



Non-regulatory measures related to the safety of outdoor leisure activities in the EU

Final Report

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The opinions expressed in this report are those of EC-OE only and do not represent the Commission's official position.

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Preamble

In order to obtain a more profound and overall picture of 'non-regulatory safety measures in outdoor leisure activities' the Health and Consumer Protection Directorate General (DG SANCO) of the European Commission, commissioned this report to the European Confederation of Outdoor Employers (EC-OE).

It is, however, important to know that until now, there is no single source of information on non-regulatory measures related to the safety of outdoor leisure activities in the EU. The main task of this report is therefore, not only to collect data on safety measures but also to process and analyse this data.

Furthermore, this report must focus on mapping and defining the outdoor sector as well as guide the reader through the labyrinth of all the safety measures encountered.

To achieve these goals the outline of this report is a step-by-step build-up of successive defined chapters. As a result of the vast amount of collected information and above all to facilitate the reading of this report, the detailed information on the processing of the data is reproduced in the Annex to the report.

Chapter one explains the background and context of this report. Chapter two presents the research methodology used by this report. Due to the complexity of the subject matter of this report, extensive attention is paid to developing the research methodology. Chapter three describes the actual data collection and processing of these data. Chapter four analyses the results with a focus on the 'effectiveness' of safety measures. Chapter five presents the general conclusions of this report.

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Executive Summary

Introduction

In this report the Health and Consumer Protection Directorate General of the European Commission will be referred to as DG SANCO. One of the objectives of DG SANCO is to work towards healthier and safer European citizens.

The safety of outdoor leisure activities in the EU has been identified as a priority by Member States consumer organisations and service providers. This priority status is due to the fact that the outdoor leisure activities can involve risks of fatalities and severe injuries, have a clear cross-border dimension and are provided throughout the EU.

In order to obtain a more profound and overall picture of 'non-regulatory safety measures in outdoor leisure activities' DG SANCO commissioned this report to the European Confederation of Outdoor Employers (EC-OE).

It is, however, important to know that until now, there is no single source of information on non-regulatory measures related to the safety of outdoor leisure activities in the EU. The main task of this report is therefore, not only to collect data on safety measures but also to process and analyse this data.

Furthermore, this report must also focus on mapping and defining the outdoor sector as well as guide the reader through the labyrinth of all the safety measures encountered. To achieve these goals the outline of this report is a step-by-step build-up of successive defined chapters.

The aim of the report is to **gather information** on existing non-regulatory measures with regards to safety in outdoor leisure activities across the EU and to **analyse the effectiveness** of these safety measures. Based on these findings, this report will furthermore **identify possible gaps** and, if possible also identify the **optimal level of the effectiveness** of self-regulatory measures at local, regional or national level.

Mapping and defining the outdoor sector

For the purpose of this report the 'Outdoor leisure activities' taken into account are

those that are **organised** and **sold** by **commercial outdoor companies** to their customers.

In general, a common feature of outdoor leisure activities is their focus on the natural environment. The activities offered are extensive, ranging from hiking, canoeing, sailing, skiing, canyoning, etc.

Outdoor activity leisure providers **offer** activities to their clients in the form of an event, a holiday, a 'team building' (company incentive), an 'outdoor learning' school programme, etc. Outdoor activity leisure providers **do not offer** competition, performance rankings, regular training, records, etc.

From a safety perspective there are **five main interrelated components of outdoor leisure activities**, which must be addressed simultaneously in order to ensure an appropriate level of safety for both the customers and the members of staff involved. The five components of outdoor leisure activities are as follows:

1. Management;
2. Animator – the professional delivering the service;
3. Client;
4. Environment;
5. Tool - equipment used during the service delivery.

Safety in the outdoors cannot be completely established because one, two or only three of its components are operating according to safe references. On the contrary, safety in the outdoors is directly linked to the fact that **each and every one** of the five components is taken care off according to professional, recognised or accepted **references**. This means that as far as outdoor leisure activities are concerned, safety is due to the fact that management **AND** staff **AND** clients **AND** environment **AND** equipment are safe, checked, adapted, appropriate and trained. Therefore, the most effective non-regulatory measures will be those taking every single one of the five components into account.

Data collection

For this study a field and a desk research approach was applied to gather maximum information on non-regulatory measures related to safety of outdoor leisure activities.

In total 223 safety measures were gathered in twelve EU countries plus Norway and Switzerland.

In order to facilitate the processing and classification of all the gathered safety measures, a glossary of terms was defined for the concepts associated with the safety measures. In addition to this glossary the application of a **level of constraint** that a measure creates upon the service providers was established as a decisive criterion to distinguish between the different voluntary safety measures. This report identified seven different ‘types of measures’ ranging from simple ‘best practices’ to ‘regulatory measures’. The following taxonomy was used to classify the reference safety measures of this report.

Taxonomy used for the classification of referenced safety measures

1. Regulatory measures
2. Non- regulatory measures
2.1 Standards
2.1.1 ISO
2.1.2 CEN
2.1.3 National
2.2 Conventions
2.3 Voluntary measures
2.3.1 Certification schemes
2.3.2 Codes of conduct
2.3.3 Guidelines
2.3.4 Best practices

All of these categories are ‘**exclusive categories**’ therefore allowing the classification of all gathered safety measures into a category. Hence this classification system facilitates the analysis of the collected measures related to the safety of outdoor leisure activities in the EU.

These are the measures (spread by type of measure) that have been identified:

Type of measure	Number
Regulatory measures	21
Non-regulatory measures	202
Standards	102
ISO	46

CEN	44
National	12
Conventions	10
Voluntary measures	90
Certification schemes	41
Codes of conduct	12
Guidelines	26
Best practice	11
Sum	223 (= 21 + 202)

Effectiveness

The cross-border character of outdoor leisure activities makes it paramount for the safety of clients (**consumers**) to rely on providers operating according to EU wide accepted safety procedures. Moreover, because of the increasing mobility of workers (outdoor guides) these safety procedures should also be available and useable for them. Therefore, in order to be effective safety procedures must be clear, appropriate and must be able to be monitored and enforced. In general terms, the higher the number of consumers who are really protected, the more a safety measure shows its effectiveness.

In order to assess the effectiveness of outdoor safety measures five key aspects of effectiveness are defined and analysed:

The coverage of content relates to the five components of an outdoor activity. This aspect is the most important one, since it refers to the core of safety in the outdoors, as mentioned previously;

The level of the measure relates to the geographical level of enforcement of a measure and of course determines the number of customers concerned;

The type of the measure deals with the level of constraint that a measure represents for the service providers concerned;

The nature of the organisation: refers to who is in charge of or owns the measure;

The scope of the measure: relates to the number of activities concerned.

