:46) use Kuhn to explain how different actors might understand each other, because the different actors have an interest in progress to a workable situation the actors should try to relate to the others position and see how their position might influence that of others. By doing so the actors might be able to move to the same position. Habermas' theory is about the ideal speech situation. In such a situation decisions are being made by autonomous people in a process where they can exchange opinions without any constraints. This exchange of opinions should be based on norms of freedom, openness and justice and be free from deception. All parties should be able to speak freely, this should lead to a situation in which arguments are judged on their own merits.

Achieving and maintaining mutual trust among the different parties is an essential feature for the success of such a conversation. (Rein & Schön 1994:179)

Fischer (2003:124) argues the same as Rein & Schön and states that (consensual) knowledge can only be created through a process of 'hermeneutic dialectics'. Hermeneutics "[...] refers to the interpretive role in the formulation of subjective interpretations about reality. Stated simply, actors understand things by fitting them into patterns of knowledge, events, and actions that they already possess, typically in narrative form, or that are at least available to us as members of a particular society." (Fischer 2003:124) Dialectics is about confronting the different interpretations of different actors with each other. So hermeneutic dialectics is a process where different groups present their subjective interpretations to each other and try to reach consensus on new interpretations;

"Knowledge for the social constructionist is [...] forged through dialectically generated consensus." (Fischer 2003:124)

Reality is thus constructed through discursive interaction of competing interpretations. (Fischer 1993:131) In such interaction both parties share their frames and learn from each other so that a new interpretation or reality (frame) can emerge. According to Fischer (2003:131)

"[...] the crucial debate in politics is seldom over data per se, but rather the underlying assumptions which organize them."

The foregoing also means that knowledge is temporary, as knowledge rests on the consensus of certain groups, it can be challenged when frames are introduced into the debate.¹⁷ (Fischer 2003:78 & Hoppe 2010:133) The degree wherein the introduction of such new frames is possible depends in part on the type of network, relatively closed networks can be quite immune for influences from outside, whereas in open networks with fluid participation it usually is hard to reach any consensus at all. (Hoppe 2010:133)

Interpretivist authors such as Rein & Schön (1994), Dvora Yanow (1996) and Fischer (2003) also place emphasis on the importance of the context in which conflicts are situated. Frame conflicts can seem intractable if one uses abstract representations of the situation. But when one moves from abstract (theoretical) representations to the actual problems within their contexts, rich in information, and listens carefully the different stories of reality that people create, it is often possible to see surprising new ways of solving a problem. (Fischer & Forester 1993:186-202) This is also why there is no specific process recommendation for tackling policy problems, not every principle of interpretative policy analysis can be spelled out exactly. (Fischer 2003:134) The policy analyst should create an approach to interpretative policy making that takes into account the aforementioned basics (such as the inclusion of different perspectives), recognizes the fact that people use frames, but is also specific to the situation the problem is situated in. Most importantly, the analyst should find the right balance between rationality and power in the specific context. This does not only require knowledge about the theories, but according to most authors it is also a 'craft'.¹⁸ (Yanow 1996:1, Fischer 2003:134) Something that can only be learned by practice and which requires substantial 'feel' with the subject

¹⁷ For example when other stakeholders enter the scene, or when new insights become available.

¹⁸ The book title 'Speaking truth to power: the art and craft of policy analysis' by Aaron B. Wildavsky (1987) is also a good example.

and is so refined and context specific that it can not be written down in the form of a “guide” to doing interpretative policy analysis in all situations.

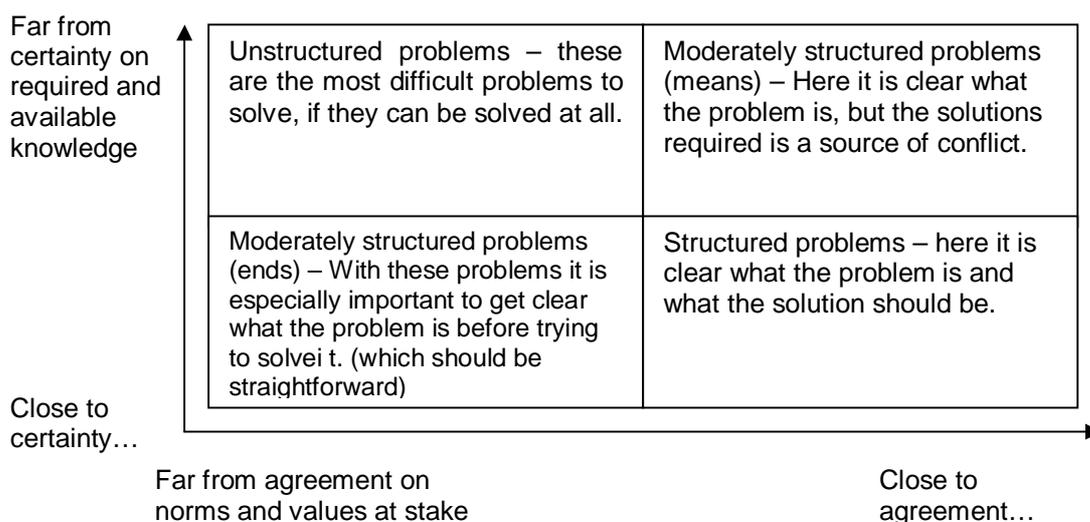
3.1.4 Interpretative policy analysis and participation

Another subject to mention is participation; interpretive policy analysis is about involving multiple perspectives in the policy process to be able to select the frame that generates most support. (Hoppe 2010:44) Good governance thus includes multiple parties and frames in the policy making process. This not only helps to create better policies, it also provides democratic legitimation for the policies and thereby ensures future decision making capacity. (Fischer 2003:205) But it should be emphasized that such participation should be based on deliberation and equal power. Another important feature of participation in the process is that new local perspectives and forms of knowledge can be introduced to the debate. These new insights may lead to a better understanding of the situation and provide new insights that could lead to reframing. (Fischer 2003:206) What kind of parties are to be involved differs per type of problem, according to Hoppe (2010:211-2):

- Moderately structured problems with goal consensus need market-and-participatory approach, consonant with standard liberal, pluralist democratic theories.
- Moderately structured problems with means consensus require a combined fairness-and-technical approach, to be found in accomodationist, elite cartel concepts of democracy
- Unstructured problems can be tackled through a fairness-and-participatory approach, best reflected in participatory and deliberative democratic theories and practices.
- Structured problems can best be tackled using procedural democracy.

3.1.5 Problems

Hoppe (2010) distinguishes between different kinds of problems, based on a model of two variables he distinguishes four kinds of problems. The first variable is whether the actors agree on the nature of the problem, the second variable is whether the actors agree on the nature of a possible solution. This leads to the following (ideal)types¹⁹ of problems (Hoppe 2010:16);



¹⁹ In reality the different types of problems usually overlap each other.

The nature of a problem has implications for the kind of approach that is needed to solve the problem. Structured problems for example can best be tackled using a technical, rational choice like approach, it is clear what the problem is and what solutions are possible, the only thing that has to be done is to find the solution that best fits the expectations of the stakeholders. (Hoppe 2010:52)

Hoppe however argues that in policy making there is a tendency to treat all problems as structured²⁰ and to start looking for solutions immediately, this is easier as treating a problem as structured makes it look like it can be solved easily. The issue is that problems usually are moderately structured or unstructured, approaching these like structured problems leads to the wrong approach.

Further when a problem definition is assumed and policy makers immediately try to find solutions, they risk finding a solution for a problem that does not exist or is different from their definition, so the solution found this way will most likely be suboptimal. In the worst case the solution could even worsen the problem it tries to solve. (Hoppe:76) That's why it is important to first find out what the problem is and whether there is consensus on this problem definition. Only then should one start to look for solutions. (Hoppe 2010:5) It should also be noted that problems and solutions are not separate entities. A problem is a discrepancy between a current situation and a desired future situation, one cannot envision a better future situation if one does not have any idea of a way to get there. (The solution) (Hoppe 2010:78)

As said before, to be tackled effectively the different types of problems require different types of network configurations and specific ways of rule within the network. (Hoppe 2010:142) *Structured problems* would require an approach whereby the problem is authoritatively ruled and a network with a relatively closed and institutionalised character, in

Problems & Problem structuring

According to Hoppe (2010:23) "Very generally, a **problem** is a gap between a current state and a desirable future one". Especially the word 'desired' shows the normative character of a problem, whether one desires another future situation depends on one's own interpretation, or to put it differently, the perspective/frame that is employed. These problem frames can differ between different people and this leads to policy conflict. (here the parallels between framing and problems become evident.)

The fact that the holder of a problem can think of a future situation implies that he has a (broad) idea of how to get there, problems are thus not only about ends, but are also about the means to reach these ends. This is the basis for the typology of problems that Hoppe employs. (see figure above)

In policy situations the ends of the policy are very often assumed and people immediately start looking for solutions. (Hoppe 2010:24) According to Hoppe (2010:24-5) finding the ends for a policy is just as important as finding the means to come to these ends. Hoppe calls the process of finding the ends as well as the means of a problem '**problem structuring**'; the search, debate, evaluation and political struggle about problem representations or framings. In the words of Hoppe (2010:56):

"Problem structuring is about putting intellectually defensible and politically authoritative closure on debates about constraints on problem definitions and solutions through responsible problem decomposition, and prudent constraint sequencing during the design process."

The necessity of defining the problem first is also acknowledged by Fischer & Forester (1993:6) who state that problem solving depends for a large part on the prior work of problem construction and reconstruction.

The relation between framing and problem structuring is thus that frames can lead to certain structures of problems. (Frames are broader than problems and lead to problem structures)

²⁰ The problem structure is usually defined on the base of research, as was said earlier, in positivist policy analysis there is a tendency to see the scientific perspective on reality as the best perspective.

such networks the political aspect of the problem (definition) is usually weak. *Moderately structured problems* where there is consensus about the *goals* require an approach of conflict management and discourse coalition building, these require oligopolistic competitive networks that are institutionalised. *Moderately structured problems* where the *means* are clear require advocacy coalitions and problem driven search, these require institutionalised oligopolistic networks of competition. Completely *unstructured problems* require populist leadership politics and crisis management or serious efforts at learning through deliberation, these are usually associated with open and emerging/disappearing networks (which have an instable character). (Hoppe 2010:122)

So to make good policy, governments need to recognize that not every problem is the same, that problem structuring is as important as problem solving and that the different problems require different (network) approaches to be solved.

This also has implications for interpretative policy analysis, not every problem is actually a frame conflict, so in some situations it such analysis may not be as effective. This mostly applies to structured problems (no need to work on the frames) and totally unstructured problems (almost impossible to solve by appeal to frames). Rein & Schön (1994:181-2) confirm this, they state that the frame reflective approach is (probably) not suited for every type of problem, generally problems where there is a large degree of order and consensus about goals (structured problems in terms of Hoppe) will probably be better off with a rational choice approach. The contrary, no order and no consensus about goals (unstructured problems according to Hoppe) will probably not lead to results with any possible approach. According to Rein & Schön these are however extremes and are seldom found in reality, between the extremes there is a large amount of (moderately structured) problems that can be solved.

In sum good policy analysis is not about speaking 'truth to power', but about 'making sense together' (Hoppe 2010:22). Social constructivist views thus help to see that policy debates are about more than mere facts, they are also (or better: mostly) about values. If policy analysis is seen this way, it becomes not only the domain of the expert, but a domain that should be open for other people with different perspectives as well. Science offers interesting insights and should not be deemed worthless, but it is just one possible interpretation of the world. Therefore good interpretivist science is not about the monopoly of the scientific way of framing situations, but about working together with multiple actors that hold different frames (including the scientific perspective) (Fischer 2003:128) to come to a re-understanding of the situation. The exact way this should be done should be determined per situation, but it should focus on creating consensus on meaning together with the relevant stakeholders. Further it should be noted that interpretivist policy analysis is not suited for all kinds of problems, it seems to be especially suited for moderately structured problems.

Only when scientists pay attention to the frames of different groups can these scientists construct a good picture of reality, and ultimately better policy.

3.2 New forms of governance in the EU

In this section the different structures of government/governance will be covered. First the “traditional” way of governing, the community method will be introduced and second the theory about “new forms of governance” will be introduced. In the last part of this section these will be summarized.

3.2.1 The Classical Community method

“New” forms of governance can not be understood if the “old” form is unknown. For most authors the classical community method²¹ is the basis for comparison. (Scott & Trubek 2002:1) In the classical community method the European Commission is independent and has the exclusive right of legislative initiative²². Legislative and budgetary acts can then be accepted by the Council of Ministers (that represents the member-states) and the European Parliament (representing the citizens) through the use of qualified majority voting and in some instances by unanimity. The Commission and national authorities then have to execute the policies. (European Commission 2001:8) Some authors (Tömmel 2009:11 & De Búrca & Craig 2007:146) emphasize that this method is more top-down and hierarchical than other methods such as the new forms of governance, which seems to be an important distinction between the two.

The product of the Classical Community method is usually a directive, or “hard” law in the sense that the measures agreed upon are legally binding and uniform for all states. Individual member states then have to implement these decisions and in case of non-compliance, the European Court of Justice sanctions these countries. The European Court is thus responsible for enforcement of the correct implementation of the policies produced through the community method. (Trubek & Trubek 2005:344)

Of course this representation of the community method is ideal-typical. In practice this method usually is not as hierarchical and ‘hard’ as pictured, the process often allows for other inputs and law in the books is not as effective as law in action. (Scott & Trubek 2002:2, Trubek & Trubek 2005:359-60).

However, in this section the community method will be contrasted with newer forms of governance, this is easier using ideal-types. (De Búrca & Craig 2007:148) It is clear that the classical community method is a hierarchical and technocratic process of policy making with relatively limited participation, this in combination with the theory about interpretative policy analysis mentioned earlier would lead to the hypothesis that this method of decision making is not very effective to tackle (moderately) structured problems where there is no consensus about (either) the means or the ends of a policy; there is hardly focus on the political/interpretational aspect of policy making in the classical community method. The community method would thus probably be better suited to tackle structured problems as these require a more technocratic and linear approach to policy making, with relatively little participation. In short it will be hypothesized that;

²¹ Another often mentioned mode is the intergovernmental mode (de Búrca & Craig 2007:146), in this thesis this mode is not included as the contrast between the classical community method and the new forms is stronger here. Adding a third mode would not contribute to the clarity of the topic and therefore this has not been done.

²² Here technocrats usually prepare the directives that go to the Council to decide about. (Trubek & Trubek 2005:345)

The classical community method is ill suited to tackle frame conflicts

3.2.2 New forms of governance

The classical community method is not the only way of policy making in the EU, new and hybrid forms of decision making that seek to address the weaknesses²³ of the classical community method are emerging.²⁴ These forms are often used to tackle difficult problems that seem intractable at first sight, or problems that led to deadlock using other approaches (Eberlein & Kerwer 2004:125). New forms are especially used in areas where there is strong disagreement, in situations of increasing complexity and uncertainty, where experts do not have all the answers, where the EU (seemingly) lacks competences, where there is irreducible diversity (between the actors), where EU legitimacy is low, and the level of political salience is high. (Trubek & Trubek 2005:347-8, Scott & Trubek 2002:6,7,8, Eberlein & Kerwer 2004:125)

There are some general characteristics that seem to be present in most “new” governance arrangements.²⁵ Scott & Trubek (2002:5-6) distinguish six characteristics;

a. Participation and power-sharing

A central feature of most governance processes is that it involves broad participation of different governmental and private sector stakeholders in a process of mutual problem-solving.

Scott & Trubek summarize this point as follows: “Many of the new governance approaches involve novel ways to expand participation by elements of civil society in policy making. And some entail a greater degree of power sharing than traditional legislation or regulation” (Scott & Trubek 2002:6)

b. Multi-level integration

New governance recognizes that the policy making process has to include different actors from different levels of government to be able to craft good policy. New forms bring actors from these levels “together in ways that facilitate dialogue and coordination.” (Scott & Trubek 2002:6) This point is also taken up by Sabel & Zeitlin; they argue that the most efficient governance arrangements use the specific advantages that every level of government offers. (Sabel & Zeitlin 2008:4)

c. Diversity and decentralization

New governance also allows for substantial diversity and decentralisation in the policy process. According to Scott & Trubek (2002:6) “New governance unlike much EU legislation and regulation, accepts the possibility of coordinated diversity and the advantages of leaving final policy making to the lowest possible level when this is feasible.” This characteristic is especially visible in the decentralized implementation of the framework goals set by the Commission.

²³ Such as the lack of democratic legitimacy (for questions of political goals as well as means to reach these) and risk of political deadlock, for example in the area of welfare reforms. (Borra's & Jacobsson 2004:186, Jacobsson 2004:357)

²⁴ This does not mean that old forms are disappearing, in a lot of policy areas they are still the dominant way of decision making. (Búrca & Craig 2007:146)

²⁵ It should be noted that because of its relatively novel character and the constantly evolving nature of these forms, it's hard to give a definitive picture, but some characteristics seem to be present in most forms.

d. Deliberation

Deliberation is another important aspect of new forms of governance. Scott & Trubek (2002:6) argue that “Many of the new governance mechanisms are designed to foster extended deliberation among stakeholders over *the nature of problems* (Emphasis added, one could also say; problem structuring) the best way to solve them, and the challenge of carrying out solutions within the widely differing contexts of the fifteen Member States.” They further note that: “Deliberation serves both to improve problem-solving capabilities and possibly provide some degree of democratic legitimation.” Sabel & Zeitlin (2010:2) also mention this aspect and say that preferences are often changed by the force of the better argument by deliberation among technical elites. Successful deliberation according to them depends on the successful socializing of the deliberators into epistemic communities. This informal process takes place because of continuous interaction between these actors.

e. Flexibility and revisability

Another feature of most “new” approaches is that the results they produce in terms of policy are not as rigid as they are in the traditional community method. There is a large degree of flexibility and revisability in the new governance arrangements. This allows these new forms to better cope with diversity, change and new perspectives. De Búrca & Craig (2007:146-7) place special emphasis on this flexible characteristic of the new forms. They argue that these new forms are a shift away from hierarchical governance towards less hierarchical, less top-down and more flexible forms of governance. Hierarchy here means that policies are relatively complete and leave little room for discretion on the implementing parties and they are legally binding. New forms are the opposite, they do not come from above, but are instead created and imposed by those whom they are to be applied to, they are “incomplete”, meaning that they are less rigid and prescriptive, and leave substantial room for implementation and the legal aspect usually is not as explicit as in the community method, they are thus more flexible. (De Búrca & Craig 2007:147)

f. Experimentation and knowledge creation

Some new forms of governance also allow for experimentation and the creation of new knowledge in the process. This new knowledge can come from the deliberative process, from “combining local experimentation with multilateral surveillance, and from formal and informal ways of exchanging results, benchmarking performance, and sharing best practices.” Scott & Trubek (2002:6)

A good example of a new form is the “Open Method of Coordination (OMC)” often associated with the European employment strategy. The aim of the OMC is not to produce binding directives to be implemented by the member states, instead the OMC is a more continuous process, (broad) open-ended goals and guidelines are agreed upon between member states, but they are free to choose the (most appropriate) policies for reaching these goals. The guidelines are subject to peer review by member states, the Commission and Council. Also, the goals are periodically revised.(Trubek & Trubek 2005:344) An essential feature of the OMC is mutual learning, the goal is for member states to

learn from each other about the different approaches they employ during the process. Member states have to benchmark their performance to see if they are doing a good job in reaching the goals and guidelines. They usually do this by presenting annual reports about the progress towards the guidelines set the previous year and their strategies for reaching the future goals/guidelines. These plans are then reviewed by other states, the European Commission and the European council. If there are problems not addressed in these plans the Commission and council will make recommendations to do so. (Trubek & Trubek 2005:349) In case of non-compliance there are no formal sanctioning mechanisms, instead the new forms rely on soft principles such as “naming and shaming”, whereby it is thought that the burden of having a bad reputation is a strong motive for complying with what was agreed. (Trubek & Trubek 2005:357, Sabel & Zeitlin 2008:5) Because of the lack of explicit sanctions the policy produced using this method is often referred to as “soft” law. (Trubek & Trubek 2005:344) This could/should produce voluntary policy convergence on best practices, but at the same time allow for some national variance. (Scott & Trubek 2002:4)

The European Commission itself also recognized the need for other approaches to European governance. In 2001 it published a white paper (European Commission 2001) wherein the Commission put forward their plans for the future. The Commission suggested improvements for the future situation, but the Commission did not go as far as most authors.

The Commission did accept the need for more flexible and open ways of policy making. But it put forward a strong preference to preserve an important role for itself in initiating and implementing policy. (Scott & Trubek 2002:15) The following citation clearly shows this preference:

- “Agencies cannot be granted decision-making power in areas in which they would have to arbitrate between conflicting public interests, exercise political discretion or carry out complex economic assessments.
- Agencies must be subject to an effective system of supervision and control.” (European Commission 2001:24)

So in sum these new modes are in sharp contrast with the classical community method. These new modes produce soft law through less hierarchic structures that can be adapted to the specific situation that it is implemented in, is periodically revisable (by the participating actors themselves) and leaves substantial room for experimentation and knowledge creation. This policy is created by the Commission in cooperation with different stakeholders from different levels of government and society to enable deliberation about the numerous policy options.

3.3 Interpretive policy analysis and new modes of governance in the EU taken together

Until now interpretivist policy analysis and the new forms of governance have been treated in isolation from each other, in this section the parallels between the two will be analyzed and hypotheses for empirical investigation will be constructed.

The new forms of governance have much in common with interpretivist policy analysis. The type of problems that the new forms seek to address are usually difficult problems that often seem intractable at first sight, in areas where there is strong disagreement, in situations of increasing complexity and uncertainty, where experts do not have all the answers, where the EU (seemingly) lacks competences, where there is irreducible diversity (between the actors), where EU legitimacy is low, and the level of political salience is high. (De Búrca & Craig 2007:11& 62-3, Borra's & Jacobsson 2004:190)

In interpretative policy analysis this kind of problem would most likely be called either unstructured²⁶ or moderately structured. In such problems there is strong disagreement over the goals that a policy seeks to accomplish and/or the means for reaching those goals. Also, experts cannot provide all the advice needed for solving the problems (which would be possible in the case of a structured problem), there are many different stakeholders and different framings and the policy maker thus does not have all the competences to solve the problem. Approaching this type of problem with a technical and hierarchical approach, such as the community method, usually leads to deadlock or policy failure, because such highly technocratic approaches tend to neglect the political ladenness of 'facts'.²⁷ That's why these conflicts often seem intractable at from a positivist/technocratic perspective. When one however has attention for the situation and the interpretations people give to the problem, better said; when one takes an interpretive policy approach, one is able to influence and possibly change the frames or interpretations people give to reality. In this way surprising new ways of solving the problem can be seen. This appears to be happening in the new forms of governance.

Also, the features of the new forms of governance distinguished by Scott & Trubek show parallels with interpretive approaches to policy analysis;

- The first aspect, participation and power sharing has strong parallels with the interpretivist recommendation of including multiple actors and (thereby) multiple perspectives in the policy process. Power sharing also implies that problem definitions can not be imposed top down by people in power positions, but requires cooperation with the different stakeholders and thereby will probably lead to a more balanced problem structure.
- The second aspect, multi-level integration is about including different levels of government, including the local level, into the policy process. This has parallels with the interpretivist focus

²⁶ It should be noted that totally unstructured problems are seldom present in reality.