This analysis helps identify different patterns of effectiveness of a particular measure. A particular measure either:

- Fully covers all aspects of safety in the outdoors and is compulsory to enforce;
- Fully covers all aspects of safety in the outdoors but is not compulsory to enforce;

- Partially covers some aspects of safety in the outdoors and is partly compulsory to enforce;
- Partially covers all aspects of safety in the outdoors but is not compulsory to enforce

Gaps

The first gap identified following the analysis of all 223 measures identified in the study is that **not one single activity is fully and adequately covered (five components) at country or cross-country level from a safety perspective**. The 'management component' in particular is not dealt with in practically all referenced safety measures.

The study also shows that a comprehensive safety scheme at EU level appears to be a substantial gap in promoting safety of outdoor leisure activities. And therefore only comprehensive national regulatory safety measures will result in the complete coverage of every single key aspect of effectiveness of the outdoor activities at country level.

Conclusions

1. The cross-border character of outdoor leisure activities (**mobility of providers, workers and consumers**) is of paramount significance to the promotion of safety. Consequently, the most obvious level to promote safety in the outdoors should be **at EU level**.
2. This study has shown that the majority of referenced measures apply **per country** and only **at activity level**. In other words, there is **no EU wide structural link** between all these measures neither at activity level, neither at sectoral level, nor at country level, and certainly not at EU level.
3. The multitude of issues relating to the type and content of all referenced safety measures makes it very difficult to oversee the whole picture and to map the totality of measures covering all outdoor activities throughout the EU.
4. One of the main findings of this report with regards to the 'five components of outdoor leisure activities' is that **not one single outdoor leisure activity is fully and adequately covered at EU or even at country level**.

5. Stakeholders' involvement and goodwill is therefore another cardinal element to achieve effectiveness at sectoral level. This report recommends the stakeholders in the outdoor leisure industry should be strongly involved in the event of setting up any kind of (sectoral) EU programme safety scheme.
6. Most of the referenced programme safety schemes are indeed 'owned' by employer federations. In other words, if employer federations are not involved in the enforcement of programme safety schemes, the promotion of safety in outdoor leisure activities will not be effective. However, the UK and Finland are to some extent the exception to the rule.
7. The common feature of these programme safety schemes is that they all focus on the complete management cycle of the provider offering outdoor leisure activities. Instead of focussing on the safety of specific activities, programme safety measures have a tendency to function as **audit systems for quality control**.
8. The final conclusion on this report is that the most effective approach to promote safety in outdoor leisure activities would be a combination of a **regulatory measure at EU level** with a certification (audit) scheme, more precisely an **EU programme safety (audit) scheme**.

Non-regulatory measures related to the safety of outdoor leisure activities in the EU

1. Introduction

1.1 Background

In this report the Health and Consumer Protection Directorate General of the European Commission will be referred to as DG SANCO. One of the objectives of DG SANCO is to work towards healthier and safer European citizens. In working towards achieving this objective, DG SANCO has progressively demonstrated commitment to the identification and support of alternative policy options, which complement existing regulatory measures. These alternative policy options include self and co-regulation¹, international and European standards, codes of conduct, best practices, common guidelines, participative and consultative processes with stakeholders, etc.

In 2006 the European Commission conducted an extensive study on self and co-regulatory practices in the European Union. A number of conclusions were drawn from this study. These included the following:

- The choice of self-regulation over legislation depends strongly on the sector involved
- Schemes developed by industry itself are more willingly accepted by the parties involved than EU imposed regulations
- Schemes developed by the industry itself are more readily accepted by the parties involved than EU imposed legislation
- The process to develop self-regulation involves external stakeholders (consumers, unions) and relies on political support from the EU

¹ **Co-regulation:** The mechanism whereby a Community legislative act entrusts the attainment of the objectives defined by the legislative authority to parties that are recognised in the field (such as economic operators, social partners, non-government organisations or associations).

Self-regulation: The possibility for economic operators, the social partners, non-government organisations or associations to adopt amongst themselves and for themselves common guidelines at European level (particularly codes of practice or sectoral agreements).

- Compliance with the schemes must be closely monitored.

In 2008, a further study on self-regulation practices in DG SANCO Policy Areas was conducted.

The conclusions from this 2008 study were as follows:

- The private sector maybe more adept in the development and agreement on sector-specific details. However, the report acknowledged, if national differences are too strong, agreements on self-regulatory practices may be more difficult to attain.
- In order to make self-regulation a success, the approval by the Commission might strengthen the effectiveness of the schemes enormously.
- Self-regulatory schemes are a flexible tool that allows for regular revision and updates.
- Self-regulatory schemes are measurable and controllable, and may be based on a legislative framework for which national control authorities already exist.

As can be seen from the above the conclusions from the 2008 study reiterate the conclusions of the 2006 study.

1.2 Safety of consumer services

Consumer services cover a wide variety of categories ranging from travel and tourism, to organised leisure activities, beauty care etc. Some services involve risks to the health and physical safety of the consumer. These risks could include lack of information, poor supervision of organised adventurous activities etc. With regard to existing safety legislation and transport, health and food safety, these remain outside the scope of safety of consumer services as described in this document.

In 2002 a wide-scale consultation process on the safety of services for consumers was conducted among interested parties. This consultation process contributed to a report presented in 2003 by the Commission to the Council and the European Parliament COM (2003/313). The report highlighted the substantial lack of data and information on the factual aspects of risks and safety of services. The main recommendation of the report was to improve the knowledge base on risks relating to service safety and the exchange of information between Member States.

As a result of the above mentioned consultation process and research conducted on behalf of the Commission the safety of consumer services in certain sectors has been identified as a priority by Member States, consumer organisations and service providers. This priority status is due to the fact that these identified customer service sectors involve risks of fatalities and severe injuries, have a clear cross-border dimension and are provided throughout the EU, for example tourism and leisure activities. In particular, outdoor leisure activities (such as canoeing, mountain bike, rafting, survival, hiking, skiing and kayaking) are one of the consumer service sectors where safety of consumers is of paramount importance.