²⁷ This is no problem as long as there is consensus about the frames in use, but when such consensus is absent, it is hard to create consensus using such technical approaches.

on local knowledge, interpretivists argue that such knowledge is essential for performing good policy analysis and that it could introduce interesting new perspectives into the debate.

- The aspect of diversity and decentralisation also facilitates the inclusion of different perspectives and frames in the process and makes it possible for actors to have different frames on one level, yet share frames on a higher level. Actors could for example agree on macro-level goals such as reducing the numbers of traffic deaths, but can differ in their approaches to reducing this number. (Assuming the effectiveness of both approaches in reducing the number of deaths is equal, if one method is more efficient than the other, then some sort of convergence is likely to happen over time.) Thus *complete* consensus on the (lower) level frames is not always necessary in the new modes.
- One of the most important features of interpretive policy analysis is the deliberation between holders of different frames about these frames, relatively free from power games or other restraints. In the new forms of governance deliberation is also an important feature and as mentioned before there is an explicit focus on involving multiple perspectives in the process. This often leads to the creation of new knowledge, it is in this process of knowledge creation that consensus about the frames can be reached. According to Jacobsson (2002) the success of this process can be explained by the socialisation effects, so the mutual trust that Rein & Schön (1994) consider to be an important condition for successful deliberation is also present.
- Frames are temporarily and can change in the face of new information or new actors that join the policy process. New forms of governance allow for such changes as they are relatively flexible and revisable, as Scott & Trubek mention policies are often revised when new perspectives are introduced.
- The last aspect that Scott & Trubek mention is experimentation and knowledge creation. This refers to a central feature of interpretive policy analysis, the ultimate goal in interpretive policy analysis is to create knowledge, or frames that are broadly shared by the stakeholders in a controversy. This would allow the conflict to be solved. According to Scott & Trubek (2005) the new forms foster the creation of new knowledge in the process because actors learn from each other. It is usually during the creation of this new knowledge that issues are reframed. (Fischer & Forester 1993:163) This point is more extensively covered by Jacobsson (2002) and Borra's & Jacobsson (2004:196), who argue that the success of these new modes can for a large part be accredited to the adaption of new cognitive frameworks by policymakers in the process, whereby a shared perception of reality is created. These shared cognitive frameworks²⁸ can foster change in policy.

Trubek & Trubek (2005) and Sabel & Zeitlin (2010) also mention a process of informal socialisation or network creation that is going on between European policymakers and Trubek & Trubek explain the success of the OMC by pointing to the new policy networks that come to existence because of the

²⁸ Which share numerous features (such as a joint understanding of key concepts, causal linkages etcetera) with the 'frames' distinguished in this study. (Borra's & Jacobsson 2004:196)

continuous cooperation of policy officials at different levels of government. This finding is affirmed by Jacobsson (2002) who identified similar mechanisms whereby actors jointly gave meaning to reality as an important success factor for 'soft' law.

Yanow (1996) has also argued that it is in such networks that new and joint understandings come to the fore. She calls such networks "communities of interpretation" wherein everyone shares the same interpretations, when such networks are present it can be said that the problem structured; the members in such a network share the same problem frame.

Another aspect of new governance that has parallels with interpretive policy making is the mechanism of peer review. This mechanism shows strong parallels with the (interpretive) fourth generation evaluation that Guba and Lincoln propose (Abma 2000) in this type of evaluation the goal is not to explicitly judge programs, but to collectively create measurement criteria to evaluate against. Evaluation is thus not a process to be executed by an outside actor, whereby a program or policy is measured using measurement criteria set a priori²⁹, instead it is about jointly creating the criteria for evaluation. This kind of evaluation takes place in the new forms as the goals and guidelines for the policies are set together with the different stakeholders in the process and countries are then benchmarked against these guidelines and criteria that the different stakeholders believe to be important for the policy. (Trubek & Trubek 2005:344, Jacobsson 2004:362) This kind of approach to evaluation has more attention for the dynamics of a policy process (as goals can change during such processes) and is more likely to lead to shared understandings, as the criteria for evaluation are determined by the stakeholders themselves. Empowerment and involvement of the groups being evaluated thus is essential for type of evaluation. This can be seen in the new forms as countries themselves have to produce the reports which are then jointly evaluated. The goal of such evaluation is producing a deeper (collective) understanding of the issue and produce learning processes to improve the situation in the future (which in this case is a better understanding of a good approach to reach the goals and guidelines), instead of judging the ones under evaluation to sanction the ones that do not comply.

There are however some aspects that are not covered by both approaches and aspects that differ. In the writings about the characteristics of new governance the authors remain vague about the distribution of power. It is acknowledged that power is more diffuse than in the community method, but how exactly it is usually distributed is not mentioned, it can be expected that in reality, that even though the power is distributed between the different stakeholders there is are power imbalances between the various stakeholders. This could have its influence on the process. The Commission itself for example seems reluctant to give up its power in the new forms of governance. Of course the specific distribution of power in a governance arrangement is also something that varies substantially per situation, so it would hard to develop a general theory about this. Nevertheless this is an important

²⁹ Which usually is the case for positivist evaluation and also applies to the classical community method, where the European Parliament sets the rules and the European Court of Justice sanctions countries that do not comply with these rules?

aspect as power imbalances can hamper the deliberation process. The same roughly applies to interpretative policy analysis, here too there is no one ideal balance of power either, the deliberation should be relatively free from power and power should be used in moderation, only when it's needed. It is the task of the skilful policy analyst to find the best balance between rationality and power for a specific situation. One could see this as a deficit of both theories, but also as a strong point as it allows for more variation in the approaches if the contexts require this.

So although these new forms of policy making are not exactly like interpretative policy analysis, they also have much in common. One of the most important similarities is that new forms of governance is a process wherein the different stakeholders share power and therefore have to cooperate, it is also this participative aspect of the process, together with power balances that is advocated by social constructivist accounts of policy analysis. These similarities might explain the relative effectiveness of these new forms (for some types of problems) compared to the classical community method. Including multiple perspectives in the policy making process and generating consensus on these perspectives is a central feature of these new modes that is reflected in almost every aspect of it. This is a feature that the classical community method lacks. It is therefore hypothesized that:

- The characteristics of the new modes of governance make this approach to policy making better suited for tackling frame conflicts than the traditional community method.

And earlier in this chapter it was hypothesized that:

- The classical community method is ill suited to tackle frame conflicts

These two hypotheses will be further investigated in the next part of this thesis, where a case study will be executed to provide insight in the workings of new forms of governance in the real world.

4. Analysis

In this part it will be investigated whether the theory that was outlined earlier corresponds with reality. This will be done by analyzing the recommendation for the harmonisation of PTI for motorcycles in Europe from the Road Safety Action Programme 2011-2020.

Improving traffic safety and reducing the number of people killed on the European roads was and still is an important goal of the European Commission. The European Commission pursues this goal through action plans. These plans are programmes with broad goals, set up by the institutions of the European Union. One such programme was the Road Safety Action Programme 2003-2010 (European Commission 2003). The main goal of this programme, was to halve the number of people killed on the road in the period 2003-2010, this goal was divided into several sub-goals such as focussing on the improvement of infrastructure and using technical progress to improve road safety.³⁰ (European Commission 2003:4-5)(This programme will be covered more extensively later in this section)

The from this programme were to be pursued in a new forms of governance like structure;

The European Commission acknowledged that it could not reach the goals of the programme on it's own (European Commission 2003:9) and therefore “[...] intends to *mobilise all parties concerned*: transport companies, vehicle and parts manufacturers, insurance companies, infrastructure operators, *local and regional authorities* by inviting them to subscribe to a European Road Safety Charter. Each signatory must give specific commitments which will be publicised, and their compliance with them will be monitored.” (Website European Commission 2005, Emphasis added) So in short, these goals were pursued together with the involved parties and their performance would be checked regularly, this corresponds strongly with characteristic a, b & c that were distinguished in the theoretical section; participation & power sharing, multi-level integration and diversity and decentralisation.

As the name of the previous programme implies, the programmes are also temporarily, the previous programme came to its end in 2010 and although the goal of halving the number of people killed on the roads was not achieved, and substantial progress had been made to reach the target. Most parties involved urged for the creation of a new programme when the old programme came to an end because the problem was still seen as urgent. Further the Commission (2003:10) also intended to “Evaluate the progress made, compared with the target, by means of appropriate performance indicators at Community and national level.” This shows that there is also a focus on new forms of governance characteristic e, flexibility and revisability. Characteristic f, experimentation and knowledge creation, was also apparent the programme “[...] describes in particular specific measures for establishing a methodological framework to identify and disseminate best practices, through the **drafting of technical guides**, improving the **collection and analysis of data on accidents and physical injuries**, and pursuing research and development to find solutions for the future.” (European

³⁰ These programmes do not stand alone, they fit in with other framework programmes such as the white paper on transport, which set the main goal for the new Road Safety Action Programme, halving the number of people killed on the European roads.

Commission 2003:6) The Commission also recommended benchmarking to evaluate the different national approaches to road safety, thereby it also fosters experimentalism.

Point d. Deliberation was not explicitly mentioned, but as the Commission intends to involve all parties and share competences, deliberation will probably be the used to get to agreement on the specific measures to be taken.

The fact that the program came to an end while its goals were not completely accomplished led to consultations for a new Road Safety Action Programme to cover the period 2011-2020. (European Commission 2010b) Again the goal was to halve the number of people killed on the road in this period. This programme was also a programme of broad framework goals that were to be advanced together with stakeholders from different levels of government and just like the old programme, the progress towards these goals was to be periodically reviewed. (European Commission 2010a)

From the statistics gathered under the previous action programme the new programme³¹ distinguished some groups of vulnerable road users; (this focus was also present in the old programme) these were pedestrians, cyclists and motorcyclists and just like the previous programme this programme was also divided in more specific recommendations,³² one of these was “a new focus on motorcyclists”³³ (Website European Commission 2010), this special focus led to the proposal of several more measures targeted at this group. In this thesis the focus will lie on the following proposed measure:³⁴ “to extend EU legislation on road worthiness testing/inspections to motorbikes and other powered two wheelers (which do not exist at the moment)”. (Website European Commission 2010)

The reason for this choice is twofold, first the Road Safety Action Programme is a good example of a new form of governance as all six characteristics also seem to be present here;³⁵

- a. Participation and power-sharing. The Commission (2010:4) states the following with relevance to these aspects “The question of governance is essential: in accordance with the principles of subsidiarity and proportionality, which in road safety are embodied in the concept of *shared responsibility*, commitment and concrete actions, as appropriate, will be required at the level of the European authorities, the Member States, regional and local bodies and the actors in civil society, each in their areas of responsibility. The European Road Safety Charter is a good example of commitments taken by the relevant actors.” (emphasis added) So this element is also present in the programme, although the Commission is not really explicit about the power sharing element, this might be because this has to be determined per situation.

³¹ Note that this is called ‘new programme’, this programme has however not been approved by the commission, so actually it is a ‘proposal for the new programme’, the terms will be used interchangeably, but the latter will be meant.

³² See pages 57-60 for a description.

³³ The reason for this explicit focus was the worrisome accident statistics for motorcyclists.

³⁴ This can of course not be seen as separate from the new road safety action programme.

³⁵ Of course in reality this is not as black and white as presented here, most of these characteristics overlap, decentralisation often involves Multi-level integration and revisability often requires the creation of knowledge. Nevertheless it can be interesting to present the information schematically as it can help to clarify things.

- b. Multi-level integration, the following citation together with the previous citation shows that the Commission intends to share power with the different levels and also is supportive of decentralisation “The European road safety policy orientations up to 2020 aims to provide a general governance framework and challenging objectives which should guide national or local strategies. In line with the principle of subsidiarity, actions described should be implemented *at the most appropriate level* and through the most appropriate means.” (European Commission 2010:2, Emphasis added)
- c. Diversity and decentralization, these elements can also be distinguished from the previous two citates, diversity is promoted as the Commission intends to involve relevant stakeholders from society and the different levels of government. The decentralisation aspect is found in the fact that the Commission wants to implement the measures at “the most appropriate level”.
- d. Deliberation, the Commission does not explicitly recommend deliberation, but they do recommend working together with the different stakeholders. Where responsibilities are shared the different actors will have to agree with each other to make action possible, so it is reasonable to assume that this aspect will be present. A similar aspect is also mentioned in the European white paper on governance, where the Commission recommends a better *dialogue* with the different stakeholders. (European Commission 2001:1-6)
- e. Flexibility and revisability as this program is a follow-up for the previous programme and the Commission intends to closely cooperate with the “[...] Member States with a view to monitoring progress towards the common objective and to improving data collection, sharing experiences, twinning and exchanging best practices.” (European Commission 2010:13) the element of revisability is present. It is flexible as the programme is one of broad goals, but leaves substantial freedom for member states to advance these in their own way. (European Commission 2010:13)
- f. Experimentation and knowledge creation the Commission (2010:2) also sees the following as a priority: “the establishment of a structured and coherent cooperation framework which draws on best practices across the Member States, as a necessary condition to implement in an effective manner the road safety policy orientations 2011-2020” and as shown earlier, the Commission also intends to exchange best practices, so member states are free to experiment but in the end these experimentalist approaches will have to be evaluated.

And second, the case of including motorcycles in a European harmonized PTI regime is an example of a frame conflict as the different stakeholders until now do not agree on whether such an inspection is necessary. They do seem to agree on the data to be framed (the fact that substantial numbers of motorcyclists die on the roads each year, some of them due to a poorly maintained vehicle) but do not agree on the framing of situation and the solution it implies. But this will be covered more extensively in the section where the positions of the different stakeholders are outlined.

Outline of the next sections

As the Road Safety Action Programme for 2003-2010 was coming to an end a new programme was to be created.³⁶ This new programme started off with a consultation phase, but prior to this, some

³⁶ Begin en eind natuurlijk niet zo scherp al shier geschetst, meer continu process van kennisvergaren e.d.

research on road safety and more specifically, the potential for motorcycle periodic technical inspections (PTI) had already been done. (The studies 'Autofore', 'MAIDS' and the broader blueprint for the Road Safety Action Programme) This research was done in the context of the Road Safety Action Programme for 2003-2010, in this programme it was argued that: "efforts should be made to improve the collection and analysis of data on accidents and physical injuries, and pursuing research and development to find solutions for the future." (European Commission 2003:5) in another part of this document it was argued that more research on traffic safety needed to be done and also it was argued that vulnerable groups such as motorcyclists and moped drivers warranted a special focus in such research. This thesis will now proceed in four sections.

In the next section (4.1.x) first the 'old' Road Safety Action Programme will be outlined and then the studies on the possibilities for harmonizing motorcycle PTI throughout Europe will be analyzed.

After this a short section will be used to outline the broader context of a motorcycle PTI; the environmental consequences of such testing and the harmonisation of the type-approval for PTW's in Europe.

When this has been done the (consultation) process for a possible harmonisation of motorcycle PTI throughout Europe will be outlined in chapter 5. In this chapter first the consultation process for the Road Safety Action Programme 2011-2020 will be analyzed, then the internet consultation for the PTI recommendation from this programme will be analyzed and finally the new Road Safety Action Programme will be analyzed with specific attention for the PTI recommendation.

In the fourth and last chapter (6) the positions of the different stakeholders towards a PTI will be analyzed, focussing on the way they frame the safety and environmental aspects of such a measure.

4.1.1 Road Safety Action Programme 2003-2010

As said before, the Road Safety Action Programme 2011-2020 was established as a follow up for the Road Safety Action Programme 2003-2010. So to understand the new programme, it is helpful to know something about the old programme. Therefore the old programme will be outlined in this section.

The Road Safety Action Programme 2003-2010 was based on the 'European Whitepaper on transport policy' recommendation of halving the number of people killed on the roads in Europe. (Website European Commission 2005) In the Road Safety Action Programme 2003-2010 this specific recommendation was worked out in more detail by distinguishing several goals and subgoals. In the Programme it was acknowledged that member states were reluctant to take action at the European level. (European Commission 2003:4) This was probably an important reason to choose for a more flexible 'new forms of governance' like approach. Such an approach would probably be the most effective for this programme. (European Commission 2003:7) In this programme the problem was framed in quantitative terms; (and so was the solution of halving this number)

"1 300 000 accidents a year cause more than 40 000 deaths and 1 700 000 injuries on the roads. The direct and indirect cost has been estimated at 160 billion euro's, i.e. 2% of the EU's GNP. Certain groups of the population or categories of road user are particularly vulnerable: young people aged between 15 and 24 (10 000 killed each year), pedestrians (7 000) and cyclists (1 800)." (Website European Commission 2005)(Note that contrary to the newer programme users of powered two wheelers were not yet identified as vulnerable road users)

According to the Commission *all* member-states faced the same safety problems, which were:

"[...] excessive speed, drinking and driving, failure to wear a seat belt, the insufficient protection provided by vehicles, the existence of accident black spots, non-compliance with driving and rest times by commercial drivers and poor visibility." (Website European Commission 2005)

These problems could be tackled using relatively straightforward measures acceptable to the public (European Commission 2003:6) and most of the rules to combat these problems were already in place. However, effective mechanisms for enforcing compliance appeared to be lacking. (European Commission 2003:8) Therefore seven specific measures were outlined to work on these problems;

- The **encouragement of road users to improve their behaviour**, compliance to the existing legislation should be enforced on an EU-level through measures such as harmonising penalties on the EU-level, continuous training for private and commercial drivers, the improvement of police checks and the promotion of education and user awareness campaigns.
- Making use of technical progress, **vehicles should be made safer** through active and passive safety. Active safety involves 'active' components of the car to guarantee the safety, examples are Advanced Brake Systems (ABS). Passive safety includes measures that do not

actively work to prevent accidents, but can mitigate the effects of accidents. Examples include the mandatory installation of seat belts in cars.

- The encouragement to improve **road infrastructure**, humans also have their weaknesses, road infrastructure should be designed in a way that it addressed those weaknesses and that the consequences of an accident are less severe.
- **Safe commercial goods and passenger transport**, the goal here is to reduce the number of accidents involving these types of transport. This should be done by extending the existing legislation and working together with the industry.
- Improvement of **post-accident care for road accident victims**, best practices should be examined to see how improvement in this area is possible.
- The **collection, analysis and dissemination of accident data**, accident data should be gathered, analyzed and distributed throughout the EU to identify fields that require policy actions. (This is probably the reason why motorcyclists were identified as vulnerable road users in the proposal for the new programme.)
- A **European Road Safety Charter**, here the different stakeholders in the process should commit themselves to work on Road Safety in Europe. Their compliance to this document will be monitored.

(The above is paraphrased from: Website European Commission 2005)

Again, all these goals were to be advanced through joint action with all stakeholders, the following figure from the Road Safety Action Programme (Quoted from: European Commission 2003:12) is about the enforcement of seatbelt use. This provides a good example of the involvement and shared responsibilities of the different stakeholders in such a process:

European Union	<ul style="list-style-type: none"> - rules on the mandatory fitting and use of equipment - rules to improve checks and the application of penalties to car drivers - performance standards for safety belts and restraints - support for the launching of an EU programme to evaluate the restraint systems on the market - a framework and support for campaigns to promote seat belt use - monitoring of the incorporation of Community legislation by the Member States into their national law
National level	<ul style="list-style-type: none"> - implementation of EU rules - setting exemptions - setting national compliance objectives - securing compliance through resources for police enforcement - targeted national information - monitoring of seat belt use - encouraging seat belt use policies in the public and private sectors - support for child restraint loan schemes
Regional/local level	<ul style="list-style-type: none"> - police enforcement and publicity - seat belt information in schools - encouraging child restraint loan schemes in the local health sector - seat belt use surveys - seat belt use survivor clubs
Private sector	<ul style="list-style-type: none"> - innovation and initiatives - development and marketing of more efficient restraint systems, in response to evaluation campaigns - installation of non-compulsory restraint devices - reduced insurance premiums for users of equipped vehicles - campaigns at company level for the workforce

Table 1: Action needed to increase seat belt use

The possible recommendation for periodic technical inspections for motorcycles is also present in this action plan, albeit less dominant than in the next programme. The following was said regarding the extension of the PTI regime to motorcycles (and other vehicle categories):

“Mechanical defects are a minor contributory factor in road accidents thanks to the widespread introduction of roadworthiness testing and inspection which, for all vehicles from private cars to heavy duty vehicles, have to be carried out in accordance with Community legislation.” (European Commission 2003:26) and: “The Commission will examine the advisability of including other categories of vehicles in roadworthiness testing and the promotion of alternative methods guaranteeing an equivalent result.” (European Commission 2003:26)

These recommendations paved the way for further research into the subject, which in turn led to the recommendation to implement a PTI for motorcycles and other vehicle categories in the next Road Safety Action Programme.

Lastly it should be noted that although the Commission wants to advance the goals from the programme together with the different stakeholders, this does not mean that the Commission itself has no powers to advance the goals. The Commission has the following means to advance these goals;

“Article 71 of the EC Treaty allows the European Union to **legislate** to adopt measures to improve transport safety, within the limitations of subsidiarity. It has established competence in several areas such as seat belt use in cars, *the periodic technical inspection of motor vehicles*, roadside checks, tachographs, speed governors, the weights and dimensions of vehicles, the transportation of hazardous goods, driving licences and certain aspects of driver training. It has more than one competence in some areas[...].” (European Commission 2003:12, emphasis added)

Further the Commission has **financial means**, is in a position of **establishing and disseminating best practices**, can **collect data on accidents & analyze these**, can make use of **research and technological development**, can use **fiscal incentives** to motivate actors, could probably **put safety requirements in public service contracts** and can make efforts to **spread the costs of risks associated with accidents causing bodily injuries** more fairly by lobbying with insurance companies. (European Commission 2003:12-4)

So it is especially important to realize that the Commission also has legal competences for (some) areas of road safety. The recommendation for a PTI for example is such an area.

4.1.2 MAIDS

An important study about PTW safety is the: Motorcycle Accident In Depth Study (MAIDS) (ACEM 2009a) that was carried out in the course of the Road Safety Action Programme 2003-2010 by the 'Association of European Motorcycle Manufacturers' (ACEM) with support of the European Commission and other stakeholders such as FEMA.³⁷

The ACEM is a stakeholder organisation of 12 motorcycle manufacturers from Europe, it represents more than 30 brands and 15 national organisations out of 13 European countries. These members represent 90% of the total production of motorcycles in Europe and have a market share of 95%.³⁸ (Website ACEM a)

In the MAIDS study research has been done into the main causes of accidents involving Powered Two Wheelers. (PTW's) In the period 1999-2000 921 PTW accidents and a control Group of 923 PTWs that were not involved in accidents were analyzed in five sampling area's located in France, Germany, The Netherlands, Spain and Italy. (ACEM 2009a:9). The results of this study were summarized in the MAIDS report. The MAIDS study provides the most comprehensive in depth data for PTW accidents in Europe, prior to this study there was hardly any usable information about PTW accidents in Europe. (ACEM 2009a:10-11) Now that the study has been published it is widely used by the different stakeholders to support their positions, the interpretations the various stakeholders give to the study vary however. (But more about this in the section about the positions of the stakeholders) The objectives of the MAIDS study were:

1. To identify and indicate the causes and consequences of PTW accidents in a well-defined sampling area.
2. To compare the accident data to a control population in order to determine the risk associated with certain factors (e.g., alcohol).
3. To apply this comprehensive and reliable data source in the development of proper countermeasures that will reduce the frequency and severity of PTW accidents. (Citation from: ACEM 2009a:11)

³⁷ See Annex V for a full list of the project partners. It is interesting that the ACEM also included opponents of harmonized vehicle inspections in the project. This *may* explain why there is no explicit recommendation for a PTI in MAIDS, but unfortunately information about the exact influence of these partners is limited.

³⁸ ACEMs missions are to:

- Develop and support the common interests of manufacturers at European level within the European Community and other countries.
- Monitor, study and analyse issues of common interest including but not limited to environmental, economic, safety, technical transport, legal and fiscal matters.
- Inform the members about all trends and development of common interest. Develop, co-ordinate and implement joint positions.
- Support the European Community institutions in dealing with matters of common interest.
- Inform the public about positions on matters of common interest.
- Maintain contacts and present homogeneous positions in dealing with other European and International Associations and Institutions and to Support free and fair competition (Cited from website ACEM b)

It should however be emphasized that in this study initially no distinction was made between motorcycles (> 50cc engine size) or mopeds. (ACEM 2004) A later version of the study, MAIDS 2.0 (ACEM 2009a) did include this distinction for some parts of the study, but unfortunately it still did not mention this distinction in the section about the technical condition of the vehicles inspected after an accident. In maids 2.0 the following distinction was made between the different vehicles:

“There are currently two dominant PTW legal categories: the L1 and L3 vehicle categories. L1 vehicles include both mopeds and mofas while L3 vehicles include motorcycles. The definitions of these categories are as follows:

Moped *A two wheeled vehicle with an engine cylinder capacity in the case of a thermic engine not exceeding 50 cm³ and whatever the means of propulsion a maximum design speed not exceeding 50 km/h. A moped is an L1 vehicle and might be designed to have pedals, or not to have pedals.*

Mofa *A moped with a maximum design speed not exceeding 25 km/h. A mofa is an L1 vehicle and might be designed to have pedals, or not to have pedals.*

Motorcycle *A two wheeled vehicle with an engine cylinder capacity in the case of a thermic engine exceeding 50 cm³ or whatever the means of propulsion a maximum design speed exceeding 50 km/h. A motorcycle is an L3 vehicle.”*

(ACEM 2009a:15-6)

398 out of 921 accidents involved a moped. This is an important distinction as these two categories are quite different, mopeds have a limited top speed (which is prescribed by the law), whereas motorcycles have unlimited top speeds, mopeds can be ridden by 16 year olds (in The Netherlands) whereas the minimum age for a motorcycle licence is 18 and mopeds usually do not require riding tests to obtain a licence whereas motorcycles do. Here the MAIDS (2.0) report will be analyzed, focusing mainly on what has been said in regarding a PTI for motorcycles.

The most important findings of this study were those on accident causation, for every accident the researchers identified the cause(s). This was done in a meeting of the accident research team where the investigators could give their opinion about the cause of the accident. Then “For each factor, a decision was made as to whether or not the factor:

- i) was present but was not a contributing factor; or,
- ii) Was the precipitating event that initiated the accident sequence; or,
- iii) Was the primary contributing factor in the accident causation; or,
- iv) Was a contributing factor that was present in addition to other contributing factors; or,
- v) was not applicable, because it was not present.” (Quoted from: ACEM 2009a:15)

This information about the causes of the accidents provides policy makers with information about the most common causes of motorcycle accidents, which can help to create more efficient interventions. The following table from the MAIDS study provides an overview of the different *primary* causes of accident for all the accidents investigated. It is shown that in 3 of the 921 cases defects of the vehicle were the primary cause for the accident.

Table 4.1: Primary accident contributing factor

	Frequency	Percent
Human – PTW rider	344	37.4
Human – OV driver	465	50.5
Vehicle	3	0.3
Environmental	71	7.7
Other failure	38	4.1
Total	921	100.0

Source: ACEM 2009a:29

What is interesting is that this number has changed over the different MAIDS studies, in maids 1.2 this number was 6, leading to a percentage of 0.7 (ACEM 2004:29), but in maids 1.3 it was changed to 0.3. (ACEM 2008a:29) The following table is from the maids 1.2 study:

Table 4.1: Primary accident contributing factor

	Frequency	Percent
Human – PTW rider	341	37.1
Human – OV driver	464	50.4
Vehicle	6	0.7
Environmental	72	7.7
Other failure	37	4.1
Total	921	100.0

Source: ACEM 2004:29

The reason for this change could not be found, perhaps new information or insights made the researchers adjust the numbers. Further it is interesting to see that most of the accidents were not primarily caused by the PTW rider, but by the driver of the other vehicle.

In addition to the primary causes of the accidents, other contributing factors were also distinguished, this led to the following table:³⁹ (Which remained unchanged over the course of the different studies)

Table 4.2: Other accident contributing factors
(Note: Multiple responses could be made for each case)

	Frequency	Percent
PTW rider	900	43.7
OV driver	589	28.6
PTW technical failure	32	1.6
OV technical failure	10	0.5
Environmental cause	300	14.6
Other	87	4.2
Unknown contributing factor	141	6.8
Total	2059	100.0

Source: ACEM 2009a:31

Here it is shown that a PTW technical failure was a contributing factor, but not a primary factor in 32 out of 921 accidents, or in 3.47% of all cases.⁴⁰

Later in the report the vehicle factors contributing to the accident are described some further. "A PTW vehicle failure was reported for any case where a PTW component failed or didn't function correctly and this component failure or lack of function contributed to the accident." (ACEM 2009a:40) Here the research is a bit vague, the researchers now speak of a number of 47 cases in which a vehicle failure

³⁹ There can be multiple secondary causes to an accident, that's why the totals of this table don't add up to 921.

⁴⁰ $32/921 =$ Note that in the table the Total number of contributing factors is used to calculate the percentages, but it is also useful to see how big this percentage is compared to the total number of accidents.

contributed to the accident and 8 causes in which the researchers suspected some defects, but the number of 47 vehicle failures related to the accident cannot be derived from the previously mentioned tables. As shown, in 3 (or 6) cases a vehicle defect was the primary cause for the accident and in 32 cases it was an 'other' contributing factor to the accident. When these are added up a total of 35 causes is the result. The only way this could be explained is that the number of other secondary causes that could be reported was limited four, so perhaps this table includes cases in which more than four other causes could be identified.

Table 4.25: PTW vehicle failure, accident cause related problem

	Frequency	Percent
Yes	47	5.1
No	866	94.0
Unknown	8	0.9
Total	921	100.0

Source: ACEM 2009a:40

The vehicle failures as a cause of accident were also split up to identify what part of the vehicle exactly failed, this lead to the following table:

Table 4.26: Specific cause of PTW vehicle failure, accident cause related problem

	Frequency	Percent
Tyre or wheel problem	34	3.7
Brake problem	11	1.2
Steering problem	1	0.1
Suspension problem	1	0.1
Not applicable, no PTW vehicle failure	866	94.0
Unknown	8	0.9
Total	921	100.0

Source: ACEM 2009a:41

This table shows that in most of the cases where a vehicle failure contributed to the accident, the tires or wheels were defective, followed by the brakes and lastly there were two accidents in which defects of the steering or suspension were related to the accident. Further it is striking that in version 2.0 of MAIDS the distinction between L1 and L3 vehicles has been made in most chapters, but no such distinction was made in the chapter about the vehicle failures.

Later in the report the following recommendation was made regarding to the technical condition of vehicles, this also is a good summary of the different vehicle related accident causes:

“PTW technical problems were the primary contribution factor in 0.3% of the accidents. Most of all technical problems identified as contributing factors were related to the tyres, illustrating the need for regular PTW inspections by the owner. There were no cases found by the teams in which an accident was caused by PTW design or manufacture. (Sources: Tables 4.1, 4.25, 4.26)

- a. Moped: 0.3% of cases were primarily caused by a L1 technical problem. The main technical contributing problems were connected to a tyre or wheel failure (3.3%) followed by brake problems (2%)
- b. Motorcycle: 0.4% of cases were primarily caused by a L3 technical problem. The main technical contributing problems were connected to tyre and wheel failure (4%)” (ACEM 2009a:135)

So although regular inspection of the vehicle is recommended, the authors argue that this should be performed by the vehicle owner, no recommendation for a motorcycle PTI by official agencies has been made. Something else that the reader may have noticed is that in this recommendation a distinction is made between L1 and L3 vehicles, here it is shown that in 0.4% of the cases (which would be 2 out of the 523 L3 cases) a vehicle defect of the L3 vehicle caused the accident. This is striking, as such a distinction has not been made in the section of the report that covered technical defects.

4.1.3 Autofore

A second study that was carried out within the framework of the Road Safety Action Programme 2003-2011 is the Autofore study, carried out by the 'International Motor Vehicle Inspection Committee'⁴¹ (CITA). (CITA 2007a) CITA is an international non-profit organisation with an office in Brussels. It represents public and private sector organisations from all over the world, CITA currently counts 114 members from more than 50 countries.⁴² The organisation is an international forum for developing exchanging information about best practices in the field of roadworthiness inspection. Their conviction is that better roadworthiness inspections can contribute to traffic safety and environmental friendly transport. (CITA 2010:2-3)

In the Autofore study the Future Options for roadworthiness enforcement in the European Union were researched. The basis for this study was the following recommendation in the Road Safety Action Programme 2003-2011:

"5.2.5. Periodic technical inspection

[...]

The Commission will examine the advisability of including other categories of vehicles in roadworthiness testing and the promotion of alternative methods guaranteeing an equivalent result." (European Commission 2003:26)

The study was financed by the European Commission Directorate General for Transport and Energy (DG TREN) and co-financed by twelve CITA member organisations. (CITA 2007a:43-4) Contrary to the MAIDS study no other (stakeholder) organisations participated in this project.

The purpose of the Autofore project was to: "[...]recommend improvements in roadworthiness enforcement in the European Union to ensure that the benefits accruing from the original design and manufacture of vehicles are retained, where justified, throughout the life of those vehicles." (CITA 2007a:2) Thus the focus on the study was broader than a potential extension of the roadworthiness testing regime to motorcycles only, there was also a focus on other vehicles such as mopeds and agricultural vehicles. Here the focus will mainly be on what has been said regarding a potential extension of the roadworthiness testing regime to motorcycles as that's most relevant to the topic of this thesis.

The Autofore project consists of several substudies, the first study that's relevant to for this research is 'Autofore WP530 - Extension of roadworthiness tests to other vehicle categories'. (CITA 2007c) The goal of this study was to clarify the categories of vehicles that were not yet included in

⁴¹ Or the original (French) name: 'Comité International de l'Inspection Technique Automobile'

⁴² Most of these organisations are in charge of roadworthiness testing in European countries and have a financial stake in these tests. In the Netherlands for example, the RDW is in charge of the vehicle inspection register, making changes to this register costs circa 4 euro. (see: <http://www.rdw.nl/nl/voertuigbranche/erkenningen/apkerkenning/Pages/AfmeldenAPK.aspx> last visited June 5 2011) For a detailed list of financing and co-financing organisations see Annex I

(all) roadworthiness testing regimes in Europe. The further study summarized the existing laws that related to inspections of the different vehicle categories, summarized the current state of affairs concerning the testing of these vehicles and explored the potential for extending the roadworthiness testing regimes to cover the categories that were not yet included or not sufficiently included in the existing regimes. (CITA 2007c:2)

Chapter 6.2 of this study is about motorcycles. (CITA 2007c:17-21) First some statistics are presented about the use of motorcycles and the number of accidents. Here the researchers cite the MAIDS study and mention that 5.1% of the accidents involving PTW's can be (partially) explained by vehicle defects. Unfortunately they do not distinguish between primary and other causes and the number 0.3% is thus not mentioned.

The authors then proceed to show some statistics and information about general aspects of motorcycles. Based on the MAIDS study it is said that 36.6% of all accidents involving motorcycles can be explained by a perception failure on part of the "other vehicle" driver, it is therefore essential as the authors argue, to ensure good condition of the lighting and reflectors. This assumes that the lighting and reflectors are problematic, that a PTI could solve these problems and that this would lead to fewer accidents. Unfortunately none of these assumptions are not backed up by any statistics, references or other data, this makes verification of those claims difficult.

Later in the article the Authors state that although the MAIDS study showed that 5% of the PTW accidents can be explained by vehicle defects, this number is probably higher in reality, as studies with no specific focus on the roadworthiness influence of vehicle defects usually underestimate it. It is then concluded that it is nevertheless clear that roadworthiness enforcement can improve vehicle safety, especially for vehicle categories where tampering and self-maintaining are common. (CITA 2007c:20) Also the authors state that some people use illegal race tires on motorcycles and that motorcycles are very likely to be misadjusted, which would be bad for the environment. This again would warrant vehicle inspections. Unfortunately this claim also lacks any statistical evidence or references to such evidence, this again makes it hard to verify the claim or to get a picture of the scale. (CITA 2007c:20)

Motorcycle inspections are not uncommon in Europe, countries like Germany and Great Britain already have inspection regimes (the scope of these inspections however also differs between these countries), but countries such as The Netherlands have no inspections (yet). There is thus variation between the different member states.⁴³

This study provided useful insights, but unfortunately it was hard to verify some of the claims regarding the technical state of vehicles and the usefulness of roadworthiness tests to improve this, as arguments (in the form of data or statistics) were usually lacking.

The second study that is relevant is '*WP700 - Roadworthiness Testing Evaluation*'. (CITA 2007d) In this study it is acknowledged that technical defects cause a relatively small proportion of accidents

⁴³ See annex IV for a full list of European countries that either do or do not have compulsory vehicle inspections.

(note that this is a general statistic and not only applies to motorcycles) (CITA 2007d:4) Regarding motorcycles it is said that there was insufficient data to conduct a proper cost/benefit analysis for extension of the PTI regime; so no evidence based predictions could be made about the effect of roadworthiness inspections on the reduction of accidents. (CITA 2007d:6-7) Nevertheless it is argued that in the absence of such data some (cautious) predictions can be made.

It is predicted that frequent roadworthiness inspections for PTW's would improve the safety situation for mopeds and motorcycles, as technical defects account for 5.1% of all accidents (again no distinction is made between primary and secondary causes). A German study that is cited⁴⁴ shows even higher rates of technical failures for motorcycles and mopeds (respectively 13% and 30%)(Bönninger e.a. 2002:41) (But it should be noted that Germany actually has a vehicle inspection regime, the authors fail to do so)

It was further noted that a cost benefit analysis was not possible due to data gaps and argued that further research to close this gap with reliable data was warranted. (CITA 2007d:19) Later on some obstacles and 'enablers' for the different policy options that were identified in the document were summarized, together with recommendations for overcoming these. For PTI for PTW's it is first argued that a distinction should be made between Mopeds and Motorcycles (L1 and L3 vehicle categories as identified in MAIDS 2.0) and it is noted that a distinction should be made between vehicles used for recreational purposes and those used for transportation purposes. This last category is probably overrepresented in South-European countries and would probably benefit more from PTI's, whereas the first category is usually found in North-European countries such as Germany and the Netherlands. Further data is however needed to confirm these assumptions. A PTI *could* not only help to improve road safety, it *could* also help to verify whether the exhaust emissions are still within the manufacturers specifications, this is also the case for car PTI's.

The following obstacles to introducing a PTI for motorcycles were identified:

- Public reaction especially from the serious motorcycling communities in those countries where testing is not at present required;
- Capacity of testing infrastructure since it needs to be created in many cases;
- Specialist knowledge of equipment required and although the equipment is available there could be a significant time factor involved in getting all necessary stations equipped;
- Some categories of vehicle (e.g. mopeds) may not at present need registering in some of the countries involved. (Four points above Quoted from: CITA 2007d:24)

These could be overcome with good data and significant cost to benefit ratios. Which is indicative of a technical problem frame, where it is assumed that data only will improve the situation, further it is also assumed that such data would affirm the need for a PTI, the opposite however could also be possible.

A third study in the Autofore framework '*WP260 - Current Situation and Trends in Roadworthiness Enforcement - The Attitude of Other Stakeholders on Roadworthiness Enforcement*'. (CITA 2007b) For this study a questionnaire about roadworthiness inspections was sent out to 80 stakeholders. One

⁴⁴ It should be noted that all the authors of this study had links to testing institutions. (Bönninger e.a. 2002:1)

of the questions asked was whether the people felt that the PTI regime should be extended to other vehicle categories, this led to the following answers: (Source CITA 2007b:29)⁴⁵

Do you think that PTI (Periodical Technical Inspection) should be extended to other vehicle classes?

Inspected Vehicle Types	Yes	No
Motorcycles > 125 cm ³	35.7	7.1
Motorcycles < 125 cm ³	42.9	7.1
Agricultural Tractors	28.6	28.6
Caravans	50.0	7.1
Small Electric Vehicles	50.0	21.4

It should however be noted that this questionnaire was only answered by 14 out of the 80 stakeholders, and most of those stakeholders were either from the motor vehicle Retail and repair industry or from the inspection equipment manufacturers. The representativeness of the results can thus be questioned, which is also mentioned by CITA. CITA (2007d:19)⁴⁶

All the aforementioned studies were brought together in the final report 'AUTOFORE, Study on the Future Options for Roadworthiness Enforcement in the European Union'. (CITA 2007a) This report summarized the different studies within the Autofore context and tied them together.

In this document the lack of data regarding to PTI for motorcycles was also emphasized. This lack made it impossible to conduct a cost-benefit analysis, nevertheless there is a recommendation for extending PTI's to L1 and L3 vehicles.⁴⁷ The different recommendations made in the report were selected on the basis of "[...] their fit with the strategy, ease of implementation, and whether their introduction was likely to be able to be justified." (CITA 2007a:24) According to the authors the evidence on accidents for PTWs and the high number of defects reported in some studies warranted an extension of the PTI regime to L1 and L3 vehicles. (CITA 2007a:40-1) Another reason for extending the PTI regime is the exhaust emission regulations which will be tightened over the years. (CITA 2007a:37) It was also recommended that specific evidence is gathered in the long term to be able to economically analyse whether a PTI for L1 and L3 vehicles is indeed justified. (CITA 2007a:3-4)

⁴⁵ Not all scores add up to 100%, the other category was for people that did not answer, or did not know. (CITA 2007b:29)

⁴⁶ This is acknowledged by the authors.

⁴⁷ L1 vehicles are mopeds and L3 vehicles are motorcycles.

4.1.4 A Blueprint for the EU's 4th Road Safety Action Programme 2010-2020

The European Traffic Safety Council (ETSC) is a non-profit organisation founded in 1993 whose primary goal is reducing the number of people killed or injured in transport in Europe. The council consists of several research institutes, insurers and other civil society groups.⁴⁸ The ETSC provides impartial advice to governmental agencies in Europe.

In 2008 the ETSC wrote a blueprint for a new Road Safety Action Programme, (Townsend & Avenoso 2008) they wrote this blueprint because they were afraid that Europe may lose its momentum in reducing the number of people killed or injured on the roads each year, as the Road Safety Action Programme for the period 2003-2010 was coming to an end and no new programme was in place yet. Although the number of people killed on the road has decreased and good lessons had been learned, the goal of cutting in half the number of traffic deaths would probably not be met. (Townsend & Avenoso 2008:4) With the blueprint for a new action programme the ETSC wanted to encourage the European Commission to start a new Road Safety Action Programme to keep working on reducing the number of people killed or injured in traffic. If such a new programme is not created, it is risked that the decreasing trends in traffic deaths and injuries will stagnate. (Townsend & Avenoso 2008:6) The ETSC has proposed a new vision on road safety, which could be adapted at the EU level, if people share such a vision, joint action becomes easier:

“Every citizen has a fundamental right to, and responsibility for, road traffic safety. This right and responsibility serves to protect citizens from the loss of life and health caused by road traffic.” (Townsend & Avenoso 2008:8)⁴⁹

On top of this vision the ETSC proposes new⁵⁰ goals of reducing the number of people killed by 40% and people injured by 20% (however, creating consensus of what constituted a (serious) injury proved to be a difficult task). Further the ETSC argues for a focus on the reduction of the number of children killed in traffic. (Townsend & Avenoso 2008:9)

Reaching these goals is not only a task for the European Commission, according to the ETSC it is essential to cooperate with the different stakeholders to reach these goals. This would create a feeling of ownership and commitment to reaching this target. Also, an explicit recommendation is made for a consultative phase prior to a new Road Safety Action Programme. (Townsend & Avenoso 2008:36)

The core problems to be tackled should be: dangerous driving behaviour (such as speeding, drink driving and lack of seat belt and child safety restraint use) as well as dangerous infrastructure and vehicles. (Townsend & Avenoso 2008:12) Further there should be a focus on reviewing the progress towards the targets set during the process as well as after the process. Another recommendation was to encourage research into the causes and solutions for unsafe traffic. To reach those goals attention should be paid to the countries that have seen rapid improvement in road safety to identify best practices. (Townsend & Avenoso 2008:7)

⁴⁸ For a full list see (Townsend & Avenoso 2008:2)

⁴⁹ Note that traffic safety here is framed as a “fundamental right” and in terms of “health” (and thus a public health discourse), this is a different approach from the previous programmes.

⁵⁰ And more realistic goals, compared to the previous programme

Focussing on these different goals would make a rapid decrease in traffic deaths possible. Some of those goals should be forwarded by the Commission on its own whereas others can be more effectively tackled by cooperation with civil society. (Townsend & Avenoso 2008:12) It is thus strongly recommended that the Commission works together with the different actors from the civil society to reach these goals and it should not be forgotten that the public opinion of the European citizens is important for legitimate policies.

The ETSC then proposes some specific measures to tackle the three core problems of road safety as well as some additional problems. These are: speed, alcohol, seat belts and child restraints, infrastructure safety, the safe vehicle of the future, aggressive driving, drugs, mobile phones, fatigue, road safety as a public health problem, post accident care, e-call, integrated land use and transport planning, and patterns of road safety, health and mobility. (Townsend & Avenoso 2008:18-27)

Apart from the specific problems and measures identified the ETSC also identified certain user groups that warranted special attention; motorcyclists, old, young, cyclists and pedestrians. Here only the information about motorcyclists will be analyzed.