At European level, the outdoor leisure sector is a fast growing and developing activity area. In order to attain mutual agreement of European outdoor employers on the functions, skills and competences required by their sector, a European Leonardo da Vinci project called EQFOA ² was run from 2006 to 2008. The objective of this European Leonardo da Vinci project was to develop a range of European standards to organise the outdoor leisure sector. The project resulted in the definition of an occupational map, classifying and listing outdoor activities. (*Annex 1: List of outdoor activities*)

Furthermore, in 2007 a recommendation on the prevention of injury and the promotion of safety (2007/C 164/01) prompted the Commission to focus on the following two areas:

- To facilitate the exchange of information on good practices and on policy actions in the identified priority areas.
- To facilitate the dissemination of the information to relevant stakeholders, and to promote public awareness of safety issues, in the prevention of accidents and injuries, paying particular attention to sports and leisure injuries.

On a larger scale, in 2011 the European Parliament's Committee on Transport and Tourism presented a report on the Communication on Tourism emphasizing the importance of paying attention to the rights and safety of tourists.

² EU (Leonardo da Vinci), European Qualification Framework for Outdoor Animators –EQFOA, (Contract number 17.020200/12/624470), 2006-2008.

1.3 Purpose of the report

DG SANCO commissioned this study to further develop the knowledge base on the safety of services focusing on the existing **non-regulatory measures relating to the safety of outdoor leisure activities** sector across the Member States.

In this context, the purpose of this report is mainly to:

1. **Gather information** relating to existing non-regulatory measures with regards to safety in outdoor leisure activities across the EU, in terms of codes of conduct, guidelines, best practices, voluntary standards, etc.
2. **Analyse the effectiveness** of existing non-regulatory measures across the EU in order to identify the best patterns of effective self-regulation instruments. The aim of this analysis is to identify the best patterns of effective self-regulation instruments within Member States

Based on the findings of the research this report will furthermore **identify gaps** where improvement is necessary in relation to:

- The existence of self-regulatory instruments related to certain activities within the sector;
- Aspects that could be modified / integrated / improved in the existing self-regulatory measures.

Finally, if possible, this report will also discuss the **optimal level** of the effectiveness of self-regulatory measures at local, regional or national level.

1.4 Outline of the report

Chapter 1 presents background information and definitions and outlines the purposes of this report.

Chapter 2 of this report deals with issues such as the research methodology, definitions and taxonomy. The taxonomy not only serves to classify the gathered information but it also serves as a framework to guide the reader through the labyrinth of information. Therefore this chapter will also deal with mapping and defining the outdoors and describing the components of an outdoor leisure activity.

Chapter 3 then presents an overview of all referenced self and co-regulation safety measures related to outdoor active leisure in the EU. The chapter first describes the process of data collection (section 3.1) applied to this study. This data (the facts and figures) are then presented and discussed. The second section (section 3.2) deals with the compilation of the data and the third section (section 3.3) focuses on analysing the data per type of measure.

The final step in this report - after the data processing and analysis - is to discuss and comment on outcomes of the research.

In this study the effectiveness of safety measures is paramount. Therefore the following questions need to be answered:

- Which aspects of effectiveness should be taken into account in order to achieve the highest possible level of safety in outdoor leisure activities?
- Is it possible to trace a pattern (or patterns) of strongest points that are comprehensive for all outdoor leisure activities (sector) or for a specific subsector?

The outcome of the analysis based on the **synoptic charts**, will provide **basic information** on the aspects of effectiveness relevant to outdoor leisure activities.

Regarding the search for patterns of effectiveness of **non-regulatory measures** related to the **safety of outdoor leisure activities** in the EU, the challenge is to incorporate the 'Key aspects of effectiveness of self and co-regulation' as defined in the EIM report, into a more **adapted** pattern (or patterns) for outdoor leisure activities.

In chapter 4 the effectiveness of self and co-regulatory safety measures within the outdoor leisure sector is assessed. This chapter is divided into three main sections. In the first section (section 4.1) patterns of effectiveness of safety measures will be elaborated and discussed. In the next sections (sections 4.2 and 4.3) the key aspects of effectiveness are used to identify possible gaps and recommend optimal level(s) of effectiveness of self and co-regulatory safety schemes for outdoor leisure activities.

Finally, the general conclusions of this study on safety in outdoor leisure activities are discussed in chapter 5. This chapter also suggests some recommendations and

minimum criteria for introducing effective safety schemes for outdoor active leisure activities in the EU.

2 Research methodology

2.1 Main concepts and previous research

Prior to collecting and analysing data on **non-regulatory measures relating to the safety of outdoor leisure activities** it is paramount not only to describe the field of action (outdoor leisure) but also to identify the ‘components’ of outdoor leisure that non-regulatory measures should cover in order to promote safety in outdoor leisure activities (effectiveness).

The next 3 sub-sections of this chapter will focus on the underlying concepts associated with this study. These include:

1. Mapping and defining the outdoor leisure sector and its components;
2. Describing the different types of safety measures;
3. Describing the context and the concept of effectiveness.

2.1.1 Mapping and defining of the outdoor sector and its components

Mapping the sector ³

The Outdoors provides an expansive and diverse range of experiences that span the spectrum of human activity, encompassing learning and recreation.

The outdoor leisure sector uses mainly outdoors and related activities as the basis for delivery. In general, a common feature of leisure activities is their focus on the natural environment, with some notable exceptions, such as artificial climbing walls. For example, a simple climbing session can be used for a wide range of outcomes, most planned, but sometimes, and equally valuable, sometimes not planned.

Outdoor leisure activity outcomes may range from pure personal recreation to social recreation, to the application of the activity as a vehicle for personal and interpersonal learning and development and utilised by relatively new areas such as

³ EQFOA, (2006-2008), Industry occupational map for the outdoor sector, pp. 3-4.

adventure therapy. The outdoor leisure activity may also be used as a basis for formal school-based learning in areas such as science, natural history, geology, mathematics etc.

Traditionally the outdoors is associated with three main themes, that of:

- Outdoor Recreation: In some countries, the word 'adventure' is used as a positive addition to terms such as adventurous activities, adventure travel, adventure tourism, outdoor adventure. However, in other countries, adventure is not a positive term, so care must be taken. For the purpose of this study the general term, 'the outdoors' will be used.



Swimming in a canyon

- Outdoor Education: also referred to as 'outdoor learning'. This includes formal, informal, personal, interpersonal education / learning.



Children practising on a 'via ferrata'

- Development Training: often cited as the adult / corporate / organisational version of children and young people's personal and interpersonal education.



Rafting is 'team' work

In addition to the three traditional themes outline above, a further three areas can be added:

- Personal Development: comprising of a relatively limited area in terms of gaining formal qualifications and skills for educators and;
- Expeditions and Exploration: a rapidly growing area that is now seen as having its own specific characteristics and needs, but with strong links to the other areas such as recreation and education;
- Adventure Therapy (new and developing): using the outdoors and related activities as the basis for therapeutic interventions to promote healing and learning in the area of psychological and personal problems.