First of all it is mentioned that motorcycles have worrisome accident statistics, in 2006 more than 6200 PTW riders were killed in road collisions in the EU25, or better said, PTW users represent 16% of the total of people killed in traffic, this is worrisome as they are responsible for only 2% of the kilometres travelled. Also, these risks vary strongly from country to country. (Townsend & Avenoso 2008:29) For those reasons specific recommendations were devised for PTW's. On the short term in the EU: more data should be collected, new standards for helmet safety should be set, PTW's should be included in the European research agenda, e-call should be considered, minimum standards for protective clothing should be set, Automatic Braking Systems should be introduced as well as a cost/benefit analysis for such systems for smaller PTW's and the possibilities for installing an airbag should be investigated. (Townsend & Avenoso 2008:28) In the short term the EU should encourage member states to: make roads safer for PTW's, prevent tampering of mopeds, research improved PTW's, enforce helmet use, number plate visibility and accuracy of speed detection, together with better education and rehabilitation. (Townsend & Avenoso 2008:28) On the long term member states should be encouraged to: focus on PTW issues and safety concerns in driver training, implement the driving licence directive whereby younger PTW drivers gradually gain access to PTW's, ensure that RSA and RSI procedures address the needs of PTW riders and reduce the number of PTW unfriendly roadside objects or make them more PTW friendly. (Townsend & Avenoso 2008:29)

All of this requires a good institutional structure that's able to tackle these problems in the most efficient way, therefore recommendations will also be made regarding to institutional management of road safety. (Townsend & Avenoso 2008:4)

What is interesting is that, compared to the Autofore study, and the consultations for road safety, as well as the final Road Safety Action Programme, here there is no explicit recommendation for a motorcycle PTI. Although there is a focus on vehicles and also a specific focus on motorcyclists, the focus lies mostly on future technologies for improving vehicle safety and improvements in either driver skills or the motorcycle-friendliness of infrastructure, a PTI is not even mentioned.

4.2 The broader context of PTI; Environment and Harmonisation of type approval

Traffic safety is not the only reason to consider periodic technical inspections for motorcycles, as is usual in the EU, the policy goal of improving traffic safety also helps to accomplish other framework goals, such as reducing the administrative burden by simplifying/harmonising the type-approval process for vehicles in Europe and creating a cleaner environment (by reducing exhaust gas emissions) these goals will be covered shortly in this section.

4.2.1 Harmonisation of type approval of vehicles in the EU⁵¹

A policy field that the European Commission is working on is simplifying and harmonizing the vehicle type approval for vehicles in Europe.⁵² (Website European Parliament) This type approval contains the requirements for vehicles to be admitted to the European roads. For a long time the different member states all had their own type approval legislation, but this legislation is changing. Recently efforts have been made to harmonize and simplify the type-approval legislation. The system was previously made up out of several directives and sub directives. Because of the incompleteness, differences with international legislation regarding type-approval and the complex character of the legislation the European Commission proposed the simplification and extension of the type-approval legislation in Europe, this would benefit the free market, include new technical developments regarding type approval and also make it easier and cheaper to produce vehicles compliant with the type-approval in Europe. This proposal is now in the European Parliament for consideration. This is related to a PTI for motorcycles because this type approval will probably contain the specifications to compare the vehicles against in a PTI. Harmonisation of this legislation also makes a harmonised PTI regime throughout Europe better possible. (Website European Parliament)

To identify the problems and possibilities for this simplification an impact assessment was carried out by the Commission (European Commission 2010b). L category vehicles were given special attention in this impact assessment. Rules are to be simplified for this Group and environmental/safety aspects are to be updated and improved in the new type approval. Another policy option that's explicitly mentioned is a PTI for motorcycles, according to the authors of the impact assessment such inspections are recommended because these can ensure in-use compliance with the type approval

“An integral approach involving periodical technical inspection (PTI)²⁶, road-side inspection (RSI)²⁷ and in-use conformity (IUC) testing and limits may be required for vehicles already in use in order to identify possible environmental and/or safety concerns with such vehicles. In practice, only a proper balance in testing effort and frequency employing a mix of PTI, RSI and IUC testing will ensure that the emissions of mass-produced vehicles remain under the type-approval limits, as there is a certain overlap between these types of tests.” (European Commission 2010b:12)

⁵¹ Impact assessment d

⁵² COD/2010/0271

They also note that none of these tests is harmonised in Europe, once the type-approval has been granted there is thus no further control on the compliance of the vehicle to this approval. It is however acknowledged that it is beyond the scope of this impact assessment to study the feasibility of a motorcycle PTI. (European Commission 2010b:12)

4.2.2 The environment, exhaust gas emissions

As said in the previous section, another important goal of the European government is reducing greenhouse gasses in Europe. A PTI for motorcycles could help to reduce the amount of greenhouse gasses as it could ensure compliance to the type approval regulations for the vehicle's exhaust emissions. The EU is thus also working on reducing the emissions for L-type vehicles through (voluntary) agreements with the industry about the level of motorcycle exhaust emissions. (ACEM 2009d:3-4) This reduction of exhaust gasses is also an important aspect of the new type-approval legislation for vehicles in the EU. And could also become part of the PTI regime. (Although the focus in the discussion about PTI safety) Several studies⁵³ have been carried out to study the emissions of motorcycles and the possibilities & impact of emission testing for L-type vehicles. It is concluded that these vehicles contribute substantially to the emissions of CO₂ and other harmful gasses and it is possible to test these vehicles for emissions. Different scenarios for working on a reduction of these emissions were studied and it was concluded that cost efficient scenario's do exist and could be implemented. A PTI for L-type vehicles can also ensure compliance to the type-inspection rules throughout the lifetime of the vehicle and would be cost-effective. (Ntziachristos e.a. 2009:20)

⁵³ See for Example Elst e.a. 2002, Ntziachristos e.a. (2004) & Ntziachristos e.a. (2009)

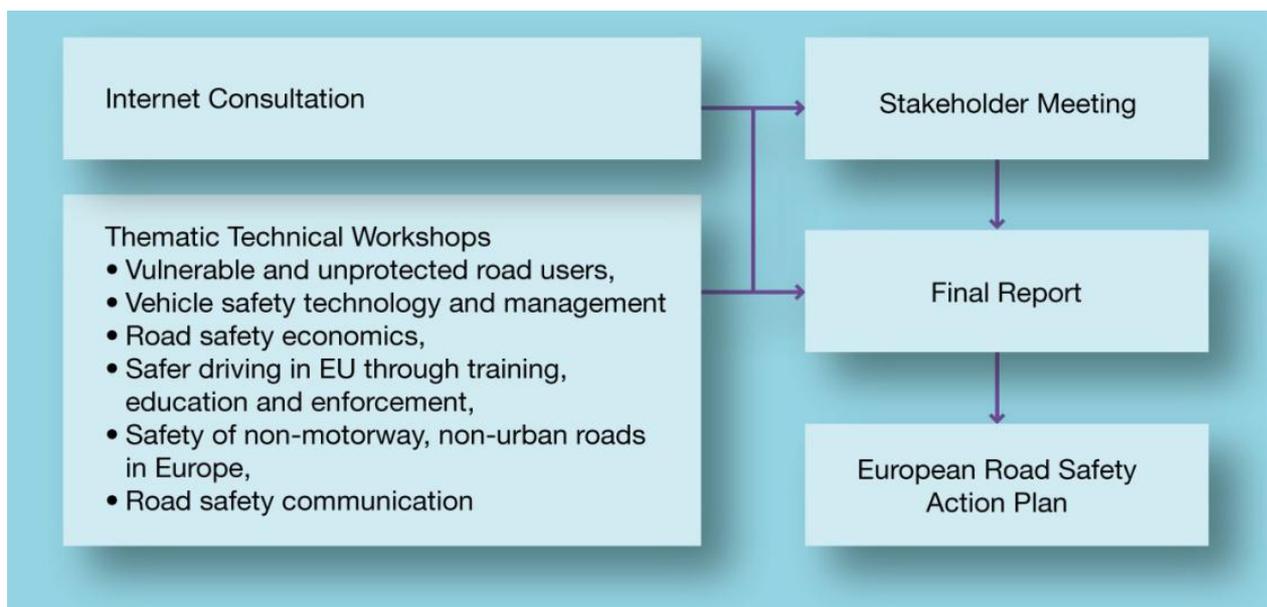
5. Consultation phase

In this section the different consultations held that were related to a motorcycle PTI will be described. These consultations ultimately resulted in a recommendation for a new Road Safety Action Programme (and PTI), which will be described in the last part of this section.

5.1 Consultation for the Road Safety Action Programme 2011-2020

The aforementioned reports together with the suggestions from (some of) the stakeholders have led the European Commission to take into consideration the possibility of extending the PTI regime to L1 and L3 vehicles for the Road Safety Action Programme 2011-2020. The Commission has recently started consulting the different stakeholders for this new Action Programme (European Commission 2010a), an important question was whether the participants thought that a PTI was necessary for motorcycles, the opinions varied.

The consultation was led by the European Commission with technical assistance of COWI (an international consulting firm (Website COWI) and the process was built up of several stakeholder meetings and an internet questionnaire. The process had the following architecture:



(Source: European Commission 2010a:64)

The consultations were carried out by the between July and December 2009 and consisted of six thematic technical workshops (of which only the second one is relevant for the topic at hand) and an internet consultation, which all resulted in a stakeholder meeting on 2 December 2009. Eventually these consultations led to the final report which is also the basis for the European Road Safety Action Plan 2011-2020. The final report presents the results of the stakeholder conference. It should be noted that the report presents the views of the consultant, these are not necessarily the same as those of the Commission. (European Commission 2010a:i)

In 2008 1.6 million road users were injured in the EU27 and 39.000 were killed, in 2000 these numbers were 2 million and 54.000 respectively, so a downward trend can be observed. Nevertheless these numbers are still large and represent a substantial burden for the health sector as well as the

economy. (European Commission 2010a:5) It is estimated that the socio-economic loss as a result of these traffic accidents is 2% of GDP each year. (European Commission 2010a:6)

Approximately 50% of the deaths are occupants of cars. PTW riders and pedestrians represent 18%⁵⁴ and 15% respectively. For PT users this is an alarming number as they are responsible for only 2% of the total kilometres travelled in the EU. For cars the total percentage of people killed in traffic decreased over the years for most European countries, but the number of motorcyclists killed rose in 13 of the 27 European countries. (European Commission 2010a:22) The following citation summarizes the risk involved with riding a PTW in the EU:

“For powered two wheeler users, the risk of being killed in traffic on the basis of distance travelled is 18 times higher than for car drivers for EU countries, the lowest driver/rider risk being in Norway (6 times) and the highest in Slovenia (50 times).” (European Commission 2010a:23)

PTW riders younger than 25 have much higher crash rates than riders older than 25, even if corrected for experience, this group is therefore seen as a risk category. The large numbers of PTW riders killed each year and the small number of kilometres travelled by these riders, indicates that riding a PTW is risky. This information about the risks and numbers of people killed is used to identify the priorities for the new Road Safety Action Programme.

So the problem is structured in a quantitative way, the number of deaths in the statistics are used to identify the focus of the action programme as well the groups that warrant special attention. (European Commission 2010a:ii)

5.1.1 The consultations

To tackle the problems identified, an integral approach was needed that linked together the different stakeholders involved with traffic safety. In short: A “[...]system-wide *intervention* comprising the planning, design, layout and operation of the network, improvement in vehicle safety, improved post-impact care as well as securing better user compliance with important road safety rules through education, licensing, testing, training and enforcement.” (European Commission 2010a:ii) was advocated. To this end a stakeholder conference, an internet consultation and several thematic workshops were held. In this thesis only the outcomes of (parts of) the consultations relevant to a potential extension of the PTI regime to motorcycles and other powered two wheelers will be analyzed. These were: the thematic workshop on vehicle safety technology and management (3-9-2009), the internet consultation (25-9-2009 – 20-11-2009) and the (summarizing) stakeholder conference (2-12-2009).

5.1.2 Thematic workshop on vehicle safety technology and management (3-9-2009)

This workshop was hosted by the European Commission, the Commission invited technical presentations from various stakeholders and international organisations. The Commission also identified the delegates, which consisted of policy and research experts and stakeholders organisations. (European Commission 2010a:64-5) Around 30 stakeholders, policy- and research

⁵⁴ 14,1% for motorcyclists (L3 vehicles) and 3.75% for mopeds (L1 vehicles) (European Commission 2010a:22)

experts attended this meeting. (European Commission 2010a:71) Prior to this meeting the stakeholders received copies of a background document, the technical presentations and the workshop report. (European Commission 2010a:66) The goal of the thematic workshops was to make the stakeholders review the key road safety issues as identified by the Commission and to make recommendations for the new action plan. (European Commission 2010a:65)

In this workshop the problem of road safety was framed in a quantitative/statistical way and two specific issues were on the agenda for this specific workshop, the continuous compliance with safety requirements and a vehicle information platform, where information about the characteristics and specifications of the different vehicles would become more easily available and exchanged in the EU.

The main conclusions and recommendations relevant to a PTI for motorcycles were;

Vehicles deteriorate during their lifetime when they are not well-serviced, this can negatively influence the safety of the vehicle and therefore more effective road worthiness enforcement is suggested, whereby “continuous compliance” could be guaranteed. (European Commission 2010a:72) Later this suggestion is made more explicit by stating that such continuous compliance could be guaranteed by a PTI for powered two wheelers as well as better technical systems for checking these vehicles. It was also argued that these vehicles should not be checked against general requirements that apply to every vehicle (which is the current situation), but against the specific requirements (type-approval) for the individual vehicles.

It was however acknowledged that member-states needed to be convinced of the effectiveness of such measures for reducing the number of fatalities. To this end the EU should support research that proves the added value of (better) periodic inspections for road safety. Even though specific data for this policy option was lacking, including powered two-wheelers in the vehicle inspection regime was recommended:

- *“The EU should include powered two-wheelers in vehicle inspections.”* (European Commission 2010a:73)

Unfortunately the information about this meeting that is publicly available is limited, no list of participants, or an agenda could be found and the Commission selected the presentations, delegates and themes. (European Commission 2010a:6,65) So it can be concluded that this meeting had a closed character. As Hoppe (2010:133) argued, the type of network in which a problem is tackled can have consequences for the success of the problem structuring, such closed networks are most effective for solving structured problems. The other meetings however seemed to have a more open character.

5.1.3 Internet consultation (25-9-2009 – 20-11-2009)

This consultation consisted of an internet questionnaire for stakeholders and citizens interested in participating in the consultations, the consultations were thus open to everyone who wanted to participate. The questions were mostly pre-structured in the sense that the respondents usually had to choose from a list of possible options and could occasionally explain their choice. The COWI provided some input to the consultation, but the final questionnaire and the weighing of the results was done by the Road Safety Unit (RSU) of European Commission Directorate General Transport and Energy (DGTREN). How they exactly weighed these results was not mentioned. (European Commission

2010a:174) The questionnaire was filled in by 496 people, 18% of these were females and 82% males, 54% of the respondents responded in the name of an organisation or public authority and 46% as individuals, but some of these individuals were also part of an organisation. In total only 29% of the cases was a “true” private individual.⁵⁵

The following chart shows the most frequently used modes of transport that the different respondents used:

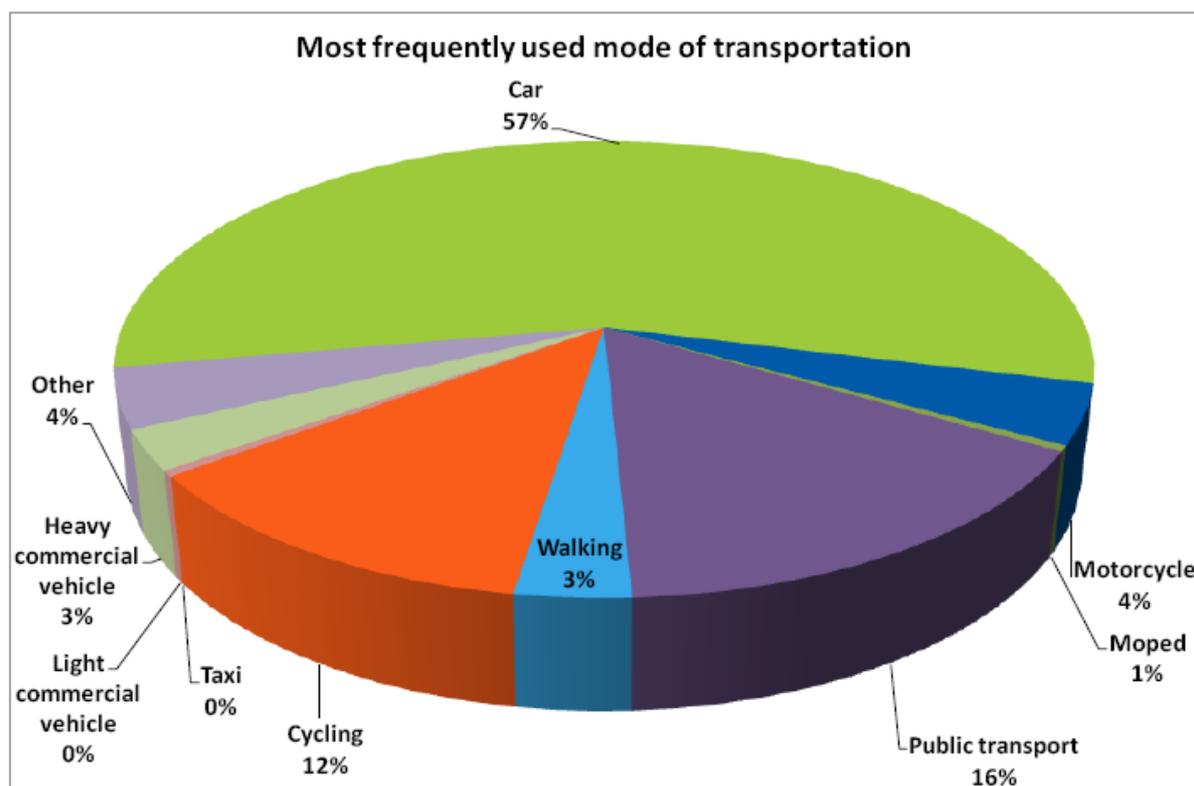


Figure 20 Respondents most frequently used mode of transport

(Source: European Commission 2010a:93)

Most respondents were from Western Europe, the UK had the highest number of respondents (114). (European Commission 2010a:94) The representativeness of the participants to this survey was thus limited, the sampling group was small, the gender difference was large and the respondents were not divided equal over the different countries. (European Commission 2010a:174) For the topic of this research it is also relevant to note that only 4% of the respondents cited a motorcycle as their most frequently used mode of transport.

The input of this consultation was used to gain insight in the opinions of the civil society and to identify the key road safety problems to be addressed in the new action programme as well as (the most important) ways to tackle these problems. Additionally these participants could also send in comments to the Commission, but the main focus of this consultation was on the questionnaire. (Website European Commission b)

⁵⁵ Meaning that he or she did not respond in the name of an organisation and neither was a member of an organisation.

The questionnaire was divided in the following three sections:

- General information and subjective perceptions of national safety level
- Scope of the next European Road Safety Action Programme:
 - Key problems and issues – structure of the problem, this means there is an effort at problem structuring, albeit implicit
 - Most important countermeasures – solution – so there's an explicit focus on problem structuring and finding solutions involving different parties.
 - Key problems or issues for institutional management.
- The role of the EU:
 - Integrating road safety into other EU policies.
 - Priority areas for action in next EU programme 2001-2020.
 - New safety technologies. (Quoted from: European Commission 2010a:91)

Based on this consultation the Commission came to the following conclusions and recommendations:

First of all the participants perception of traffic safety was that the traffic got safer the last 10 years for car drivers and occupants, but motorcycling, cycling and moped use were considered less safe.

Here the problem framing that focuses on the number of deaths is also supported (but these answers were already pre-structured by the questions), 78% of the respondents see the numbers of deaths as the primary issue of road safety. (European Commission 2010a:95)

Young drivers, PTW users and car drivers were identified as the main risk categories.

The questionnaire further identified four fields of focus for possible policy measures to combat the problems of road safety; infrastructure, road user measures, road user enforcement measures and vehicle safety. Especially this last field is relevant for the topic of this research. Within this field the following measures were identified as being most important:

"preventing crashes through better brakes, lighting, intelligent systems" (54%), "preventing injuries through better occupant protection" (47%), "improving the safety quality of vehicle standards and equipment for heavy commercial vehicles (39%) and cars" (40%) (European Commission 2010a:97)

Vehicle inspection is not explicitly mentioned in this list, but it was seen as important by respondents of countries with small decreases in fatality rates. Unfortunately it is not made explicit how many respondents exactly argued for this, so the size of this group remains unknown, this makes it hard to assess the democratic value of this argument.

In this part of the consultation phase the following recommendations were made regarding a PTI motorcycles and mopeds.

- "Legislate for a PTW roadworthiness test." (European Commission 2010a:98)

Another part of this consultation were the written contributions, approximately 50 respondents submitted additional documents to the internet consultation. From these papers the following conclusions and recommendations were drawn regarding PTI for powered two wheelers;

First of all it was again recognized that the number of deaths and injured were the most important problem in road safety; these numbers needed to be combated. (European Commission 2010a:105)

Second, the different stakeholders emphasized the need to *harmonize* EU and national legislation. (This argument for harmonisation is also often used to plead for extension of the PTI regime to powered two wheelers in whole Europe, as some countries do have such a regime and others don't. So this could be seen as an indirect argument for a PTI.)

Further, several organisations emphasized that “interventions needed to be underpinned by research and development, systematic monitoring and evaluation, cost-benefit assessment and large scale demonstration in the case of new technologies.” (European Commission 2010a:109)

Regarding vehicle safety the French police, VDTÜV, DEKRA and the Spanish road association argued that vehicle inspection, and more specific, that a PTW roadworthiness test is needed. (European Commission 2010a:98) This recommendation regarding the necessity of a PTI was also taken up in the final recommendations for this chapter. (European Commission 2010a:117)

So here too there is support for periodic technical inspection for motorcycles as a policy option, but unfortunately it remains a bit vague how much participants are actually in favor of such a system.

5.1.4 Stakeholder conference (2-12-2009)

The six thematic workshops and the internet consultation culminated into the stakeholder conference on 2 December 2009. Some 500 stakeholders⁵⁶ were invited to this conference to discuss the results of the previous consultations and to identify problems and actions that could be included in the new Road Safety Action Programme. These solutions were not only to improve traffic safety, but also had to contribute to improving mobility, energy, the environment and the economy. This meeting had a more open character, it appears that everyone interested could participate; there were participants from all kinds of stakeholder groups and the agenda was also publicized.⁵⁷

The following themes were discussed; (Citation from: European Commission 2010a:19)

- Introduction to the stakeholder conference
- Problems and state of play
- Safety of vehicles and of infrastructure
- Internet EUROPA Website
- European Road Safety Charter Price
- The European Citizen, Actor of Road Safety.

During this consultation the following suggestion was forward: legislation in Europe needs to be harmonized. Contrary to the internet consultation and the thematic workshops harmonisation of the PTI regime throughout Europe is thus not mentioned here.

5.1.5 Expert judgement

Based on the consultations the consultancy team distinguished several key problems, conclusions and recommendations. They did so based on ‘expert judgement’. (European Commission 2010a:123) It was however noted that cost/benefit analyses for key actions were needed to justify the proposals. Here the information relevant for the topic of a motorcycle PTI will be summarized.⁵⁸

⁵⁶ For a full list see website European Commission c

⁵⁷ See annex II for the agenda

⁵⁸ For a full summary of the results see European Commission 2010a pp. 123-144

Reducing the number of deaths, seriously injured and socio-economic costs were seen as the most important goals to be pursued in the new Road Safety Action Programme. (European Commission 2010a:124) The new programme should focus especially on vulnerable road users such as cyclists, moped users, motorcyclists and pedestrians as well as on the biggest groups of road users; young male drivers and car drivers.

The participants were convinced that the problems of road safety could be tackled, but in order to do so a systematic and holistic approach, involving all relevant stakeholders and involving the whole process is needed. In such an approach decisions are to be taken at the most appropriate level. Further it was argued that more harmonisation of road safety policy could be beneficial for road safety in the EU.

Based on the signalled problems the following recommendations for action were made regarding a motorcycle PTI:

- It was suggested that the vehicle type approval framework needed to be reshaped, extended to “light goods vehicles and powered two wheelers and other new vehicle measures identified by research and development” (European Commission 2010a:132) and harmonized. Doing so would pave the way for safer traffic, but also better vehicle inspections. (European Commission 2010a:140)
- Regarding vehicle safety it was noted that extending road worthiness testing might improve the traffic safety situation for PTW's. But as no good data with regard to a cost/benefit analysis were available more research was warranted according to the experts. (European Commission 2010a:139/140)

Against the end of the report the following measures were recommended:

- Legislate at EU level for whole vehicle type approval for powered two wheelers such as effective anti-tampering devices, the fitment of front number plates to aid speed enforcement, a mandatory ABS for all two wheeled motor vehicles.
- Study the road safety value of a PTW roadworthiness test.

5.2 Internet consultation relating on Periodic Technical Inspections for motor vehicles and their trailers

In the period between 30-07-2010 & 24-09-2010 the European Commission held an online consultation to seek the views of the European citizen on the harmonization of type-approval and PTI for vehicles throughout Europe. (Website European Commission a) The quest for reducing the administrative burden, exhaust gas emissions and the number of road accidents as well as the severity of accidents led the European Commission to reconsider the vehicle PTI legislation as well as the legislation for the type-approval legislation for the different vehicles in the EU. The Commission wanted to research whether harmonisation⁵⁹ or mutual recognition was warranted. It was said that the current lack of harmonisation in the system for PTI poses obstacles for; reducing the level of exhaust gas emissions, reducing the number and severity of road accidents, the internal market and further

⁵⁹ Whereby motorcycles would probably also be included in the regime

this lack is said to cause an administrative burden. The consultation was open for anyone and in anonymous form. (Website European Commission a)

The questionnaire had the following structure:⁶⁰

- Respondent information
- Experience of PTI
- Experience of Roadside inspections
- The inspections in the European Union
- Vision on policy options

Also, additional to the questionnaire, respondents could send in comments to the Commission, the main focus of the consultations was however on the questionnaire. (Website European Commission a)

The outcome of the consultation is publicly accessible through the consultation website. (Website European Commission a) But unfortunately the responses are not organized, nor is there a summary of the main findings available. It was possible to read the individual responses, but as no summary or any systematic evaluation was publicly available, it was hard to get a general picture of the responses. When reading through the different comments proponents as well as opponents of a vehicle PTI could be found. Further there was criticism about the way the consultation had been set up. The only available language was English and some respondents saw the questionnaire as biased. Some quotes from the responses will be presented: (that were not anonymous but publicly accessible(!))

“I feel the quality of this questionnaires construction is abysmal for the following reasons:

- It presumes expert knowledge on the part of the reader by not providing sufficient information about acronyms and applicable terminology;
- It contains many questions that lead the person completing the survey down particular paths;
- It includes several biased questions;
- It includes questions that do not offer a supportive answer if the derogatory choices offered are not selected.

This questionnaire would not pass any marketing departments requirement to allow unbiased and balanced collection of views and opinions.

It is a disgrace that it is being used to drive policy and opinion forming in the EU.

How can this be allowed given that most of the people being affected do not have English as their first language and it appears to only be available in English?

I am not happy with the questions on this survey, too many optional questions assume my agreement and do not allow for a disagreement option.” (Source: public form contributions zip file)⁶¹

And another quote:

⁶⁰ The whole questionnaire can be found at:

http://ec.europa.eu/transport/road_safety/pdf/consultations/pti_questionnaire.pdf (last visited June 5 2011)

⁶¹ See document: pti_public_form_contributions-2.zip\798436628442126510\ID371923610301121010 in: http://ec.europa.eu/transport/road_safety/pdf/consultations/pti_public_form_contributions.zip (last accessed June 5 2011)

“The questionnaire itself is very leading and will produce biased results. Writing as someone who has Survey design experience it appears to be one designed to produce deliberately biased results or was developed by someone who is not competent in survey design. As such it wastes EU tax payers money.” (Source: other contributions zip file)⁶²

This is important to take note of, as it shows that the consulting party has an influence on the outcomes of a consultation by structuring the questions in a certain way. In this survey the critique was that the European Commission presented biased consultations to yield positive reactions about a PTI.

5.3 The Road Safety Action Programme 2011-2020

As shown in the previous section, the results of the consultation phase were important inputs for the Road Safety Action Programme 2011-2020, the draft for this new programme was published 20 July 2010. (European Commission 2010a) Again the goal was to halve the number of road deaths in the course of the programme. (Starting from 2010, ending in 2020) Additionally there was a focus on reducing the number of people (seriously) injured and the economic costs of accidents. In this program seven strategic objectives were set, these largely corresponded to the objectives that were identified in the consultation phase and the blueprint for the new Road Safety Action Programme written by the ETSC.

In this new programme there was a specific focus on vulnerable road users such as motorcyclists and pedestrians as the accident rates and risks for these groups are higher than those of other road users and additionally these statistics didn't show as much improvement as they did for other road users. (European Commission 2010a:3) The following objectives and sub-objectives were identified; (Paraphrased from: European Commission 2010a)

1. **Improve education and training of road users;** “The Commission will work, in cooperation with Member States as appropriate, on the development of a common educational and training road safety strategy including notably the integration of apprenticeship in the ‘pre-licensing’ process as well as common minimum requirements for driving instructors.”(European Commission 2010a:6)
2. The Commission wants to **increase the enforcement of road rules** by: improving the cross-border exchange of data, supporting (member-state) enforcement campaigns based on best practices and working on the examination of technical options for road safety enforcement. Further the Commission will encourage the setting of national enforcement objectives.
3. **Safer road infrastructure;** European funds for infrastructure will only be granted to infrastructure projects that comply with the relevant safety directives and the Commission will: “Promote the application of the relevant principles on infrastructure safety management to secondary roads of Member States, in particular through the exchange of best practices.” (European Commission 2010:7)

⁶² Jon Strong.pdf in:

http://ec.europa.eu/transport/road_safety/pdf/consultations/pti_other_contributions.zip (last accessed June 5 2011)

4. **Safer vehicles;** the Commission wants to focus on other vehicles than cars because of the disproportionate amount of attention for vehicle safety that cars have received in the past. The Commission wants vehicles to comply with the safety standards throughout their lifetime through "[...] actions in the area of harmonisation and progressive strengthening of EU legislation on roadworthiness tests and on technical roadside inspections." (European Commission 2010:8) Further the Commission will "Make proposals to encourage progress on the active⁶³ and passive⁶⁴ safety of vehicles, such as motorcycles and electric vehicles." (European Commission 2010:8) and continue to study the options for and desirability of such systems.
5. **Promote the use of modern technology to increase road safety,** the Commission will cooperate with member states to evaluate the use and necessity of Advanced Driver Assistance Systems. These are systems that assist in the task of driving a car, for example systems that warn when a dangerous situation (may) occur. Also the Commission will also work together with member-states to implement and further research e-call, a system that automatically calls and provides data to emergency agencies after a vehicle has been involved in an accident.
6. **Improve emergency and post-injuries services;** "In collaboration with Member States and other actors involved in road safety, the Commission will propose the setting-up of a global strategy of action on road injuries and first aid." (European Commission 2010:10)
7. **Protect vulnerable road users;** in the programme there will be an explicit focus on vulnerable road users such as of PTW users⁶⁵, Pedestrians & cyclists and elderly people & people with disabilities.

Especially the fourth and seventh objective are relevant for this research. In a part of the fourth objective it is recommended that vehicles should be made safer and that continuous compliance with the (safety) standards throughout their lifetime is needed. The Commission will work on an impact assessment for the proposed measures for guaranteeing continuous compliance. When this assessment has been carried out, the Commission will evaluate and propose actions for the harmonisation and progressive strengthening of EU legislation on technical roadside inspections & roadworthiness testing, with the ultimate goal of arriving at mutual recognition of vehicle inspections. The following recommendation is made regarding this subject:

"Actions:

The Commission will:

[...]

2. Make proposals in view of the progressive harmonisation and strengthening of roadworthiness tests and technical roadside inspections." (European Commission 2010a:8)

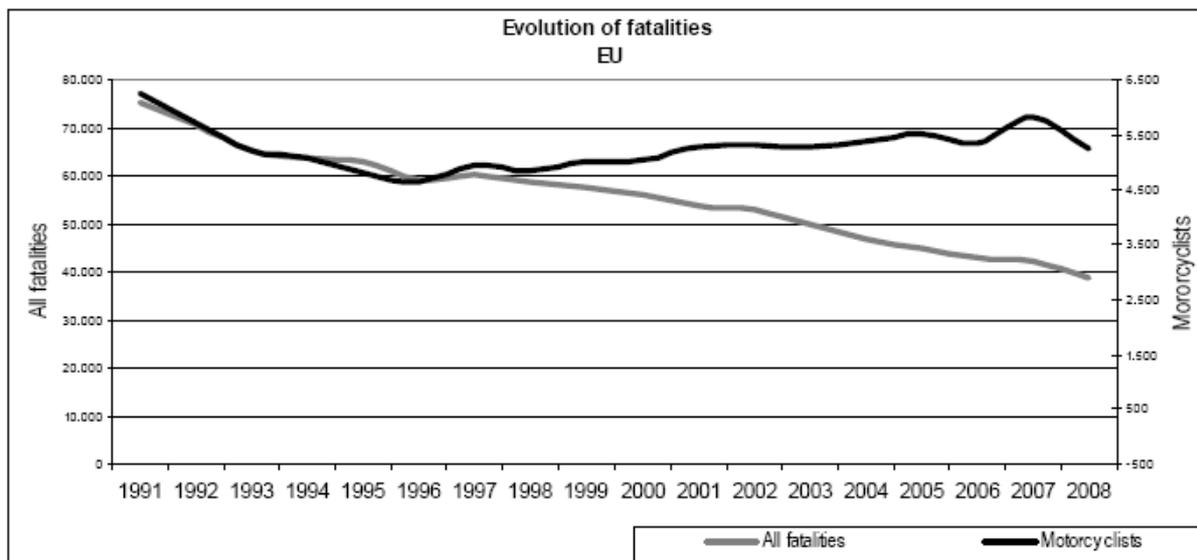
⁶³ Editors note: systems that actively participate in the behaviour of the vehicle, for example ABS

⁶⁴ Editors note: systems that do not participate actively in the behaviour of the vehicle but make the vehicle safer in case of an accident, for example airbags

⁶⁵ By improving awareness by other road users, encouraging technical development and research for PTW safety and encouraging member-states to focus enforcement on certain area's

In the fourth no explicit references to motorcycles were made, but harmonisation of vehicle PTI between different European countries would require member states that currently have no such regime for motorcycles to implement such a regime, or extend the existing regime.

The seventh objective shows the Commissions focus on motorcyclists and mentions the worrisome accident statistics for motorcyclists. The following figure is shown in the report: (European Commission 2010a:12)



In this figure the number of motorcycle fatalities is compared to the total of fatalities on the roads over the years and it is noted that these statistics are worrisome and justify the special attention for motorcyclists. In this section the following is said regarding technical inspection for motorcycles:

“2. [...] The Commission will propose to extend to PTWs the existing EU legislation concerning roadworthiness testing.” (European Commission 2010a:11-2)

This programme shows the measures that the Commission wants to take together with their intentions towards road safety. As can be seen the objectives outlined in this general framework will not be pursued by the Commission on its own, very often the Commission wants to achieve the goals in cooperation with the various European, national, regional or local levels of government and/or the relevant stakeholders. (European Commission 2010a:2) As the principles of subsidiarity and proportionality subscribe, the Commission will only make proposals where the EU has competences and further support initiatives at other levels if these levels are more appropriate or competent for tackling the problems at hand. The responsibility for achieving the goals set out in this programme does thus not only lie with the Commission, but also with the various levels of government, the different parties from civil society and stakeholders involved. (European Commission 2010a:15) Further it is interesting to see that there is hardly any recommendation for ‘hard’ legislative measures, the only ‘hard’ proposals are those for the harmonisation of traffic rules and vehicle inspection. The rest of the goals is to be advanced through cooperation with the different stakeholders, or warrants more research. (Which is very often conducted with assistance of the stakeholders.)

In the programme the member states are also encouraged to set out their own safety strategy, to tackle their own specific problems from their own specific starting points, needs and circumstances. (European Commission 2010a:4) Also the Commission will support the exchange of information and best practices to maximize the result of this program. (European Commission 2010a:15) So in sum and as was also shown in the introduction to this section (page 28), most of the goals (except harmonisation of PTI and traffic legislation) in this programme are to be achieved through new modes of governance.

6. The stakeholders

In the previous section the research carried out prior to the new action programme and the consultations for this programme, together with the results have been analyzed. In the section below the positions and frames of different stakeholders involved in the policy process leading to a (potential) harmonisation of the PTI regime in Europe will be analyzed. Not every stakeholder is included in this analysis as instead a selection has been made of the stakeholders considered to be the most important players in the policy field, representing the whole spectrum of frames.

For every stakeholder it is analyzed how they were exactly involved in the process and what their most important positions are regarding a PTI for motorcycles. First the positions of the proponents for the harmonisation of motorcycle PTI will be described and then those of the opponents.

Each section is roughly designed as follows; First a short description of the specific stakeholder will be given which also includes their financial stake, then the way the stakeholder frames the problems of safety and environment will be described together with the proposed solutions and to close of each section a short summary about the position of the stakeholder is written, focussing especially on the frames they employ.

6.1 The European Commission

The European Commission is no stakeholder in the sense that it has a clearly identifiable/public stake in the process, formally the Commission mostly relies on the input of other stakeholders to identify the problems and solutions. But although the Commission is supposed to be a neutral party that chooses from the different inputs (Interview with Commission Official), neutrality does not exist; everyone approaches reality from a frame, which is often influenced by their own preferences. The Commission thus also interprets reality in a certain way, this also makes the Commission a political player.

The European Commission is the executive body of the EU. The Commission staff is responsible for the day-to-day running of the EU, it is the only party that can initiate legislation in Europe, the Commission manages the budget of the EU, manages the international relations and enforces legislation together with the ECJ. (Website Europa.eu) The Commission is built up out of several Directorate Generals (DGs), each DG has its own policy area to deal with. The DG that's relevant for the topic of this research is DG MOVE and more specifically the road safety unit from this DG.⁶⁶ Previously this DG was a combination of two DGs, DG transport and energy, (DGTREN), this DG split up on 17 February 2010 into DG MOVE and DG ENERGY.

The general goal of the European Commission is to make the European roads safer for *all* road users, from pedestrians to bus drivers and mopeds to motorcycles. The Commission thus has to choose between all sorts of interests and stakes. (Interview with Commission official) This would also apply to the case of a PTI, the Commission itself has to choose between the different interests to select the best ones. According to the Commission official interviewed there were several kinds of stakeholders; those that advocated for their own interests and those that advocated the broader interests of the

⁶⁶ In this thesis we will however speak of the European Commission in general, but this mostly refers to the work of this specific DG.

European citizen. The Commission tried to incorporate all these stakeholders and their perspectives and then selected what they considered to be the best arguments put forward by these parties. (Interview with Commission official)

The Commission does not seem to have a financial stake in the issue, but the Commission is often referred to as having a stake in the expansion of European integration.⁶⁷ This implicit goal of expansion could explain the Commission's positive attitude towards a PTI. Harmonisation would expand the European integration to more policies and the fact that this is one of the only areas of road safety where the EU has legal competences could explain the strong focus on this area of legislation.

Framing of the issues

On the European Commission website for road safety the numbers of motorcyclists that die each year are mentioned and related to the distance travelled, whereby it is concluded that there is a high accident risk for powered two wheelers in traffic, that this is problematic and warrants further attention. (Websites European Commission d & e) The Commission thus seems to frame the broader issue of road safety in quantitative terms using the data from the CARE⁶⁸ database, the current situation is one with a high number of deaths and injured, the desired future situation is one where these numbers are lower.

This quantitative framing of the problems is also present in the Road Safety Action Programme 2011-2020 (European Commission 2010a), in Commission responses to questions from the parliament⁶⁹ and was also affirmed in an interview with a Commission official who stated that the *statistics* clearly showed a problem with the technical condition of motorcycles in Europe.⁷⁰ (Unfortunately he did not mention what specific statistics.) The Commission thus uses a quantitative problem framing and acknowledges that there is a (substantial) problem with motorcycle road safety.

The environmental problem was also acknowledged, Giles Chichester (ECR) posed the following questions to the Commission in the European Parliament:⁷¹

1. Why does the Commission feel it necessary to implement compulsory PTIs when evidence suggests that they are not a major factor in the reduction of motor vehicle fatalities?
2. Does the Commission intend to apply the same rules and procedures for compulsory PTIs to Member States that already implement their own policy?

⁶⁷ See for example: Cram, Laura (1997). *Policy-making in the EU. Conceptual lenses and the integration process.* London and New York: Routledge.

⁶⁸ For more information about 'CARE' see: <http://ec.europa.eu/idabc/en/document/2281/5926.html> & http://ec.europa.eu/transport/road_safety/specialist/statistics/care_reports_graphics/care_what_is_it/index_en.htm (last visited 6-5-2011)

⁶⁹ see: Answer to questions from parliament by Mr. Kallas on behalf of the commission (10.2.2011) E-10936/10EN & E-11068/10EN

⁷⁰ The commission official further stated that the numbers of accidents may be relatively low, but the commission has already used most available policy options to reduce the number of people killed on the road, this makes it harder and harder (and thus more costly) to further reduce the number. That's why he saw the PTI as an option worth considering.

⁷¹ Cited from: Giles Chichester (ECR): Question for written answer to the Commission. Subject: *'Periodical technical inspection (PTI) of powered two-wheelers (PTW)'* E-010994/2010

These questions were answered by Mr Kallas as a representative of the Commission, unfortunately he did not directly answer the questions, but stated that the process was still in the consultation/research phase and no decision had been made yet. He further said that uniform PTI's throughout Europe could not only improve road safety, but could also contribute to the free circulation of vehicles throughout Europe and reduce pollution. This last point shows that the pollution that motorcycles cause is also seen as a problem, as the Commission official wants to change the current situation for a more desirable future one.

An impact assessment to evaluate whether harmonisation of PTI is a valid policy option to solve the safety and environmental problems of motorcycles is currently under way. It should be noted that although important, quantitative data and scientific knowledge are not the only sources of knowledge that the Commission uses, in the interview the Commission official mentioned that there is also attention for other sorts of knowledge in the process; the goal is to make policy based on *a proper mix of knowledge*.

The Commission has thus not yet determined whether a PTI would indeed be the best policy option for reducing the number of accidents due vehicle defects. The Commission wants to await the results of the impact assessment and then it will determine its position. (Only) If research proved that a PTI for motorcycles was justified because they were proportionate to the ends (safer traffic) a PTI would be proposed to the parliament. According to the official interviewed the European Commission was mildly positive towards a PTI as a solution for the problem of unsafe vehicles. (Interview Commission official 5-30-2011) The frame of the Commission towards a PTI can therefore best be described as interested in a PTI; the Commission frames the number of road accidents in Europe, the number of accidents caused by technical defects and the environmental consequences of motorcycles as problematic and is currently looking for the best solution to solve these problems. The Commission is mildly positive towards a PTI as a solution, but wants to await the results of the impact assessment. Unfortunately it remains unclear what statistics the Commission uses to support its opinion about the technical condition of motorcycles.

6.2 ACEM

The Association des Constructeurs Européens de Motocycles (ACEM) is a stakeholder organisation representing motorcycle manufacturers in Europe, the ACEM represents 12 manufacturers, more than 30 brands and 15 national stakeholder organisations from 13 different European countries.⁷² The members of ACEM represent 90% of the total production of motorcycles in Europe and have a share of 95% of the European two wheeler market. (ACEM 2009b:1) The ACEM has a stake in PTI as they manufacture motorcycles and replacement parts. If an EU-wide PTI would come to existence the ACEM would most likely benefit from this financially as it would increase the sale of motorcycle parts needed for maintenance of motorcycles.⁷³

The ACEM contributed actively to the consultation process for the new Road Safety Action Programme 2011-2020 and stated that special attention for PTW riders was warranted because of their high share in the accident statistics compared to the distance travelled. (ACEM 2009c:3-6)

Framing of the issues

The ACEM is a proponent of periodic technical inspections for Powered Two Wheelers. According to the ACEM the figure of 5.1% of all accidents is worrisome and warrants special attention. (ACEM 2009c:15 & ACEM 2008b:14) The problem is thus framed in quantitative terms using the figure 5.1% from the MAIDS data, the figures 3.5%, 0.3% were also mentioned together with the specific parts of the motorcycle that usually failed, so efforts were been made to put things in perspective. (Perlot 2009:24) Nevertheless the ACEM emphasizes the figure 5.1% to argue for a PTI.

Further the ACEM is supportive of greener transport and thus accepts that the current situation is not an acceptable one, or better said; is problematic. The ACEM actively pursues the goals of lower motorcycle exhaust emissions by being an active partner in research for the possibilities for the reduction of exhaust emissions and producing cleaner vehicles. (Perlot 2009:21, ACEM 2009c:15 & 2009b:4)

For a vehicle to enter the European market it needs to comply with a type-approval, which contains the requirements to be allowed on the European market for that specific vehicle. (These requirements are mostly safety- and emission related) (Perlot 2009:23)

Vehicles degrade due to aging and use, this can cause a vehicle to lose its characteristics that were initially needed to be allowed on the European market; this would mean that the vehicle can become less safe and/or has higher emissions than was originally intended. Currently there is no uniform system in Europe to guarantee a vehicle's compliance with the type approval after its allowance on

⁷² A list of members can be found in Annex III

⁷³ To cite the impact assessment for the renewal of the type approval regulations (European Commission 2010c:7) "A third, downstream sub-market is the sale, maintenance and repair of motorcycles. This market is extremely significant and, in 2006, generated €3.4 billion in value added from a turnover of over €24.8 billion in the EU-27 (EuroStat estimate). 105 000 persons were employed by the 37 000 enterprises in the motorcycle distribution sector *It is estimated that 72 % of the total industry's turnover is generated in this sector.*" (emphasis added) This makes it clear that the sale of parts is important for the motorcycle industry, almost 75% of the industry turnover is generated in this market.

the European market.⁷⁴ This is a strange situation according to the ACEM, it would be logical to have vehicles comply with the type-approval throughout their lifetime. A PTI would be the best solution to guarantee this according to ACEM, if this compliance is guaranteed PTW's would become safer and cleaner it is assumed. (ACEM 2008b:14, Website FEMA a & Perlot 2009:23) The ACEM is thus a proponent of a harmonised vehicle inspection regime throughout Europe. (Perlot 2009:8, ACEM 2009c:15) More specifically the ACEM states that:

- Periodic technical inspections would help prevent (illegal) tampering of vehicles whereby the vehicle can lose its original safety characteristics, and thereby become a risk in traffic. This illegal tampering could also raise the emissions of the vehicle. (ACEM 2009c:15, Perlot 2009:22)
- Periodic technical inspections would guarantee that the tyres, lights, brakes and other safety-related aspects of the vehicle are within specification. This could especially work for defects of which the owner is unaware. (ACEM 2008b:14)
- Periodic technical inspections would guarantee durability of the vehicle. (Perlot 2009:31)
- Periodic technical inspections would reduce (illegal) aftermarket exhaust systems. (Perlot 2009:31)
- Periodic technical inspections would be better for the environment as the complex technologies of a vehicle require correct maintenance to function properly, in a PTI the exhaust system noise and emissions could be inspected for compliance, this way problems can be signalled at an early stage and repaired. (ACEM 2009d:4) Regarding the environmental aspects some other policy options like In Use Compliance (IUC) whereby the manufacturer carries the responsibility for the technical state of the vehicle are considered (FEMA is a proponent for this), but it is concluded that PTI's yield the most results, although it is recognized that such a regime would be costly, nevertheless it would be the best option according to ACEM. (Perlot 2009:21)

The ACEM suggests that PTI's should be executed with an interval of 4 years after the vehicle first enters the road and then an interval of 2 year between each inspection would be needed. This would be the *minimum* requirement for such inspections according to ACEM. (Perlot 2009:29)

The assumption that vehicle inspections automatically cause a reduction of accidents is an important assumption in the frame that ACEM uses and is not backed up by any data for motorcycles specifically. It is one of the main sources of the frame conflict between the different stakeholders.