It is true to say that the outdoors can be subdivided into many different sets and subsets. However, most can be located along a simple recreation / education continuum. Obviously there are extensive overlaps between the areas, depending on exactly the activity chosen and the purpose for which it is being used. Many providers of Outdoors Activities engage their operations taking account of this overlap and offer two, three or even more of the sub-sectors. This may be for commercial, logistical and/or other reasons.

For those looking at the outdoors from 'outside', the sector can appear difficult to understand in terms of activities, structure, organisations, etc. For the purpose of this report, however, the 'Outdoor leisure activities' taken into account are **organised**

and **sold** by **commercial outdoor companies** to their customers.

In this context the **Vocasport** research (2004) estimated that about 30.000 companies provide employment to about 400.000 people in the EU ⁴.

Defining the 'outdoors'

To ensure cross-national comparability, the outdoor leisure sector can be defined in terms of Statistical Classification of Economic Activities in the European Community (NACE) ⁵. More specifically, the outdoor leisure sector is then defined according to NACE 93.29.

A more pragmatic definition of outdoor leisure is put forward in the study 'Defining the Outdoors' ⁶. Here the 'provider' of an outdoor service and the outdoor activities s/he provides for, are considered as key elements for the description.

In sum it is stated that outdoor ***providers*** offer outdoor activities to their clients and 'translate' these activities into a leisure, tourism and/or educational context:

- Outdoor active leisure providers **offer** activities to their clients in the form of an event (e.g. 1/2 day canoe trip on a lazy river), a holiday (weekend including e.g. a dog sledding trip), a 'team building' (company incentive), an 'outdoor learning' school programme, etc.
- Outdoor active leisure providers **do not offer** competition, performance rankings, regular training, records, etc.

In other words, outdoor leisure can be described in terms of fun, recreation, education, tourism and leisure time.

Components of outdoor leisure

There are **five main interrelated components of outdoor activities**, which must be addressed at the same time in order to ensure an appropriate level of safety for both the customers and the members of staff involved.

⁴ EOSE, **Vocasport**, DG Education and Culture, 2004.

⁵ NACE: Nomenclature statistique des activités économiques dans la Communauté européenne

⁶ Smulders H., Defining the Outdoors, www.ec-oe.eu, 2010

These five components have been clearly identified by the EQFOA project ⁷ and confirmed by the CLO2 ⁸ project.

The five components of outdoor leisure activities are as follows:

1. Management;
2. Animator – the professional delivering the service;
3. Client;
4. Environment;
5. Tool - equipment used during the service delivery.

Due to the interaction of these five components of outdoor leisure, the most effective non-regulatory measures will be those taking every single one of the five components into account.

Management

The management component deals with general issues (internal procedures) concerning the company in charge of delivering the service. The main issues at stake are transport, trip organisation, conditions of sales (complaint handling), welcome and administration, staff organisation, emergency issues, etc.

Animator

The person, be it the member of staff / sub-contractor, in charge of delivering the service in the field. Depending on the country and the activity, different names are being used such as 'Instructor', 'Guide', 'Coach', etc. Training forms a major part for this component.

Client

The client represents a 'consumer' paying for the service. Measures specifically relating to clients and to interpersonal relationships between the client and the animator will be classified under this heading.

⁷ EU (Leonardo da Vinci), European Qualification Framework for Outdoor Animators – EQFOA (Contract number 17.020200/12/624470), 2006-2008.

⁸ EU (Leonardo da Vinci), Professionalising training and mobility for outdoor animators in Europe, bridging the gap between sector competences and learning outcomes – CLO2 (Contract number UK/08/LLP-LdV/TOI/163_178), 2008-2010.

Environment

The environment can be split into five subsectors within the outdoors, according again to the EQFOA project:

Subsector 1: Lake & sea

Subsector 2: Snow

Subsector 3: Earth (including groups hiking, riding, roping and shooting)

Subsector 4: Stream

Subsector 5: Air

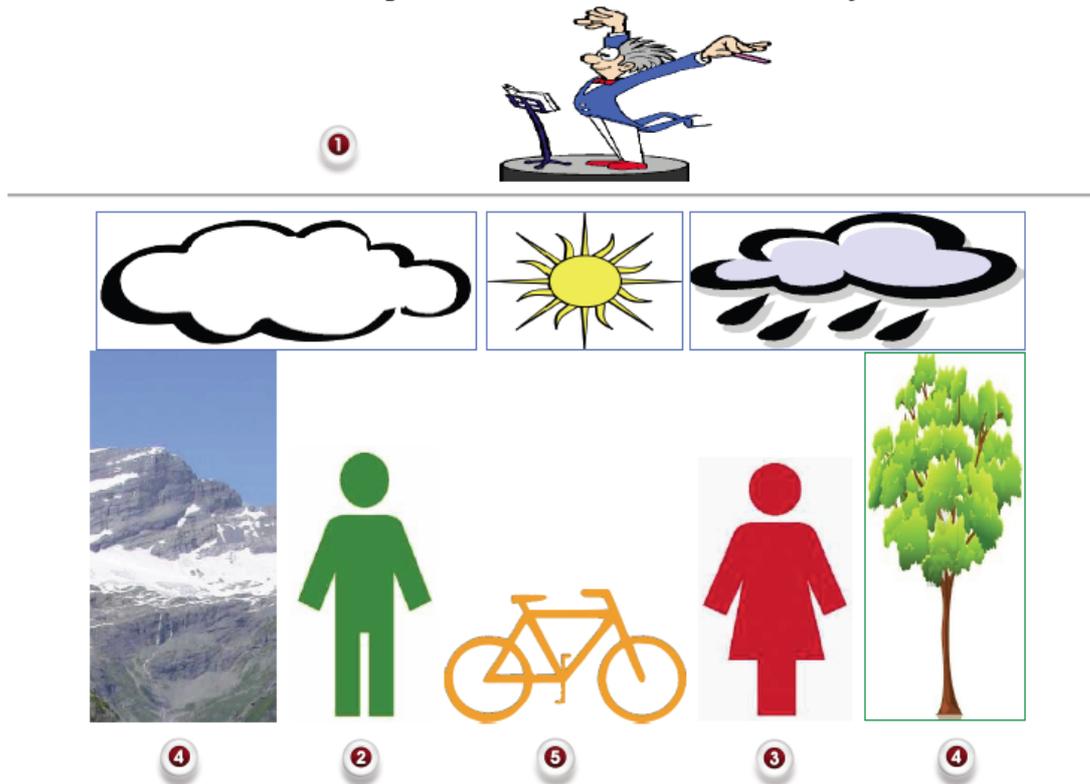
An important issue for this component is risk assessment due to the 'intrinsic' difficulty of the activities and weather conditions.