In sum; ACEM is an active proponent for motorcycle PTI, they use MAIDS data (emphasis on the 5.1%) to argue that the technical condition of motorcycles is problematic and requires action. Further they also emphasize the problematic environmental aspects of motorcycling. The ACEM argues that a PTI would be the solution to these problems as it would reduce the number of accidents and would also contribute to lower exhaust emissions. (Of which the safety part is assumed, not proven) Further ACEM seems supportive of a new-governance-like approach, to the issue focussing on broad participation and cooperation and knowledge.

⁷⁴ 15 out of the 26 member countries inspect PTW's for safety and only 8 inspect for environmental characteristics. (Perlot 2009:13-4)

6.3 CITA

The 'Comité International de l'Inspection Technique Automobile' (CITA) is an international non-profit organisation that brings together different organisations with a common interest in vehicle inspections. Most CITA members are vehicle testing organisations from European countries, such as the RDW in Holland and the TÜV in Germany.⁷⁵ An important function of the CITA is the exchange of information, experience, expertise and best practices in vehicle inspection. CITA has about 120 members worldwide, representing more than 50 countries and more than 250 million vehicle inspections a year. The main goals of the CITA are to improve road safety and to protect the environment by vehicle inspections. (CITA 2010:1-2) Or to quote CITA's mission statement: (Website CITA b)

"CITA's aim is to play a leading role in shaping the future for sustainable Roadworthiness Inspection & Enforcement in all regions of the world, based on its *conviction that effective in-service vehicle inspection is, and will remain, an essential element* of all types of successful roadworthiness control regimes, thus *contributing to the social and economic benefits of improved road safety and environmental friendly road transport.*" (Emphasis added)

The CITA is not as explicit in its position as most other stakeholder groups, it has not released any explicit statements regarding a PTI for motorcycles on its website. Nevertheless the CITA is mentioned by other interest groups as an organisation with an interest in vehicle inspection. (See for example Website FEMA a) Further it is obvious that the CITA has a financial interest in vehicle inspections as such inspections are the main source of income for the companies it represents. (See for example footnote 42 on page 41)

As the CITA has no explicit statement about a PTI on its website CITA Executive Director Wim Labro's contribution to the consultations for the Road Safety Action Programme 2011-2020 and the CITA 'Autofore'⁷⁶ study on vehicle inspections will be used.⁷⁷ (As the Autofore study is already summarized earlier in this thesis, only the most relevant⁷⁸ aspects will be mentioned here.)

Framing of the issues

In the Autofore study and substudies the problematic character of motorcycle safety was emphasized by referring to the worrisome numbers of motorcycle deaths in Europe. (CITA 2007c:17-8) the percentage of 5.1% from the maids study is cited to argue for a PTI, it is mentioned that this percentage represents secondary factors, but nowhere the percentage of 0.3% primary factors is mentioned. It is said that studies like MAIDS tend to underestimate the percentage of accidents caused by technical defects as they do not focus on vehicle defects per se, but on accidents in

⁷⁵ For a full list of CITA members see Website CITA a

⁷⁶ As argued before, "scientific" research is in a sense also based on opinions, questions of what counts as valid data and what not, together with the conclusions drawn from these data rest for a large part on the interpretation of the researchers and thereby scientific research is not an objective practice, but also subjective and often only represents the views of the researchers themselves. (Hoppe 2010:170) For this reason we will analyze the research done by CITA with special attention for the framing of the issue in this research.

⁷⁷ Attempts have also been made to interview a CITA member, but this was not possible.

⁷⁸ Relevant for the topic at hand that is.

general. In reality the percentage of accidents that can be explained by a technical defect is thus expected to be higher. Here it starts to become clear why the stakeholders seem to disagree, some focus on the number of accidents caused by technical defects to the vehicle and argue that this number is low and vehicle defects should thus not be seen as a problem. Others frame the issue in terms of the technical defects and assume that these defects automatically cause accidents and are thus dangerous.

The Autofore study further presents some claims that lack data to support them, the study for example notes that; a lot of accidents happen because motorcyclists are not seen and that the correct working of reflectors and lights would prevent this, (CITA 2007c:18) "it is clear that roadworthiness enforcement methods are a way to improve vehicle safety especially on vehicle categories where self maintaining and tampering is usual." (CITA 2007c:20). However, nowhere any data that confirms that there are problems with lights/reflectors and that improving this would indeed prevent accidents from happening are presented, nor is any data presented to show the relation between vehicle inspections and traffic safety for motorcycles. (No such data is available according to opponents of a PTI (Website FEMA a))

The authors of the study further said that a PTI for motorcycles could be beneficial for lowering exhaust emissions and noise, as these are seen (or assumed to be) problematic aspects of motorcycling. Unfortunately no data was presented to support the claim that a PTI could reduce emissions for *motorcycles*, it is assumed that it does as it works the same way for cars. (CITA 2007d:22)

The authors finally conclude that there was insufficient data available for performing a cost/benefit analysis of motorcycle PTI, but; "The view of the study is that, although there is insufficient data for the cost/benefit analysis, the inspection of motorcycles and mopeds is justified." (CITA 2007a:37) Additionally it is recommended that the data needed for such analysis should be collected. This conclusion shows how research can be subjective and how it uses interpretations; the conclusion drawn here cannot be directly deduced from the data.⁷⁹ This recommendation and the lack of data to support the conclusion is what provoked reactions from (some) opposing stakeholders.

The CITA further participated in the stakeholder meetings for the new Road Safety Action Programme, unfortunately their specific contribution to these meetings remains somewhat unclear, as the data that could be found about the content of those meetings was limited. However, CITA executive director Wim Labro also filled in the internet questionnaire for the new Road Safety Action Programme.⁸⁰ Here this contribution will be analyzed with specific attention for what has been said regarding motorcycle PTI's.

First of all Wim Labro identifies PTW users as the only category of road users with road safety problems. (In a multiple choice question where two answers out of a list of seven possible ones were

⁷⁹ It can for example be expected that a holder of a different frame would have concluded that a PTI cannot be recommended as insufficient data is available.

⁸⁰ These results can be accessed through the following link: http://ec.europa.eu/transport/road_safety/pdf/consultations/publicformcontributions.xls The results of Mr Labro can be found on Row 99 (last accessed 6-6-2011)

allowed). Mr Labro also refers to the Autofore study to illustrate some of his positions,⁸¹ for example he states that: "Although this is not of direct relevance to vehicle inspection, the AUTOFORE study made by CITA for DGTREN mentions the problem for mopeds. Mopeds are in generally used by young people, and a lot of tampering is going on. Periodical technical inspections and roadside inspections might be a useful countermeasure.[...]"⁸²

To the question "Which, in your view, are the most important countermeasures amongst infrastructure, road user (training, education, rehabilitation, enforcement) vehicle safety measures?" and the sub question focussing on vehicle aspects Mr Labro again stated that vehicle inspections were necessary to guarantee continuous compliance to the safety standards of vehicles.

Labro also stressed the need for harmonisation and mutual recognition of vehicle inspection between the different European countries and emphasized the need to integrate road safety policy with environmental policy: "It is worthwhile to consider how road safety measures contribute to CO2 and other emission pollutants, a major worldwide concern."⁸³

In answer to the question: "Do existing European policies/legislation create obstacles to prevent effective road safety policies at national, regional and local levels?" Mr Labro stated that there were obstacles and these could be overcome by harmonizing PTI and road safety inspection standards.

In the final comment to the survey Mr Labro commented the following:

"The principal items of our 5 year program of priority initiatives are added for your information:

- 1- Support international initiatives to update and improve periodical technical inspection (PTI) standards a. DGTREN initiative to update EU Roadworthiness Directives 96/96/EC and 2000/30/EC b. UNECEWP29 proposal to develop Rule 2 of the 1997 Vienna Agreement
- 2- Develop a 3 level approach for testing electronic systems at PTI
- 3- Develop proposals for a periodical technical inspection database with vehicle specification data and PTI results
- 4- Identify and evaluate further candidate electronic systems including Advanced Driver Assistance Systems
- 5- Contributions of PTI to reducing CO2 and other emissions"⁸⁴

The CITA thus appears to be a proponent of PTI's in general and also for powered two wheelers. The CITA frames motorcycle safety as problematic (based on quantitative data about the numbers of motorcyclists killed on the roads per travelled kilometre.) and also sees the technical condition of vehicles in Europe as well as their exhaust emissions as problematic. The framing of safety is based on the 5.1% of other accident causes identified in the MAIDS study. Data on the size of the emission problem were not presented. A PTI is seen as a solution for these problems, the researchers argue that such inspections are effective for cars and see no reason why they wouldn't be for motorcycles. Data to show that a PTI for motorcycles does indeed lower the number of accidents against reasonable costs, are lacking, but it is argued that the motorcycle safety problems are substantial and thus justify a PTI.

⁸¹ Which in a sense also shows the political use and character of such research

⁸² http://ec.europa.eu/transport/road_safety/pdf/consultations/publicformcontributions.xls Row 99 (last accessed 6-6-2011)

⁸³ ibidem

⁸⁴ Ibidem

6.4 Dekra & TÜV

Two other stakeholders that were often referred to in the interviews (as proponents of a PTI) were the testing companies in Europe, two such companies are DEKRA (automotive) & the *Technischer Überwachungs-Vereins* (TÜVs).⁸⁵ (Interview with Nico Perk, Interview with Aline Delhaye & Website FEMA b) (Both companies are also represented in Europe by CITA)

Dekra is a private company involved with testing for safety, Dekra does not only test cars, but also provides safety solutions for the industry, qualifications for personnel and provides driving licences in Germany. DEKRA has around 22.000 employees and offices in 30 countries. (Website DEKRA)

The TÜVs are aggregate bodies of testing companies that test all sorts of products, such as motor vehicles, consumer goods and more. It is the second largest commercial certification body in the world.

Both companies are involved with the testing of cars, motorcycles, busses and other vehicles in Germany; for a vehicle to be operated on public roads in Germany it needs a TÜV certificate, this can be acquired by periodically presenting the vehicle for inspection (and passing this inspection) to the TÜVs or one of their competitors (like Dekra). As testing is the core business of these companies, it is likely that these companies will benefit financially from a harmonisation of motorcycle PTI.

It was hard to identify the exact contributions of these companies to the consultation process, as the information about some meeting was limited. But some information has been found, this will be analyzed below.

Framing of the issues

In Germany motorcycles are included in the vehicle testing regime, this is however not the case for every European country. (See annex IV for a list) In a written contribution to the Commission in the consultation phase for the new Road Safety Action Programme the collective of TÜVs argue that the German (TÜV⁸⁶) system of vehicle inspections should be implemented throughout Europe because of its effectiveness. VdTÜV (2009a:2-3) This point was also taken up in the report about the consultations, where the following was stated; "Vehicle inspection was also seen as important by respondents (Spanish Road Association, the German Working Group, DEKRA and VdTÜV)" (European Commission 2010b:116, Emphasis added). DEKRA also emphasized the need for vehicle inspections to guarantee continuous compliance to the initial type approval and safety requirements of a vehicle.⁸⁷

⁸⁵ The TÜVs are an aggregate body of different testing companies, in the consultations however they respond as "Verband der TÜV" so they will be referred to as one uniform organisation.

⁸⁶ This is named after the main testing institution in Germany.

⁸⁷ DEKRA e-mail contribution to the consultations for the European Road Safety Action Programme 2011-2020

Contributions to the internet consultation for the new Road Safety Action Programme confirmed this image, here DEKRA & TÜV members again argued for harmonisation of PTI throughout Europe and some members argued that PTW users were a risk category.⁸⁸

DEKRA also published a report on motorcycling, (DEKRA 2010) although this report was no specific contribution to the consultation phase⁸⁹ it is analyzed here, as it shows how this company frames the issue and the solution. In this report the dangerous character of motorcycling was again emphasized, the dangers were framed in quantitative terms using the CARE data, focussing on the number of deaths and seriously injured. (DEKRA 2010:7-8) Based on these data it is argued that motorcycling got safer the last 30 years, but is still not safe enough. (DEKRA 2010:11)

In this report the DEKRA proposed the following policy measures for implementation in Europe (cited from: DEKRA 2010:57);

The DEKRA requirements in brief

- Creation of a single pan- European accident database
- Wearing of protective clothing, including a helmet and protectors • Improvement of passive and active safety
- Optimisation of road infrastructure
- Introduction throughout Europe of periodical technical inspections for motorcycles
- Solid driver training and regular participation in driving safety training programmes

The different causes of road accidents involving motorcyclists were mentioned and:

“In addition to errors on the part of the motorcyclists involved, the carriageway, weather factors and the *technical defects of the motorcycle were risk factors that should not be underestimated*. By far the most common defects noted – during main inspections in Germany for example – were defects in the technical lighting equipment. This gives particular cause for concern, as the small silhouette, coupled with defective lighting, makes motorcycles even harder to see.” (DEKRA 2010:12, emphasis added)

The DEKRA does acknowledge that most accidents are caused by passenger car drivers (DEKRA 2010:17), but also notes that a lot of vehicles carry technical defects. On page 19 of the report DEKRA cites an analysis of their own. The DEKRA inspected a number of vehicles following an accident in the period 2002-2009 and found that 23.9% of those exhibited technical defects, 33.9% of those (or 8.1% of the total) were relevant for the accident.⁹⁰ The DEKRA concludes:

“All the more reason, therefore, to inspect motorcycles at regular intervals to ensure that they are safe.” (DEKRA 2010:19)

⁸⁸ See: http://ec.europa.eu/transport/road_safety/pdf/consultations/publicformcontributions.xls (last accessed (6-6-2011) Harald hammer – DEKRA (Row 100), Gerhard Laub - TÜV-sud (Row 112), Marco Mauri – DEKRA (Row 307), Jens König – DEKRA (Row 252).

⁸⁹ However, as it was written in English, it is likely that the aim was to influence European policy making.

⁹⁰ This number is higher than the numbers mentioned in the MAIDS study, this could be explained by the different aspects of a vehicle that are evaluated in the research. Maladjusted lights for example were also seen as a technical defect in this study. (Bönninger e.a. 2002:20)

It is the *opinion* of DEKRA France that such inspections for motorcycles would improve the technical condition of these vehicles, as this was also the case for cars and commercial vehicles. (DEKRA 2010:19-20)

Unfortunately it was hard to find any data from either the TÜVs or DEKRA automobile where they put forward their opinion about the environmental aspects of motorcycling and the implications this has for PTIs. The only data that was found with some relevance to this subject were the contributions of both companies to the consultations for the new type approval regulation. (Verband der TÜV 2009b:2-3 & Neumann 2009:2-3) Here both companies subscribe to the goal of creating a cleaner environment by reducing emissions, but the DEKRA notes that the means to accomplish the ends should be realistic and possible.

So these companies frame the broad problem of motorcycle safety in quantitative terms using the CARE data, the problem of vehicle defects is also framed in quantitative terms, however, to do so the DEKRA does not use the MAIDS data like most stakeholders do, instead it uses its own research that shows higher percentages of defects. The solution the TÜVs & DEKRA identified for this problem were periodic technical inspections, as these were also efficient in guaranteeing a good technical condition for cars. Unfortunately no frame could be distinguished regarding the environmental aspects of a PTI, the organisations seem to support measures taken to reduce emissions, but whether this would justify a PTI for them was not found.

6.5 FEMA

The Federation of European Motorcyclists' Associations (FEMA) is a European stakeholder Group that represents motorcyclists from Europe.⁹¹ The FEMA represents 24 national (motorcyclists) associations from 19 different countries and nearly 350.000 motorcyclists.⁹²

FEMA is the only *European* stakeholder group that explicitly focuses on the interests of motorcyclists; "FEMA's primary objective is to pursue, promote and protect the interests of motorcyclists." (Website FEMA d) Put differently, the FEMA tries to show policy makers the perspective of motorcyclists, which is often overlooked or misunderstood. (Interview with Aline Delhaye)

FEMA's main goals are:

- FEMA's purpose is to promote, protect and preserve motorcycling.
- FEMA's Mission is to promote riders' interests and defend riders' rights throughout Europe and globally. (Website FEMA c)

The FEMA opposes the European plans for legislating a harmonized PTI regime for PTW's throughout Europe. The costs of such measures would be enormous and the benefits would be marginal. (FEMA 2010a:2) And contrary to most stakeholders, the members of FEMA will probably not benefit financially from a PTI, they will probably have to pay for these inspections. (Although they might benefit as their vehicles *could* become safer)

Framing of the issues

According to the FEMA the only studies that show benefits of PTI's are studies by inspection institutions, which have a financial interest in such inspection, (Interview with Aline Delhaye) independent studies however show that the benefits of PTI are debateable. (FEMA 2010b)

Further FEMA states that; (FEMA 2010a & FEMA 2010b)

- The share of motorcycle accidents caused by a technical defect is quite small (0.3%)
- In countries where PTI's are included in the inspection regime the accident statistics for motorcycles are not significantly lower than for countries where no such regime is in place
- PTW users are more aware of the technical condition of their vehicle because any defects of the vehicle immediately influence the riding conditions and further PTW riders are generally more aware of the risks involved with riding a PTW and therefore have an interest in regularly checking the state of their vehicle. Reliance on annual or bi-annual inspections can cause a false feeling of safety, as vehicle defects can occur quite suddenly and usually require immediate action. (Interview with Aline Delhaye)
- Different countries have different circumstances and use PTW's in different ways, the different countries thus require different focuses of the inspections.

⁹¹ The FEMA does not only try to exert influence in Europe, but also participates in policy making in the UN and OECD (Website FEMA c)

⁹² These are *paying* members, the people who become members of FEMA (or the organisations it represents) do so only because they want to support the work of FEMA, in contrast to other organisations where people often become members because it is free or because of specific other incentives that the organisations offer.

- Some aspects of the vehicle like the exhaust emissions are difficult to test.
- PTI's can not prevent all vehicle defects, let alone accidents. Most accidents involving defective PTW's are caused by the tires. Motorcycle tires can be approved in a PTI, but can be worn out a week later, further, the tire pressure is not checked during a PTI, instead it should be checked every two weeks by the owner of the vehicle. A PTI thus is not sufficiently able to prevent the most common vehicle related accident cause. (Website FEMA a)

The FEMA does accept that there is a problem with vehicle safety and agrees that vehicles on the road should be safe, (FEMA 2010a:1) but argues that the current problem is too small to justify measures.⁹³

In a stakeholder consultation the FEMA asked a professor of CITA about the relation between vehicle inspections and accident occurrence. The answer was that the CITA was quite sure that (more) vehicle testing would improve the technical condition of the vehicle, but whether this improved technical condition would also reduce the number of accidents was not known; the CITA *assumed* it did. (Website FEMA a)

The FEMA is not completely against a PTI for powered two wheelers, but argues that the decision whether or not to implement a PTI should be made on the national level, not in Europe. The FEMA is a proponent of a system of mutual recognition, whereby the different member states recognize each others' PTI's (or lack thereof). As motorcycles are used for different purposes in different countries it would be better to have a system whereby the individual member states can determine whether a PTI is necessary and allow them to design a PTI system that is better for their specific needs. (Interview with Aline Delhayé & FEMA 2010a:2)

When asked, the FEMA said that it *seems* that the focus on a PTI for motorcycles is not only motivated by arguments of road safety, but also (and perhaps mostly) by commercial impulses from manufacturers and testing institutions so that they can gain control over the market for new parts and force the consumers to use their replacement parts. (FEMA 2010b:2 & Website FEMA a) or to paraphrase from the interview; Road safety policy is for 80% motivated by commercial interests.⁹⁴ (Interview with Aline Delhayé)

Apart from the safety aspect there is also the environmental aspect of testing, FEMA does not argue with the goal of reducing greenhouse gasses and sees possibilities for reducing emissions from motorcycles. This should however be a shared responsibility between the manufacturers and the users of the final product, and not a responsibility for the user only.⁹⁵ The FEMA argues for systems in-use compliance to keep the emissions from motorcycles low; this would mean that the manufacturer remains responsible for the correct functioning of their motorcycles with regard to the exhaust emissions. So if the exhaust system of a motorcycle would deteriorate and thereby cause higher emissions this is not the responsibility of the user, but of the manufacturer, who has to

⁹³ Therefore there is also strong belief/hope that the European Parliament will not approve PTI for motorcycles. Interview with Aline Delhayé)

⁹⁴ Of course it's hard to provide hard evidence for such statements, but it is interesting to see that the positions of the different stakeholders correspond perfectly with their financial stakes; those who will have to pay are against, those who will make money are proponents.

⁹⁵ As will (probably) be the case for motorcycle PTI.

manufacture good quality products. (FEMA 2010a:4 & FEMA 2010b:4) On the other hand, to apply for this manufacturer's warranty, the owner needs to regularly have his/her bike serviced. This would also provide the manufacturer with an incentive to make clean and durable vehicles.

Further the FEMA seems to be one of the only stakeholders that is actively trying to engage the European citizen/motorcyclist in the process and the FEMA also tries to make the Commission listen to this broader public. The following citation from a FEMA letter to commissioner Siim Kallas is a good example of these efforts:

"We expect that the amount and content of the contributions received will reflect the choice of language on the Commission's part, leaving the field to major lobbying organisations and various industries that have stakes in technical inspections, and casting aside the voice of road users and small businesses across the continent. The results of such a consultation cannot and will not be accepted as representing the will of Europeans." (Website FEMA f)

The FEMA also opened a facebook page, made people aware of the consultations for a PTI and provided them with a document that they could add to their contribution and further they publish quite a lot of news articles about the process. (Website FEMA e)

In sum the FEMA frames the problem in quantitative terms, it is accepted that motorcycles have worrisome accident statistics and it is also accepted that (for some countries) there is a problem with the technical condition of the motorcycles, but the FEMA argues that the available statistics do not justify harmonized PTI in Europe and even if it proved necessary a PTI on the member-state level would probably yield better results. The FEMA does see potential for cleaner motorcycles (and thus accepts that the current situation could be exchanged for a better future one) but does not see this as a responsibility for the owner of the vehicle, this should be a shared responsibility between the owner and manufacturer and therefore prefers systems of IUC to PTI.