Tool - Equipment

This represents the assortment of equipment used for the service delivery. The word 'tool' refers to things such as a pair of skis, a mountain bike, a canoe, or even a horse, etc., as well as the specific technical issues necessary for the proper and safe use of the tool / equipment, including issues such as storage, maintenance and repair.

In addition to focussing on the proper use of the outdoor leisure tools, this component also deals with **industrial standards** (ISO, CEN) and with the **CE marking** (stating that the producer confirms the equipment meets EU safety, health and environmental protection requirements).

The 5 Components of an Outdoor Leisure Activity



1 The **management** of the company selling the service, referred to as “SME” for “Small & Medium Size Enterprise”;

2 The **animator** delivering the service in the field, referred to as “IA” for “Inner Aptitude”;

3 The **client** buying the service and looked after by the animator, referred to as “IC” for “Interpersonal Communication” and relationship;

4 The **environment**, within which the service is delivered, referred to as “EV” for “Environment”;

5 The **equipment** used to deliver the service, referred to as “EQ” for “Equipment”.

Note: Terminology and colour coding is directly linked to that used within EQFOA and CLO2 Leonardo projects

2.1.2 Types of safety measures and taxonomy

As mentioned above, the aim of this report is to screen self and co-regulation within the outdoor leisure sector focusing on existing safety measures.

In general terms concepts such as 'code of conduct', 'guidelines', and 'best practices', are often used to identify safety measures. Moreover, during the research phase of this study it appeared that these concepts are also used in 'titles or headings' to specify the content of certain measures (e.g. the Finish '**Guidelines** for the promotion of safety for equestrian services'). However, in neither case it is possible to deduct why exactly a specific safety measure is called a code of conduct, a guideline, or a best practice.

In order to facilitate the processing and classification of all the gathered safety measures, it is essential to attempt to define the exact meaning of each of the concepts. To achieve this, a glossary of terms has been compiled. (*Annex 2: Glossary*).

In addition to the glossary and because it is not always clear if a safety measure should be considered a code of conduct, guideline or best practice, it was also necessary to determine more precise and distinguishing criteria.

Additionally, it was observed that 'best practices' are mostly applied at very local level; very often even limited to only one company. On the other hand, when outdoor providers refer to 'guidelines' these types of safety measures are mostly operational at a somewhat larger / regional scale. Moreover, guidelines are often issued by governing bodies. Codes of conduct seem to apply at a larger scale, are sometimes issued by national authorities and are often developed to improve the image of the sector.

The option was therefore put forward to use the **level of constraint** that a measure creates upon the service providers as a decisive criterion to distinguish between 'best practice', 'guideline' and 'code of conduct'.

For example, a best practice may be very effective at company level, but in terms of effectiveness at sector level, best practices are quite noncommittal.

Key concepts for classification of safety measures *(Annex 2: Glossary)*

- **Standards**

Specific standards for the manufacturing of equipment and in some very rare cases standards also concern services (ISO and CEN standards).

- **Conventions**

Several safety measures indeed apply certain conventions such as the '**Beaufort** wind scale' for sailing, surfing, etc. or the '**White Water**' classification system for canoe, kayak, rafting.

These conventions are mostly European (international in some cases) therefore it is not possible to allocate them to one country. Moreover, it is impossible to allocate conventions to a particular organisation or author.

- **Certification schemes**

Defined as the process leading to the deliverance of a certificate acknowledging that the outcomes of a learning or of an evaluation process have been assessed in accordance to a given standard.

- **Code of conduct**

A set of rules outlining the proper practices and responsibilities of an individual, party or organisation. Related concepts include ethical codes and honour codes.

- **Guideline**

A statement by which to determine a course of action. A guideline aims to streamline particular processes according to a set routine or a sound practice. By definition, following a guideline is never mandatory. Guidelines are not binding and cannot be enforced.

- **Best practice**

A method or technique that has consistently shown results superior to those achieved with other means. Best practices are used to maintain quality as an alternative to mandatory legislated standards and can be based on self-assessment or benchmarking.

Taxonomy used for the classification of referenced safety measures

Using the described types of safety measures consequently provides a tool to classify the collected safety measures.

1. Regulatory measures

2. Non- regulatory measures

2.1 Standards

2.1.1 ISO

2.1.2 CEN

2.1.3 National

2.2 Conventions

2.3 Voluntary measures

2.3.1 Certification schemes

2.3.2 Codes of conduct

2.3.3 Guidelines

2.3.4 Best practices

All of these categories are '**exclusive categories**' enabling to classify any measure into a particular category. As such this classification system facilitates the analysis of the collected measures related to the safety of outdoor leisure activities in the EU.

To process the amount of information (27 EU Member States) and the diversity of information (scope, type of measures, safety components, sector, etc.) it was necessary to develop a methodology to classify the collected data. A coding system was therefore created to identify all documents on safety measures. (*Annex 3: Coding System of Referenced Measures*)

2.1.3 Context and concept of effectiveness

In 2001 Lex Fori⁹ carried out a study for DG SANCO on best practices in the use of **soft law**. It states amongst other things that:

*“ Everyone agrees that **the objective that must be pursued by any rules, whether or not they come from the State, is effectiveness.** “*

Furthermore this study also states that:

*“ In order **to be effective, rules must have a number of characteristics: they must be clear, appropriate, and must be able to be monitored and enforced, among other things following consumer initiatives.***

....

*The question of the criteria of effectiveness is fundamental, and yet it is the poor relation of the practice of soft law. In other words, the only question that needs to be answered is whether more consumers are now protected. **The higher the number of consumers who are really protected, the more soft law shows its effectiveness.** “¹⁰*

Whereas the Lex Fori study was mainly a general legal study on ‘**soft law**’, the 2008 EIM study on Self-Regulation Practices in SANCO Policy Areas¹¹, more specifically aimed at screening the self-regulation activities within DG SANCO’s policy areas (consumer affairs, public health and food safety). The EIM study strongly focused on the ‘**effectiveness of self-regulation**’ within the DG SANCO policy areas.

According to the EIM study, the **key aspects of effectiveness of self and co-regulation** are the following:

⁹ http://www.lexfori.net/soft_law_en.htm

¹⁰ Ibid., p.3

¹¹ EIM, Self-Regulation in SANCO policy areas, 2008.