6.6 Motorrijders Actie Groep Nederland (MAG)

The 'Motorrijders Actie Groep Nederland' (MAG) is a Dutch non-profit organisation that represents the interests of (Dutch) motorcyclists. The MAG operates nationally as well as internationally and wants to make the voice of motorcyclists heard in policies that concern them. In Europe the MAG is represented by the FEMA, but the MAG itself is also actively involved in some policy areas in Brussels.⁹⁶

The implementation of a PTI would most likely cost Dutch motorcyclists (MAG members) money, so the MAG has a financial motive to be against a PTI. Of course a PTI does not only cost money, it could also be beneficial for the safety of a vehicle, but as will be shown, the MAG argues that the costs do not justify the benefits.

Framing of the issues

The MAG places strong emphasis on self-regulation and own responsibility for motorcyclists and is against unnecessary policy for motorcyclists. Policy should be based on (scientific) evidence & statistics and it should be proportional to the problem it tries to tackle. (Interview with Nico Perk) For motorcycle PTI this is not the case. (Interview with Nico Perk) The MAIDS study has shown that in only 0.3% of all accidents involving PTW's there was a technical defect in the vehicle that *primarily* caused the accident, the position of the MAG is that this percentage does not justify a PTI for motorcycles. The number of accidents caused by technical defects is very small and it is questionable whether a PTI would have prevented these defects.⁹⁷ Or to paraphrase the interview; it's like using an atomic bomb to kill a mosquito. In 5.1% of the accidents vehicle defects are a secondary cause, but for the MAG this number is still too small to justify a PTI.

Other countries such as Sweden already have a PTI for motorcycles, but because hardly any defects were found the intervals between the inspections were stretched. This provides the MAG with another argument against PTI, reality shows that PTI is unnecessary.

Further the MAG argues that (Dutch) motorcycles are usually in a good technical condition, mostly because of the small number of kilometres travelled per year and because motorcycles differ from cars, the important technical parts of the motorcycle such as the brakes and tires are more easily accessible, therefore defects are usually directly visible. Also, any defect to the chassis of the motorcycle has an effect on the riding behaviour of the motorcycle. Motorcycles should thus not be compared with cars (like CITA does), the vehicles differ too much. (Interview with Nico Perk)

It should be noted that the MAG is not against PTI's for motorcycles per se, if new (good)⁹⁸ research could prove that vehicle inspections can prevent a substantial number of accidents the MAG could be

⁹⁶ The implementation of a PTI would probably also cost the MAG members money, so the MAG has a financial motive to be against a PTI. Of course a PTI does not only cost money, it could also be beneficial for the safety of a vehicle, but as will be shown, the MAG argues that the costs do not justify the benefits.

⁹⁷ According to Nico Perk the chance that a problem is found during a PTI is rather small, components can wear out between inspections, people can switch defective parts only to pass the inspection and mount the faulty parts again after the inspection, if this is kept in mind it might well be that none of these 0.3% of the accidents could have been prevented by PTI's.

⁹⁸ Good meaning that the research design is acceptable for the MAG.

a proponent. But Nico Perk does not think that it is very likely that such research can be provided. Further, for the MAG the number of accidents should be large enough to justify the costs that PTI's involve for the motorcycle community. Not only in terms of the price for the inspections, but also in terms of the time that it takes for the motorcyclist to present his vehicle for inspection.

The MAG is willing to accept that a certain level of harmonisation of the rules for vehicle inspection in Europe, as it would be sensible that inspections in Germany are the same as in Spain if we want one European Union, but there are differences in the technical condition of motorcycles between the different member states, therefore some member states may need PTI's, but others may not. Harmonisation of the PTI regime in Europe is thus not warranted. (Interview with Nico Perk)

Another possible reason to implement PTI would be the environmental consequences of motorcycling. Here too the MAG is willing to cooperate, but stresses the necessity of good research. The MAG recognizes the importance of the environment and would be willing to accept measures that could reduce motorcycle exhaust emissions, but only if the necessity and effectiveness of these measures is proven and when these are proportional to the goals. According to Nico Perk until now no acceptable research that argues for the implementation of PTI exists and therefore the MAG is against.

According to the MAG the process was sufficiently open for the different stakeholders and everyone could have their say. The specific influence of the stakeholders is hard to identify as 'influence' cannot be seen by the naked eye, it is usually implicit in people's actions. It was noted that the testing and manufacturing industry is larger in terms of numbers of people and financial power compared to the MAG or FEMA, so it could well be that they have more influence. But again, this is more hypothesis than fact.

Recently the MAG and some other European motorcyclists' associations have started a petition against the *plans* for a PTI in Europe, as there is no evidence of a large problem with the technical state of motorcycles in Europe there is no need for consultations it is thought. At the moment (19-6-2011) more than 23.000 signatures have been gathered. (Website Motorrijders Actie Groep) In The Netherlands there are approximately 500.000 motorcyclists of which only about 50% is active, (SWOV : 1) so approximately 4.5% of the total number of motorcyclists and 9% of the active motorcyclists is against.. (Assuming all respondents are motorcyclists)

To summarize what has been said; The MAG accepts that there is a problem with motorcycle safety in general, accepts that there is a problem with the technical condition of vehicles and frames this in quantitative terms, using mostly the percentage of 0.3% from the MAIDS database. (But acknowledging the 5.1%, although this was hard to find in the documents on their website) The *possibility* that there is a problem with the emissions is also accepted, but these problems of safety and the environment are framed as relatively small and unknown respectively. According to the MAG there is no need for a harmonized PTI for motorcycles; the effectiveness of a PTI in reducing either the number of accidents or the emissions is yet unknown and (based on the available statistics) the benefits do not weigh up to the costs. The MAG argues that the problem at hand can be adequately solved with the solutions that already exist. (Such as policing and roadside inspections)

6.7 Members of the Dutch parliament

Another group of stakeholders in this case are the national parliaments. It does not lie within the scope of this study to analyze the position of every European member state government, but it is interesting to see what some national parliaments think of PTI. As there was no language barrier for studying the position of Dutch parliament, it was the most obvious case to analyze. So in this section the positions of the different members of the Dutch parliament will be described.

Framing of the issues

The Dutch parliament appears to be against a harmonized PTI for PTW's in Europe. Sander de Rouwe (CDA) mentions the low share of accidents that can *primarily* be explained by the technical condition of a vehicle and argues that a PTI is unnecessary for this reason. (Tweede Kamer 2010:5) He further says that if Europe still decides to implement a PTI he will not hesitate to use the "yellow-card-procedure" whereby Europe has to reconsider whether it is indeed the most appropriate level to tackle the issue at hand. (Tweede Kamer 2010:5)

Other members like Neppérus (VVD), Roemer (SP), Madlener (PVV) and Roefs (PvdA) were also against a harmonized PTI for PTW's, they argue that the small number of accidents caused by a vehicle deficit does not justify a drastic measure like a PTI. Some of these members also argued that there are already plenty of measures in place to control for faulty vehicles. (Tweede Kamer 2007:1-2)

There were also some members of parliament who expressed their dissatisfaction on twitter Cora v.d. Nieuwenhuizen (VVD) twittered that she was against the 'ridiculous' plans for a motorcycle PTI (Cora van Nieuwenhuizen – Twitter), De Rouwe twittered that he got strong national support for his plea against a PTI for motorcycles and that Europe should do the same. (Sander de Rouwe – Twitter) Finally, Han ten Broeke (VVD) also doubted whether Brussels was the right place to tackle a PTI for motorcycles and emphasized the administrative burden. (Han Ten Broeke – Twitter)

The minister of traffic at the time of the meeting (30-11-2007) Camile Eurlings also said that he did not see any reason to implement a PTI for motorcycles. In the Netherlands motorcycles are used mainly for recreational purposes and are generally in good condition, that's why accidents in Holland are seldom caused by technical defects. Another argument that's often heard is the noise and exhaust gasses that motorcycles emit, the minister thinks that a PTI cannot prevent this as people would swap their exhausts before and after the PTI. The minister did however not totally reject the possibility, he wanted to do further research, but until research has proven a PTI to be necessary Eurlings does not see a reason to implement a PTI for motorcycles in the Netherlands. (Tweede Kamer 2007:3)

In sum: the whole Dutch parliament, from left to right seems to be against a PTI for motorcycles, they emphasize the small percentage of accidents that can be primarily explained by vehicle defects, the administrative burden, they doubt whether this issue should be tackled in Europe and they also doubt the effectiveness of a PTI to tackle the environmental problems. (Although they do see the environmental consequences of motorcycling as problematic.) Eurlings did however leave open the possibility for new research that proved that a PTI might work, but did not think this was likely.

So here too the problem is framed in quantitative terms and as the problem is seen as being relatively small a solution would probably not contribute much to the broader problem of traffic safety.

6.8 In sum

The frames that the different stakeholders employ can be summarized as follows:

Stakeholder	Safety		Environment/exhaust noise		Financial stake?	
	Problem	Solution	Problem	Solution	Pays	Receives
ACEM	Yes, substantial	PTI	Yes	PTI		x
CITA	Yes, substantial	PTI	Yes	PTI		x
European Commission	Yes, substantial	Mildly positive towards PTI	Yes	Mildly positive towards PTI		
DEKRA & VdTÜV	Yes, substantial	PTI	Yes	?		x
FEMA	Yes, Small	No Harmonized PTI	Yes	Yes, shared responsibility	x	
MAG	Yes, Small	No Harmonized PTI	Yes	No effective solution avail.	x	
Dutch Parliament	Yes, Small	No Harmonized PTI	Yes	No effective solution avail.		

7. Conclusion

In this section the information presented in the previous sections will be analyzed and linked together. First the policy making process for the Road Safety Action Programme and the recommendation for harmonizing motorcycle PTI in Europe will be described, with special attention for its resemblance to either the new forms of governance or classical community method characteristics. Then the frame conflict between the different stakeholders will be analyzed with special attention for the new forms of governance or classical community characteristics in this frame. When this has been done the specific influence of the characteristics of either the new forms of governance or classical community method on the conflict will be described and the links between the theories will be explained.

7.1 The process

As was shown on pages 29 through 31, the Road Safety Action Programme had all the characteristics of a new form as all six features of such new forms are more or less present. The recommendation for a PTI was different from most recommendations in the programme, it appears to be one of the area's with the least participative and power-sharing characteristics and resembles the architecture of the classical community method. Together with the enforcement of road safety it is the only area where the Commission proposes harmonisation of legislation. In other areas the Commission usually puts forward their intention to do more research, or to cooperate with other stakeholders to advance certain goals. Take for example the fitting of advanced braking systems, here the ACEM (in cooperation with the Commission) committed itself to make 75% of street motorcycle models offered on the market in 2015 available with an advanced braking system (Paraphrased from Website ACEM c)

7.2 The different stakeholders and their positions

Globally two groups of stakeholders can be identified in the policy process; those in favor of a harmonized motorcycle PTI and those against. In this section the frames of the different stakeholders will be analyzed, focussing on the conflicting and consensual parts of the frames.

7.2.1 Safety

All stakeholders acknowledged that there were problems with the technical condition of (some) motorcycles in the EU, the disagreement was over the size of this problem and the related question of whether this problem required a (new) solution. Some stakeholders emphasized the 'other' causes identified in the MAIDS study and rarely mentioned the primary causes, others emphasized the primary causes and hardly ever mentioned the secondary causes.⁹⁹ As the way a problem is framed has strong implications for the solution that is proposed, it is not surprising to see that the stakeholders that emphasized the largest percentage¹⁰⁰ (the 'other' causes) were proponents of a harmonized PTI system in Europe, while the stakeholders who emphasized the smallest

⁹⁹ Most parties used both numbers, although not in every document/interview, of course the number that fit their position best was mentioned most often.

¹⁰⁰ Those were the ACEM, CITA and DEKRA/VdTÜV

percentage¹⁰¹ were against *harmonisation* of the system¹⁰²; they were not necessarily against a PTI in general, but argued that the decision to implement a PTI should be made on a national level. Further most stakeholders emphasized the lack of data on motorcycle accidents and the need to collect such data. For example there is no data available about the influence of a PTI for *motorcycles* on reducing the number of technical defects and/or accidents.¹⁰³

This lack of (consensual) data is probably one of the main reasons for the existence of the frame conflict, stakeholders can not always base their opinion on the available knowledge only, they (always) have to interpret the data and assume some parts of their argument. This is also visible in the argumentation of the proponents and opponents of a PTI. Proponents argue that the numbers of vehicles that display *technical defects* are higher in reality than they are in the MAIDS study. They then (implicitly) argue that these technical defects lead to accidents. But the specific relation between technical defects and accidents is unknown, no data about this relation were found, it is assumed that these automatically lead to a reduction of accidents.

Opponents do not explicitly focus on the technical defects that vehicles display, instead they focus on the *numbers of accidents* caused by such technical defects and argue that this number is not big enough to justify a costly measure such as PTI. Whether a vehicle displays technical defects is thus only important to them when it actually leads to an accident.

Another point of disagreement is the question of whether a PTI is a good measure for preventing technical defects. Generally proponents argue that this is the case for cars and thus is the case for motorcycles (DEKRA 2010:19-20), the stakeholders who oppose PTI argue that the construction of a motorcycle is totally different from that of a car and argue that the two should thus not be compared.

The lack of data also made it difficult to perform a cost-benefit analysis for a motorcycle PTI and therefore researchers of the Autofore study had substantial room to put their own interpretations and assumptions to the issue. Although they did not know what the costs of a PTI were, they argued in favor of a PTI.

Most of the proponents also made the recommendation to gather data, but argued that a PTI should already be implemented in the meantime. It thus appears that they *assume* that the new data confirm the necessity of a PTI. This data is probably being gathered in the impact assessment, but it remains questionable whether all parties will see these data as legitimate, as the research is led by the Commission. It could well be expected that the data will be gathered and interpreted from the frame of the Commission which is mildly positive towards a PTI. A better option would be joint fact finding, whereby the different stakeholders first agree on which specific data should be collected in which specific way and how these should be interpreted. Only when consensus has been reached on these

¹⁰¹ The FEMA, Dutch Parliament and the MAG

¹⁰² Note that this way of describing the issue makes it look as if the framing of an issue has a one way causal influence on the position of a stakeholder. It could however also be the other way round, that the position of the stakeholder influences his frame, and it is also possible that the causality works in two ways (which is most likely the case)

¹⁰³ Such data is available for cars and this is sometimes used by the CITA, the MAG however argues that cars and motorcycles are different and that as long as specific motorcycle data is lacking, there is no reason to implement a harmonized PTI.

criteria the data will be gathered. The result is data in which all stakeholders have participated and thus such data is usually more legitimate.¹⁰⁴

7.2.2 The environment

The environmental aspects of a PTI were also a part of the discussion, but these aspects did not get as much attention as the safety aspects. In the discussion about the environmental aspects different solutions were suggested. All parties agreed on the broader goal of reducing exhaust emissions and thereby creating a greener environment, but the exact means to accomplish this end was the subject of discussion. The CITA and ACEM proponents of a cleaner environment and reduction of exhaust noise, they proposed exhaust/emission testing through PTI to accomplish these goals. (Also for vehicles already on the market.) DEKRA & VdTÜV are proponents of a cleaner environment, but their opinion about a PTI to accomplish this goal was not clear. The MAG was against environmental measures and measures for reducing exhaust noise as long as no 'good' research had been done to prove the effectiveness of such testing, their president further said that testing for sound levels would be absurd, as people will replace their exhausts before and after inspections. The FEMA saw the necessity of environmental measures, but was against a PTI and instead argued for systems of In Use Compliance, whereby the responsibility for the 'environmental condition' of a vehicle is shared between manufacturers and vehicle users. Both the MAG and the FEMA were against PTI's for vehicles already on the market as this would be unfair for the owners of such vehicles. (Contrary to the CITA and ACEM, who were proponents of PTI's for these vehicles too.) The Dutch Parliament was against a PTI for environmental reasons for the same reasons as the MAG. The Parliament did leave open the options for further research, but didn't *seem* to think that such research would prove the necessity for a PTI in the Netherlands. The European Commission appeared to be mildly positive towards a PTI for accomplishing the ends, but wanted to further research the options at hand.

7.2.3 Other stakeholders?

It is interesting to see that there is hardly any involvement by the general public, the ETSC for example didn't mention a PTI at all. Most of the lobbying for or against a PTI comes from stakeholders with a financial stake in such inspections. The only stakeholders without a financial stake that were treated in this study are the European Commission, the Dutch Parliament (who are also the target of lobbying campaigns of the stakeholders) and to a lesser extent the ETSC; the Commission is mildly positive towards a PTI, the ETSC didn't include any recommendation regarding a PTI in their report and the Dutch parliament is against¹⁰⁵ although it was interested in the results of further research.

7.2.4 In sum

The different parties did seem to agree on the higher level (metacultural) frames they used; almost all parties used CARE data to identify the problem and agreed on the need to reduce the number of motorcyclists that die each year as well as the number that gets injured. The goal of reducing exhaust

¹⁰⁴ More *scientific data* is not always the solution for a frame conflict, but here all parties seem to agree on using 'scientific data' to support their policy positions, therefore it is likely that new data created in cooperation with the different stakeholders can help them reach an agreement.

¹⁰⁵ The MAG however lobbied with members of the Dutch Parliament against a PTI, so it can be expected that they had influence on this position. (Interview Nico Perk)

emissions also received wide support. The parties further seemed to agree on the use of statistics and scientific data to define the problems at hand, the MAIDS and CARE statistics were for example widely used and no stakeholder argued against the use or validity of these statistics. Only the DEKRA used other statistics in their report about motorcycle safety, but this was a national report, so it makes sense to use national data and it doesn't mean that the DEKRA does not accept the MAIDS data.

The disagreement was mostly about the way the stakeholders framed the data and the solutions these frames implied, so in terms of Hoppe (2010:16) the problem could best be typified as moderately structured with goal consensus.

This is interesting to see; there is broad agreement on the general goals of the Road Safety Action Programme (or better said, there is consensus about the metacultural/institutional frames), but on a lower level of framing (the level of the PTI recommendation), there is disagreement over the framing of the issues. The number of frames in use is however limited.

7.3 New forms of governance and the frame conflict

In the previous section the frame conflict between the different stakeholders was analyzed. In this section the influence of the specific governance arrangement on this conflict will be analyzed.

The various stakeholders in the process did seem to (implicitly) agree on most of the goals from the new Road Safety Action Programme as well as on the use of MAIDS and CARE data. (But although the MAIDS study was seen as a legitimate source of data, the numbers from the study that were used, as well as the interpretations given to them were different.)

It is interesting to see that all of the previously mentioned data and programme were created in close cooperation with the different stakeholders and/or in ways that resemble the new forms of governance.¹⁰⁶ This appears to be an important explanation for the success of these projects. The settings in which these were created, and especially the fact that the power was shared between the different stakeholders appears to have had a positive influence on the legitimacy of the results. As the power was shared, all parties had influence on the creation of the final product. No single party could push forward their own frame and they thus had to cooperate to get something done. Because all stakeholders took part in the creation of the result, it is not likely that stakeholders will reject it. The importance of such a sense of 'ownership' is also emphasized by the ETSC, who state the following in their blueprint for the new action programme: "Reaching these goals is not only a task for the European Commission, according to the ETSC *it is essential to cooperate with the different stakeholders to reach these goals. This would create a feeling of ownership and commitment to*

¹⁰⁶ The CARE database did not receive much attention in this research, so some of the characteristics will be outlined in this footnote. The CARE database is a European database containing the data of different national databases. For a long time there was no uniform format for these national statistics so these were recoded into the European database. But recently a project was started to create a 'Common Accident Data Set (CADaS)' for the description road accidents. The definitions from this format were designed in close cooperation with the different stakeholders, the format is free of hierarchy, allows for flexibility as it can be adjusted by the member-states and the different member-states will be free to choose whether they use this format. (European Commission 2011:2-10 & European Council 1993) It thus shares features with the new forms of governance approach to policy making.

reaching this target. Also, an explicit recommendation is made for a consultative phase prior to a new road safety action programme.” (Townsend & Avenoso 2008:36, Emphasis added)

It should however be noted that the broader goals of the *action programme* appear to be derived from the macro frames of the stakeholders. At these higher levels of framing the frames are usually more consensual than there is on lower levels. This does however not apply for the maids study and care data, these appear to be based a lower level (policy) frame.

The recommendation for a PTI together with the Autofore study were quite different. The Autofore study was written by CITA members *only* with no cooperation from other stakeholders. (The MAIDS study for example was written in cooperation with the different stakeholders.) Further, these members usually had a financial stake in the issue. This could explain why this study was not accepted by all stakeholders. As for the PTI recommendation, the stakeholders disagreed on the framing of the technical condition of the motorcycles and therefore they also disagreed on the necessity of a harmonized PTI. The harmonisation of PTI as a policy option is determined in a somewhat more closed setting with power differences, in a way that resembles the classical community method. This seems to be the explanation for the lack of consensus, but this will be explained more precisely in the next sections.

7.3.1 Power & Rationality in the PTI process

In an interview with an anonymous stakeholder it was mentioned that some organisations had more capacity to influence than others, as they had more financial resources and personnel, put differently, organisations like the ACEM, CITA, DEKRA and VdTÜV, with large budgets and numerous policy experts/lobbyists working for them probably had more influence (power) in the policy process than for example the FEMA or MAG, who mostly depend on volunteers, have small budgets and limited personnel. This is not to say that the consultation phase for the Road Safety Action Programme was biased, all the interviewees emphasized that they were treated equal by the Commission and had equal access to the process. Some parties could just make better use of the opportunities given than others. A good example is the research done by some stakeholders. Both the CITA and DEKRA have published research that shows the necessity of a PTI for motorcycles. (References to) Such research are a way of influencing the Commission, and thinking about PTI in general.¹⁰⁷ Not all stakeholders have the means to write such research, at best they can be a partner, like in the MAIDS study, so they can not influence policy in this way.

Further there was also an imbalance of power between the Commission and the stakeholders. The European Commission included different perspectives in the process, but the final decision whether or not to use the input from the consultations was up to the Commission. In 1969 Arnstein wrote an influential article about citizen participation in policy processes. In this article she put forward the concept of a participation ladder on which participation processes could be ranked from high to low based on the power given to the participants. The consultation process that the European

¹⁰⁷ This is not to say that these companies do bad research, as shown in the theoretical part of this thesis all research starts from a frame, value-neutral research does thus not exist, but being able to conduct such research while others are not puts you in a position of power.

Commission set up would probably be on the 4th or 5th level of this ladder,¹⁰⁸ 'Consultation' or 'Placation' respectively. At these levels of participation the party that holds the consultation invites various stakeholders and does listen to them, but in the end takes its own decision and can thus neglect the input from the participants. Although the Commission does allow for some participation and influence from stakeholders, in the end the Commission takes the decision. The new modes of governance would probably rank higher, depending on the specific arrangement this would rank between the 6th and 8th level of this ladder, in such participation processes the power differences between the different stakeholders and the government are minimal. (Arnstein 1969:10-3) The Road Safety Action Programme would probably rank around the 6th level of this ladder 'partnership', here the power is shared between the consulting and the consulted parties.