Legal base and government involvement

- Self and co-regulation needs a clear legislative framework, but this framework needs to leave enough room for private parties;
- Governments can play a role in self and co-regulation by stimulating, cooperating and approving.

Commitment

- Private parties need to have an interest in what is regulated in self and co-regulatory schemes;
- The commitment of private parties can be formalised by subscribing;
- Allocation of budgets is needed for developing and maintaining self and co-regulatory schemes (funding).

Monitoring and compliance

- Monitoring the performance results in information on the effectiveness;
- Forms of complaint handling and (the threat of) sanctions can contribute to the compliance.

Organisation

- The development and maintenance of self and co-regulatory schemes needs a strong organisation (covering a substantial part of the sector and having a strong position) and co-operation of stakeholders.

Participation

- Involvement of independent bodies in code drafting, complaint handling, monitoring etc. can contribute to effectiveness;
- Interested parties need to be involved in code drafting;
- (If relevant) the code owner needs to inform consumers to foster consumer awareness.

Adaptation/flexibility

- Self and co-regulatory schemes need to be revised or updated regularly.

Furthermore, the EIM report also states that self and co-regulation can be described along a large number of dimensions, leading to a sizeable number of possible models. In practice, however, existing schemes do not fit perfectly into any of the models. In conclusion the EIM report states that it is not possible to point out one model as the most effective one.

With the present study on 'non-regulatory measures related to safety of outdoor leisure activities in the EU', DG SANCO progresses one step further into more sector-wide detail. This report aims to screen self and co-regulation within one sector (outdoor leisure) more specifically the safety of services (safety measures).

Regarding the search for patterns of effectiveness of **non-regulatory measures** related to the **safety of outdoor leisure activities** in the EU, the challenge is to identify the 'Key aspects of effectiveness' for outdoor leisure activities.

To achieve this goal it was, however, crucial to be able to rely on appropriate data.

Consequently, the methodology used to gather these data across the EU Member States, was of paramount importance.

2.2 Approach and method applied

2.2.1 Data collection

Since there is no unique source of information on non-regulatory measures related to the safety of outdoor leisure activities in the EU, the first task of this study is to screen the EU Member States for relevant information. In order to obtain a comprehensive overview of existing non-regulatory measures across the EU Member States, a twofold screening track is used:

- Field research
- Desk research

Field research

Through direct contact with the EC-OE network of outdoor employers federations in thirteen EU countries stakeholders were requested to collect information on non-regulatory safety measures concerning their country. The stakeholders involved may be considered 'key' because they have direct access to the necessary information and are in contact with a wide range of other stakeholders such as all their national members.

Desk research

A broader desk research was necessary given that national outdoor employers federations only exist in thirteen Member States and also because outdoor providers are not obliged to affiliate to a national outdoor employers federation.

2.2.2 Data processing

Taking into account the large number of issues to be scrutinised in order to report on the 'existing non-regulatory safety measures' the processing of the results was split into four subsections. The first subsection focuses on processing each individual safety measures separately. In the second subsection the safety measures are

processed by type of measure. The third subsection then focuses on processing the safety measures per Member State and finally the fourth subsection processes all safety measures at cross-country level.

2.2.2.1 Processing by type of measure

Applying both the taxonomy and the coding system results in comprehensive overview tables of all referenced measures. By tallying the codified data according to the '**type**' of the measures eight overview tables are produced (*Tables 1 – 8 in appendix*)

1. Overview of ALL measures
2. Regulatory measures
3. Standards
4. Conventions
5. Certification Schemes
6. Codes of Conduct
7. Guidelines
8. Best Practices

2.2.2.2 Processing by measure

A **synoptic chart by safety measure** is created to facilitate the analysis of the environment of the referenced safety measures (*Annex 4: Measure Synoptic Chart*). This chart enables the storage of all retrievable information on the measure. If available, information is processed on:

1. The nature of the **organisation**
2. The nature/number of **subscribers**
3. The coverage of **content**
4. The **level** (local/regional/national)
5. The **enforcement**

If available, information on the scope (sector, subsector, activity) and the coverage of content relating to the safety components of outdoor leisure (management, staff training, customers, environment, equipment) of each referenced measure is also processed. These synoptic charts thus provide a detailed overview (by referenced

measure) of all available information on the 'environment' of each individual measure.

2.2.2.3 Processing by Member State

Analogous to the procedure developed for the processing of the individual safety measures, a **Member State (MS) synoptic chart** is created (*Annex 5: Member State Synoptic*). In fact each MS synoptic chart summarises the impact or constraint the referenced safety measures (per country) have on the sector's operators within that MS. Consequently the MS synoptic chart will also highlight the **gaps** in safety provisions regarding safety of outdoor leisure activities at MS level.

2.2.2.4 Processing at cross-country level

Finally, and in order to compare the different **MS synoptic charts** one (1) comprehensive **European synoptic chart** is created (*Annex 6: Europe Synoptic Chart*).

The European synoptic chart provides an overview of the existing environment of all (regulatory and non-regulatory) referenced measures related to safety of outdoor leisure activities in the EU.

It is, however, essential to remember that this overview is based on the information collected between the beginning of May 2012 and the first of October 2012. The data collected, however, are partial and some documents are only indicative because for example they only indicate the existence of a certain measure. Nevertheless, the European synoptic chart reflects the general trend for the year 2012.

3. Data collection and analysis

This chapter presents an overview of all referenced self and co-regulation safety measures related to outdoor active leisure in the EU. This chapter discusses the data collection process and the compilation of the collected data, then presents the analysis of the data and lastly draws conclusions based on the obtained data.

3.1 Data collection

As explained in section 2.2.1 a twofold approach was applied to gather maximum information on non-regulatory measures related to safety of outdoor leisure activities in the EU.

For the field research the EC-OE network was consulted in thirteen EU countries to search for and gather information on 'non-regulatory measures related to safety in outdoor leisure activities'.

The EC-OE network (www.ec-oe.eu)

BE	Belgium
CH	Switzerland
EE	Estonia
ES	Spain
FI	Finland
FR	France
GR	Greece
HU	Hungary
IR	Ireland
LT	Lithuania
NL	The Netherlands
PT	Portugal
UK	United Kingdom

The stakeholders contacted are the National outdoor employers federations. These stakeholders may be considered 'key' because they have direct access to the required information and have the capacity to contact a wide range of other stakeholders such as their national members. Some of these contacts, however, failed to collaborate for different reasons: lack of information available (e.g., Lithuania), lack of staff available to anticipate in the research (e.g. Hungary, Spain, Ireland), etc.

The desk research, namely the search for websites that refer to outdoor **umbrella organisations** resulted in contacts with correspondents in three additional countries:

CZ	Czech Republic
DK	Denmark
DE	Germany

Apart from Denmark, no additional information on safety measures was gathered from these contacts.

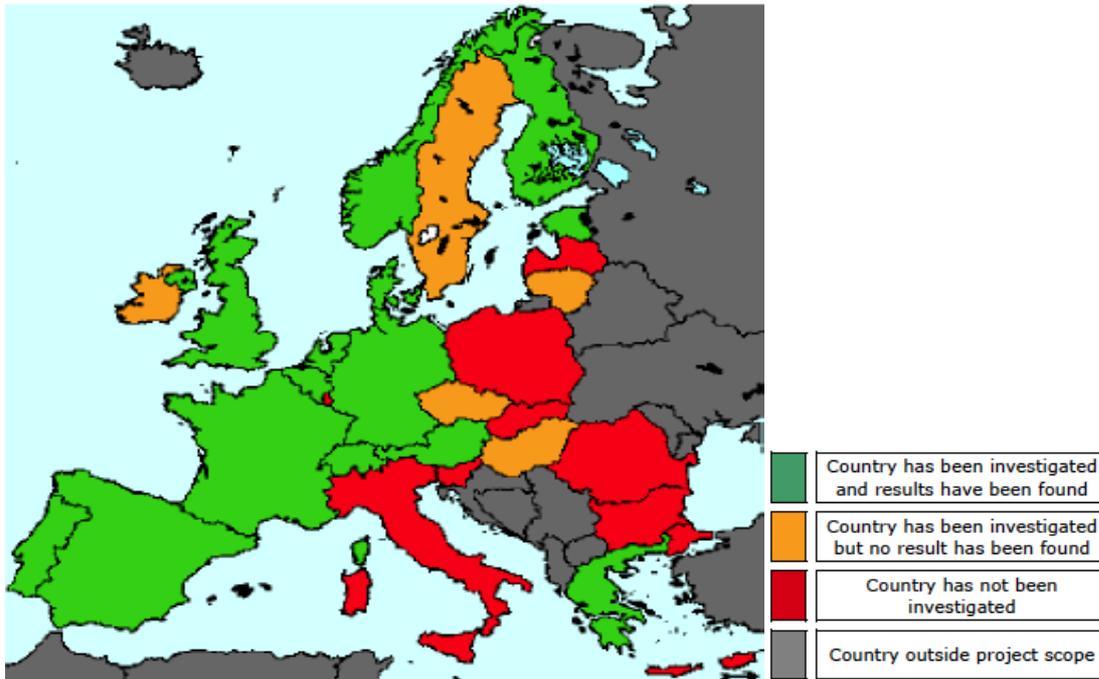
The Internet search also provided some additional information on **safety measures** of outdoor leisure activities in:

AT	Austria
DE	Germany
NO	Norway

In sum, data on safety measures were gathered in twelve EU countries plus Norway and Switzerland.

<u>EU Member States</u>		<u>European Economic Area (EEA)</u>	
AT	Austria	CH	Switzerland
BE	Belgium	NO	Norway
DE	Germany		
DK	Denmark		
EE	Estonia		
ES	Spain		
FI	Finland		
FR	France		
GR	Greece		
NL	The Netherlands		
PT	Portugal		
UK	United Kingdom		

Most of the information received, was either in English or was translated into English. Information relating to Eastern European countries was harder to access as websites or relevant publications were available only in national languages. This constitutes a barrier to access on information for this report.



3.2 Compilation and referencing of the safety measures

The compilation of both the proposed taxonomy (section 2.1.2) and the derived coding system (*Annex 3*) facilitates the creation of a comprehensive overview table of all referenced measures (N= 223). (*Table1: Overview of ALL measures*)

By tallying the data according to the ‘type of measure’ a more detailed break down of all the referenced measures is obtained. This break down shows that, apart from the twenty-one regulatory measures, there is a fifty/fifty per cent spread between the number of referenced ‘standards’ (N= **102**) and the number of ‘conventions’ plus the number of ‘voluntary measures’ (N= 9 + 94 = **103**). The latter indicating the relative importance of the categories of safety measures.

Type of measure	Number
Regulatory measures	21
Non-regulatory measures	202
Standards	102
ISO	46
CEN	44
National	12
Conventions	10
Voluntary measures	90
Certification schemes	41
Codes of conduct	12
Guidelines	26
Best practice	11
Sum	223 (= 21 + 202)

Note

The ten referenced ‘conventions’ are specific to outdoor leisure activities as these conventions explicitly refer to the ‘environmental’ component of outdoor leisure as discussed in section 2.1.1: ‘Components of outdoor leisure’.

The next step in the compilation of safety measures is to group the referenced measures per subcategory or type of measure. The results of this compilation are presented in the following sections of the report.

3.3 Overview of safety measures by type of measure

3.3.1 Regulatory measures (Table 2)

Within the subcategory of the regulatory measures it is imperative to differentiate between measures applicable at worldwide and/or European level and at national level.

- 1) The identified **worldwide** regulatory measures with impact on ‘outdoor active leisure’ related to transport modes.

Air traffic or Maritime regulations are exemplary ‘worldwide’ safety regulations that are also applicable for active leisure activities. Some local regulations exist but these exceptions are marginal :

**Notice from the Danish Maritime Authority L –
the Construction and Equipment, etc. of Recreational Craft**

**Chapter IX
Safe operation of certain large recreational craft
of 1 October 2006**

From a safety point of view, leisure aircraft (e.g. gliding) and vessels (e.g. sailing) must follow the international conventions.

The International Civil Aviation Organisation (ICAO in a United Nations specialised agency) deals with safety issues related to air traffic. For more information on ICAO, see www.icao.int/safety/Pages/default.aspx

For an example of a safety measure (sailing sea signs) for the maritime sector, see www.anbg.gov.au/flags/signal-meaning.

- 2) At **European** level, air traffic regulations – with an exception for the airworthiness of delta planes, paragliders and ULM's (Ultra Light Machines) - are imposed by the European agencies such as Eurocontrol and EASA (*European Aviation Safety Agency*) www.easa.europa.eu.

As for maritime safety issues it appears from the COUNCIL DIRECTIVE 1999/35/EC of 29 April 1999 as well as from the Danish measure on 'the Construction and Equipment, etc. of Recreational Craft', that the EU also issued some safety regulations.

- 3) At **national** level, air traffic and if applicable also maritime regulations are incorporated in national law and therefore become '**regulatory**'.