A critical reader might ask why the programme is ranked higher than the specific part of the programme, as they were created in the same process. The answer is that although the process was the same, the influence that the Commission gave to the stakeholders appears to be different for the various policy areas. Of course the Commission has the ultimate power in this process, but it can choose to accept more or less input from the public for certain areas. By doing so the Commission can move up or down in the ladder. The programme in general seems to be based for a large part on the blueprint written by the ETSC, which is a collective of stakeholder organisations, this indicates that the Commission had gave substantial power to the participants and therefore the programme is ranked higher than the PTI process, in which substantial power differences were present.

The relatively closed character¹⁰⁹ of the policy network analyzed here, together with the large power differences does not accommodate the political aspects of policy making very well. Such networks are great for tackling structured problems, where there is consensus about the interpretations of reality, but usually do a poor job in solving frame conflicts where such consensus is lacking. If there are power differences in a network, this *can*¹¹⁰ have its influence on the legitimacy of the frames used in the process. In situations where the power differences are substantial it is possible for actors in positions of power to make their frame dominant, even though these frames do not (always) generate broad support in the wider configuration of stakeholders, or from the general public. This is why the 6th 7th or 8th levels of Arnsteins participation ladder are generally seen as the best levels for tackling policy conflicts.¹¹¹ At these levels power differences are small and the different stakeholders are thus forced to cooperate to find a solution. In such settings the stakeholders will usually resort to deliberation to select the best frames on the basis of the best arguments, instead of selecting the frames supported by people in positions of power.

¹⁰⁸ Out of 8, where 8 is the highest level of participation achievable, the ideal.

¹⁰⁹ The network is not necessarily closed in the sense that the participation is limited, but the network is kept out of publicity and therefore relatively immune for influences from outside.

¹¹⁰ This is not necessarily the case, *if* people in a position of power share the frame of the general public (structured problems) there are usually no problems.

¹¹¹ Although Arnstein does not make this distinction they would probably be best suited for moderately structured problems, structured problems could be tackled fine with lower levels of participation.

These power differences appear to be the reason why the frame conflict about the technical condition of motorcycles in the EU and the necessity of a PTI is not resolved. There are substantial differences of power between the proponents and opponents. As argued earlier proponents like the CITA or ACEM have more financial means than for example the FEMA. Further, the Commission, which is mildly positive towards a PTI has the ultimate power to decide on the issue. (Although it does take into 'consideration' the positions of the different stakeholders put forward in the consultations)

Because of these power differences between the proponents and opponents, no consensus on the frames is needed. The people with the most power can make their own framing of the issue dominant, even though this is not the best frame from an interpretative point of view.

In an interview with an anonymous stakeholder it the stakeholder said that no real efforts had been made to identify either the problem or the solution. The only thing that had been considered was harmonisation of PTI, only the problem had to be found. This was denied in the interview with the Commission Official, although he said that the Commission was mildly positive towards a PTI. The documents that were analyzed do however seem to confirm the words of the former interviewee. Although sometimes alternatives such as roadside inspections were mentioned by the proponents of a PTI, they did not get as much attention as a PTI. The Autofore study, as well as the consultation for the new Road Safety Action Programme (2010a:73) also seem to confirm this finding, harmonisation of PTI for motorcycles is recommended despite a lack of information about the costs or benefits; PTI should be implemented and research is to be done afterwards. It was as if the solution had already been identified by some of the stakeholders and they were only waiting for a *window of opportunity* where the general public was ready for such as solution and it could be coupled to a relevant problem. (Kingdon 1984) This is the complete opposite of what Hoppe recommends, he recommends that the problem should first be identified, and then the solution. (But he also acknowledges that this usually is not the case, resulting in sub-optimal policy.)

This makes one wonder why there was such a strong focus on this particular solution, *officially* the proponents argue that the solution is needed as it helps reduce the numbers of accidents and exhaust emissions, but in interviews with Aline Delhaye and Nico Perk they mentioned that financial motives may be another explanation for the strong attention for this solution. The only stakeholders in this discussion are stakeholders who represent groups that will either have to pay for PTI, or will make money from it, the positions of the stakeholders can be explained perfectly by their financial stake. Those who will have to pay are against, and those who will probably make money from a PTI support the policy. This is not to say that financial reasons are the only reasons to be for or against a PTI, (only the FEMA and MAG explicitly emphasize this aspect) but it is interesting to take note of.

The differences of power between the different stakeholders can also explain why the FEMA and MAG are actively trying to introduce European citizens and parliament(s) into the discussion, while others are not.¹¹² Ultimately, European Policies have to be legitimate for the European citizens and

¹¹² They do so by searching publicity and lobbying at the national parliaments. (interview Nico Perk) It is also interesting that these organisations seemed most interesting in participating in this research. Further, in an interview with Aline Delhaye she stated that if the discussion would become public she believed that

member states as these can question the legitimacy of the policy and even the institutions. The citizens can thus exert substantial influence on the European institutions and to a lesser extent also the stakeholders. If the FEMA and MAG are able to influence the citizens and make the citizens support their position this could make them more powerful. Other stakeholders do not have to do this yet, as they are already in a position of power and it is questionable whether their frame is shared in the broader context.

7.3.2 New forms of governance, power and PTIs

It is likely that a 'new forms of governance' approach would be better suited to solve the issue of PTI as such an approach is based on equality of power, which forces the participants to pay attention to the selection the best argument.

This can be seen from the finding that the participative aspects of the study, where power is shared between the different stakeholders appears to be better suited for creating consensus about the frames and further it seems quite obvious that the Classical community method certainly is not very effective for solving the frame conflict. This finding is confirmed by Jacobsson (2002) who has shown that the shared creation of knowledge is an important mechanism for explaining the effectiveness of "soft law" in the European Union. To cite from Jacobsson (2002:364)

"Potentially, due to the lack of force and the reliance on persuasion, this mode of governance is characterized by a more communicative logic than the traditional legislative processes; that is, more arguing than bargaining. This is confirmed by research on the inter-action within the newly established committees."

Further, new forms usually do not require complete consensus on policy (frames), the new forms can (temporarily) accommodate different policy frames, as long as the stakeholders agree on the broader frames and eventually they could lead to reframing. Put differently, new forms of governance allow for different national policies, but these have to contribute to the realisation of the broader goals. (Reducing the number of people killed) At some point it might be expected that the policies will converge, as some policy program will eventually prove to be more effective.¹¹³ (Borra's & Jacobsson 2004:190-1 & Jacobsson 2004:357)

For example; not every country may agree on the necessity of PTI's and thus some countries might implement PTI's for motorcycles, while others do not. As the countries will have to regularly report on their progress towards the broader goals of the programme, reducing the number of accidents (on which all stakeholders agree) it will soon become obvious whether a programme works or not. As these programmes are evaluated together with the different member states, they will most likely

the manufacturers and testing institutions have to change their positions as the general public would not support their interpretations. This is affirmed by the Autofore study in which the general public is expected to be against a PTI and it is also interesting to see that the ETSC does not include any statement about a PTI in its blueprint for the new Road Safety Action Programme. Further the MAG petition against a PTI also generated substantial response.

¹¹³ When some programme is seen as more effective for realising the broad goals of the action programme, (which are derived from the broader frame) it is likely that these will be adapted by other stakeholders, which is indicative of a frame shift. This is thus another mechanism whereby the new forms of governance can lead to frame consensus.

accept the results of this evaluation. So if PTI's indeed work, the countries that do not yet have such regimes may come to see the advantages (change of frame) and implement PTI's themselves.

One may wonder why the Commission approached the issue of PTI in a way that resembles the classical community method, when a new forms of governance approach would yield better results. The explanation probably is that type-approval and PTI are one of the only area's of traffic safety where the European Commission has legislative competences. So for the areas of the action programme where the Commission does not have competences it uses a new mode of governance approach and for the areas where the Commission does have legislative competences it clings to its position of power.

The findings of this study however show that it would be better to choose the type of approach based on the character of the problem to be solved, instead of the legal competences that one has for solving it. This would require the Commission to climb the ladder of participation by giving in some power, but it would most likely also produce more legitimate policies.

Another explanation might be that the Commission simply does not know why new forms of governance work for some situations and why the community method does not, let's hope that this study contributes to this understanding and helps to provide better policy in the future.

8. Discussion

In this section the results, the process and the implications of this research will be critically examined with special attention for the points of improvement and/or future research. First there will be attention for the way the research progressed, focussing on the points that could be improved and the implications of this for this thesis. Second the results will be critically analyzed focussing on some subjects that were not analyzed here, but would be interesting for future research and finally some predictions will be made about the future of the process that was analyzed here.

8.1 The research process

Although the intention was to hold an interview with representatives from every analyzed stakeholder party, this was not possible. An e-mail was sent to members of the European Commission, ACEM, CITA, FEMA and MAG.¹¹⁴ All stakeholders except ACEM and CITA responded to the first mail and were willing to cooperate. As ACEM and CITA initially did not respond a follow up e-mail was sent to members of this organisation, the ACEM member still did not respond, but a member of CITA did, he said that he was willing to cooperate and asked for a topic list, which was sent, but unfortunately he did not reply to my e-mails anymore after I sent the list.

So interviews were held only with members from the European Commission, FEMA and MAG. This has its implications for the results. Interviews usually lead to a better understanding of the process as the researcher can verify his interpretations of what has been said with the interviewee and the interviewee might present new insights or inside information that cannot be found in the documents. As no *companies* that were proponents for a PTI were interviewed it could well be that some information about their position is missing. On the other hand the fact that the members ACEM and CITA did not respond to the e-mails could also indicate that they do not want to attract too much publicity. But this suggestive and cannot be proven.

This lack of interviews was mostly a problem for the testing companies, as the documentation about their position was hard to find. The ACEM published numerous position papers, statements and other documents about a PTI. The opinions of members of the Dutch parliament were also easy to find and access. Further the information about and the contributions from the individual stakeholders to the different consultations was available, so apart from the interviews there was substantial data to analyze the positions of every stakeholder.

Another 'issue' is that every individual stakeholder in the process was analyzed because of the limited time available for this research. But this is a minor issue as the most active contributors to the debate were analyzed and thereby most important frames were captured. So even though some stakeholders are missing, their opinion is most likely reflected by other stakeholders.

Further it's worth mentioning is the issue of subjectivity. As was argued, all people use frames to interpret reality, objective positions do not exist. This was a reason to critically study the research that

¹¹⁴ No e-mails were sent to DEKRA, VdTÜV or the Dutch parliament as initially they were not identified as (important) stakeholders in this process, this happened later on, but then it was too late to contact them.

was conducted by the different stakeholders, but should also be a reason to critically study *this* thesis; in the end it's also written by a researcher and a holder of certain frames. My frame (the researcher) can best be typified as a mix of the frames employed by FEMA and ACEM, whereby the frame that FEMA employed is dominant, but wherein the position of the ACEM is also acknowledged and seen as reasonable.

Although this issue can not be circumvented, I've tried to be as 'objective' as possible and to reflect on the influence of my own frames as much as I could. Further I've also asked other people to read (parts) of this thesis to comment on it, paying special attention to whether it looks subjective or not.

8.2 Future research?

It was interesting to see how the participative aspects of the new forms of governance generated consensus on the use of data and frames and how the community method was unable to do so. Research into the relation between the two theories as was done here is however rare. (The only study with the same focus that was found was that by Jacobsson (2002)) Nevertheless this link appears to be a good explanatory factor for the success of new forms of governance for some cases and the failure of the community method for these cases. Unfortunately this thesis suffered from some problems, not every stakeholder could be interviewed and the case had a difficult character. Nevertheless the failure of the classical community method and the success of the new modes could be explained quite well and research by Jacobsson (2002) affirmed this link.

It would thus be interesting to further investigate this link. This could provide further insight in the link between the two theories and could help to argue for the use of use new modes instead of the community method for certain types of problems, which would ultimately lead to more legitimate policy (proposals).

Also, in this research the relation between the community method, new forms of governance and moderately problems was researched. It would be interesting to do research into the effectiveness of the classical community method for tackling structured problems.

Another subject for future research is the question of whether the Commission explicitly chooses for a specific approach to a policy problem and the related questions of why it does so and if the criteria for choosing the approach should be changed. From what was found in this research the Commission does not seem to choose explicitly for a certain way of tackling a problem. The (implicit) choice for the approach to be used is most likely based on the competences of the Commission, not on the type problem. The theory and results of this research do however show that it would be better to choose the approach based on the type of problem that the Commission wants to solve.

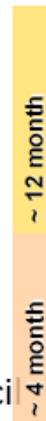
To do so the Commission should recognize that policy making is not a process of simply finding the best solution to a problem, but is also a political process of giving meaning to reality.

8.3 Future prospects for the policy process

The European Commission is currently in the process of preparing the legislative proposal for a PTI, it is analyzing the responses to the consultations and working on an impact assessment. (This is a sort of cost benefit analysis, where the potential effects of the proposed legislation are researched.) When this is done the Commission will put forward their proposal for legislation to the European Parliament which then has to decide on this legislation. When (or perhaps: *if*) this legislation passes the

European Parliament this will have to be implemented by member states and the ECJ will oversee the implementation. The following figure provides an overview of the process:

- **Impact Assessment**
 - Consultation
 - Impact Assessment Study (Contractor)
 - Impact Assessment Report (Commission)
 - Impact Assessment Board
- **Inter Service Consultation**
- **Translation (23 languages)**
- **Adoption by Commission**
- **Submission to European Parliament and Council**



(Source: Walter Nissler 2011)

There is however an issue with the impact assessment, there is no consensus about the problem definition, but the Commission is already searching for a solution. The 'best' solution that will be identified in the impact assessment could well be a solution for a problem that is structured using power and not by deliberation. It can therefore be expected that the solution not be accepted by the general public as not everyone seems to share the frame of the Commission. Think for example of; the petition started by the MAG, they have already collected more than 23.000 signatures in the Netherlands, the Dutch parliament which is against, the anticipated reactions of the citizens in Autofore and the fact that the ETSC did not call for PTI in their blueprint.

Had the Commission put more emphasis on structuring the problem together with the stakeholders, before trying to find a solution, the not risk that the solution identified in the impact assessment will not be seen as legitimate would have been much smaller.

But the Commission is not the only actor to decide on this legislation, the European Parliament also has to approve the legislation, it is unknown whether they plan to do so.¹¹⁵ If they do, they accept a plan that will most likely meet resistance from some member-states and motorcyclists. If they don't the Commission has wasted their limited resources. (In reality however it is likely that some sort of compromise between complete rejection and complete acceptance will be the result)

¹¹⁵ This assumes that the impact assessment will plead in favor of a PTI, the anonymous commission official thought that this would be the case, and the interpretation that will most likely be given to the results of the assessment will probably be a positive one. Although unlikely, it is possible that the impact assessment does not recommend a PTI.

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Interviews

- 5-30-2011 – Interview with an anonymous DG MOVE Commission official, Brussels
- 5-26-2011 – Interview with Aline Delhaye, General Secretary of the Federation of European Motorcyclists’ Associations (FEMA)
- 5-23-2011 – Interview with Nico Perk, president of the ‘Motorrijders Actie Groep Nederland’ (MAG)

Abbreviations

ACEM - Association des Constructeurs Européens de Motocycles

CITA - Comité International de l'Inspection Technique Automobile

DG – Directorate General

ECJ – European Court of Justice

EES –European Employment Strategy

FEMA – Federation Of European Motorcyclists' Associations

IUC – In Use Compliance

L-type vehicles – See PTW

L1 vehicle – Mopeds and Mofa's

L3 vehicle - Motorcycles

MAG – Motorrijders Actie Groep nederland

MAIDS – Motorcycle Accident In Depth Study

PTI – Periodic Technical Inspection(s)

PTW – Powered Two Wheeler(s) includes motorcycles, mopeds and mofa's (L1 and L3 categories)

Old Road Safety Action Programme –Road Safety Action Programme for the period 2003-2010

New Road Safety Action Programme –Road Safety Action Programme for the period 2011-2020

TÜVs - Technischer Überwachungs-Vereins

Annex I¹¹⁶

Primary funding organisation

- European Commission Directorate-General for Energy and Transport (DGTREN)

Co-funding organisations

- A-Inspection Ltd (Finland)
- APPLUS+(Spain)
- Bilprovningen (Sweden)
- DEKRA (Germany)
- Driver and Vehicle Testing Agency (Northern Ireland)
- GOCA (Belgium)
- GPCTA(France)
- National Car Testing (Ireland)
- RDW (Netherlands)
- SNCT (Luxembourg)
- Vehicle and Operator Services Agency (Great Britain)
- Verband der TÜV e.V (Germany)

¹¹⁶ Cited from CITA 2007a:45

Annex II¹¹⁷

European Road Safety Action Programme 2011-2020

Results of the public consultation

Brussels, 2 December 2009

08h30 – 09h30 **Registration of the participants**

09h30 – 10h00 **INTRODUCTION**

- Mr Antonio Tajani, Vice-President of the European Commission in charge of transport
- Mr Leif Zetterberg, Secretary of State for Communications, Sweden, Presidency of the European Union
- Mrs Silvia-Adriana ȚICĂU, Vice-Chairwoman of Committee on Transport and Tourism, European Parliament

10h00 – 10h30 **PROBLEMS AND STATE OF PLAY**

Assessment of the results of the current European Road Safety Action Plan (2001-2010)

- Mr Enrico Grillo Pasquarelli, Director Inland Transport, DG TREN

First results of the public consultation on the next European action programme (2011-2020)

- Mrs Isabelle Kardacz, Head of the Road Safety Unit, DG TREN: Presentation of the main results of the six workshops on specific topics and of the public consultation on Internet

10h30 – 11h30 **PANEL 1: SAFETY OF VEHICLES AND OF INFRASTRUCTURE**

"Grand Witness": **Mr Francesco Gori, CEO of Pirelli Tyre and President of ETRMA**

Moderator: **Mr Alex Taylor**

The panellists have the floor:

- The safety of motorcycles: Mrs Aline Delhayé, General Secretary of FEMA
- Road safety and the vehicles of the future: Mr Pete Thomas, Professor at the University of Loughborough
- Road safety and climate change: Mr Jos Dings, Director, Transport and Environment
- Infrastructure adjusted to all road users: Mr Angel Lopez, Vicemayor of the City of Barcelona
- The supervision of the safety of the roads and motorways: Mr Maurizio Rotondo, Chairman of the committee on road safety of ASECAP
- The challenges of the future in road safety, for infrastructure: Mr Rik Nuyttens, 3M, Vice-president of ERF

¹¹⁷ Source: http://ec.europa.eu/transport/road_safety/pdf/2dec/programme_en.pdf (Last visited 6-20-2011)

11h30 – 12h30 **DEBATE WITH THE PARTICIPANTS**

12h30 – 13h00 **Launching the new Internet EUROPA website on road safety and in parallel, press conference and 2009 Award ceremony of the European Road Safety Charter**

13h00 – 14h15 **Lunch**

14h30 – 15h30 **PANEL 2: THE EUROPEAN CITIZEN, ACTOR OF ROAD SAFETY**

"Grand Witness": **Mrs Michèle MERLI, Déléguée interministérielle à la sécurité routière (France)**

Moderator: **Mr Alex Taylor**

The panellists have the floor:

- The road victims: Mrs Vassiliki Danelli-Mylonas, President of Board of the Road Safety Institute "Panos Mylonas", Athens
- The professional drivers: Mr Wieslaw Starostka, Director General ZMPD, Road hauliers association of Poland
- The public authorities: Mr Jörg Wagner, Ministerialdirigent, Leiter der Unterabteilung Straßenverkehr, Berlin
- The traffic police: Mr Demetris Demetriou, Chief of the traffic police from Cyprus
- Doctors helping vulnerable road users and elderly people: Mr Mark Tant, Neuropsychologist Researcher, Head of CARA Department – IBSR, Brussels

15h30 – 16h30 **DEBATE WITH THE PARTICIPANTS**

16h30 – 17h00 **Coffee break**

17h00 – 17h30 **Conclusions of the panel discussions by the two "Grand Witnesses"**

17h30 – 17h45 **Closing of the conference:**

Mr Antonio Preto, Head of Cabinet of the Vice President of the European Commission in charge of Transport:
"Next steps"

18h00 – 19h00 **Cocktail (without alcohol)**

Annex III¹¹⁸

The ACEM Members

Manufacturers

- BMW Motorrad
- Bombardier Recreational Products
- Ducati
- Harley Davidson
- Honda
- Kawasaki
- KTM
- Peugeot
- Piaggio
- Suzuki
- Triumph
- Yamaha

National Associations

- AIA, Automotive Industry Association (Czech Republic)
- AIMID, Association of Irish Motorcycle Importers & Distributors
- AMVIR, Association of Motor Vehicle Importers-Representatives (Greece)
- ANCMA, Associazione Nazionale Ciclo Motociclo Accessori (Italy)
- ANESDOR, Asociacion Nacional de Empresas del Sector de dos Ruedas (Spain)
- Arge2Rad, Association of PTW Manufacturers and Importers (Austria)
- C.S.I.A.M., Chambre Syndicale des Importateurs d'Automobiles et de Motocycles (France)
- CSNM, Chambre Syndicale Nationale du Motocycle (France)
- EQUAL, European Quadricycle League
- FEBIAC, Fédération Belge de l'Industrie de l'Automobile et du Cycle (Belgium)
- FFÖ, Fachverband der Fahrzeugindustrie Österreichs (Austria)
- IVM e.V, Industrie-Verband Motorrad (Germany)
- MCIA, Motorcycle Industry Association (UK)
- McRF, Moped & Motorcykelbranschens Riksförbund (Sweden)
- MOTED, Motorcycle Industry Association (Turkey)
- PZPM, Polski Związek Przemysłu Motoryzacyjnego (Poland)
- RAI Association Nederlandse Vereniging De Rijwiel en Automobiellndustrie (The Netherlands)

¹¹⁸ Cited from online document: http://www.acem.eu/public/ACEM_REPORT.pdf p.4 (Last visited 6-20-2011)

Annex IV¹¹⁹

14 Overview: Periodic technical inspection of motorcycles in Europe

Country	Compulsory
Austria	Yes
Belgium	No
Czech Republic	Yes
Denmark	Yes
Estonia	Yes
Finland	No
France	No
Germany	Yes
Greece	No
Hungary	Yes
Italy	Yes
Latvia	Yes
Luxembourg	Yes
Netherlands	No
Poland	Yes
Portugal	No
Slovakia	Yes
Slovenia	Yes
Spain	Yes
Sweden	Yes
Switzerland	No
United Kingdom	Yes

Source: ACEM (Association des Constructeurs Européens de Motocycles)

¹¹⁹ Cited from Dekra 2010:18

Annex V¹²⁰

MAIDS Project Partners

André Brisaer – European Commission

Willem Vanbroeckhoven – CIECA

Wilhelm Petzholtz – CEICA

David Ward – AIT/FIA

Bernard Legrand – CEA

Klaus Langweider – GDV

Rob Rasor – FIM/AMA

Guy Maître – FIM

Bob Tomlins – FEMA

John Chatterton-Ross – BMF

¹²⁰ Cited from ACEM 2009a:143