Only seven countries were identified with a **specific law** related to safety in outdoor active leisure. **France** probably has the most overall and at the same time the most restrictive legislation. If someone possesses the official French certificate ('brevet d'état') for a certain activity, this activity will consequently be safe. Safety is therefore radically reduced to staff training (see article L212-1 of the French 'Code du Sport' ¹²)

¹² Code du Sport: <http://droit-finances.commentcamarche.net/legifrance/51-code-du-sport/122531/obligation-de-qualification>

Belgium on the other hand, has issued two Royal decrees: one on ‘active leisure activities’¹³ and another on ‘extreme active leisure’¹⁴. The latter – without specifying - focuses on ‘bungee jumping’ (in artificial circumstances such as jumping from hoisting cranes).

In fact these Belgian regulations stipulate the minimum safety requirements a provider of an active leisure activity needs to meet. The implementation of these laws (Royal decrees) however, is left to the sector (co-regulation).

Finland has also issued a general legislation on safety in ‘programme services’¹⁵ and complemented this regulation with additional ‘guidelines’ on horse riding, ski and carting.

The specific legislation for young people (-18 years) in the **UK** makes the situation more complex. In the UK the term ‘statutory’ is used instead of ‘regulatory’.

The most dominant regulatory body in the UK is the ‘Adventure Activities Licensing Authority’ (AALA), which is the statutory (= regulatory) licensing body for providers offering ‘caving, climbing, trekking and water sports’ to children under eighteen.

The status of the AALA in the near future is, however, not clear. Consulting the AALA web site immediately shows “**to be abolished**”¹⁶ Moreover, the home countries/regions within the UK (England, Wales, Scotland and Northern-Ireland) all seem to have a different approach to safety in outdoor leisure activities.

Regarding adults, there seem to be no regulatory (statutory) safety measures applicable in the UK.

¹³ http://economie.fgov.be/en/entreprises/Safety_of_products_and_services/Safety_of_active_entertainment/

¹⁴ http://economie.fgov.be/en/entreprises/Safety_of_products_and_services/Safety_of_extreme_entertainment/

¹⁵ www.tukes.fi/en/For-Consumers/Leisure-time/Programme-services/

¹⁶ www.hse.gov.uk/aala/index.htm

Norway has at least three regulatory measures on diving, rafting and on services at sea. As reported by the Norwegian representative at the CSN ¹⁷ (Consumer Safety Network) these regulations dated from 1994.

Finally, the single **Austrian** regional regulatory measure obtained from Tirol is probably indicative for the complicated mix of regulations at regional/local level throughout Europe. Many European regions have specific regulatory measures on the delivery of safe services, in occurrence outdoor leisure activities. However, within the scope of this research (from the beginning of May 2012 until the first of October 2012), the Tyrolean regulatory safety measure was the only regional regulatory measure found.

3.3.2 Standards (Table 4)

Within the context of this report most referenced standards refer to the component '**equipment**' of outdoor leisure as discussed in section 2.1.1: 'Components of outdoor leisure'.

As a consequence of these standards, the outdoor active leisure sector automatically uses **EN**-certified equipment ¹⁸.

Very few standards refer to '**services**'. Furthermore, the standardisation of services is nearly exclusive for the national level.

In general, however, standards need to be considered as 'non-regulatory'. Some reported regulatory measures do nevertheless explicitly refer to **national standards**. The latter applies for **France** where the ten referenced national standards (AFNOR) are incorporated into the French Law on Sports (Code du Sport).

Spain (AENOR) is the only EU member state that introduced a comprehensive (non-regulatory) national standard called: 'Adventure tourism service provision requirements'.

¹⁷ http://ec.europa.eu/consumers/safety/committees/index_en.htm#csn

¹⁸ By referring to 'EN certification' the producer confirms the product (equipment) was produced according to a European Standard (EN)

Finally, in the **UK** one national standard was referenced related to the provision of 'overseas expeditions'.

<h3>BS8848 British Standard</h3> <ul style="list-style-type: none">◆ The British Standard for overseas expeditions and fieldwork BS 8848: a specification for the provision of visits, fieldwork, expeditions, and adventurous activities outside the UK was first published in April 2007. This was later revised and republished to include a self-assessment checklist in January 2009. The RGS-IBG was among the organisations on the BSI technical committee that drafted the standard.◆ What is it for? The new standard aims to reduce risk from injury or illness and provides those that comply with the standard with a way of being able to demonstrate that they are following good practice to manage the venture safely.	
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At **European level** (CEN) and **world level** (ISO) an absolute majority of standards refer to equipment issues with 'climbing', 'diving' and 'skiing' being the most 'standardised' outdoor activities.

The most prominent – and probably the only – European standard referring to services is the standard referring to 'high ropes courses' (*EN 15567-1 & EN 15567-2*).

For information on relevant **CEN** standards, see:

- CEN TC 136 (*Sports, playground and other recreational facilities and equipment*)
<http://www.cen.eu/cen/Sectors/TechnicalCommitteesWorkshops/CENTechnicalCommittees/Pages/default.aspx?param=6118&title=CEN/TC%20136>
- CEN TC 329 (*Tourism Services*)
<http://www.cen.eu/cen/Sectors/TechnicalCommitteesWorkshops/CENTechnicalCommittees/Pages/Standards.aspx?param=6310&title=CEN/TC%20329>

For information on relevant **ISO** standards, see:

- ISO TC 83 (*Sport and Recreational Equipment*)
http://www.iso.org/iso/home/store/catalogue_tc/catalogue_tc_browse.htm?commid=50190
- ISO TC 228 (*Tourism and Related Services*)
http://www.iso.org/iso/home/store/catalogue_tc/catalogue_tc_browse.htm?commid=375396

3.3.3 Conventions (Table 5)

Conventions are used for outdoor activities with inherent risk for the health and/or physical integrity of the participant. They are used to classify degrees of difficulty (danger) and are almost always linked to physical performance. The use of conventions is therefore characteristic for the build-up of **staff training** programmes as well as for evaluating **certification schemes**.

The assumption is that for instance one cannot **climb** a rock with a difficulty rated V+ if one is not able to climb a rock rated - IV; one cannot **kayak** a white water river rated class 4 if one cannot kayak an easy going river rated class 2; one cannot **ski** a black slope if one is not able to ski a red slope.

Although **canyoning**, rock climbing and skiing are practiced in almost all continents, these activities have specific European conventions to be taken into account whilst considering EU safety measures for outdoor leisure activities.

In the general perception, the ‘Beaufort wind scale’ - probably the most known convention – seems to be explicitly related to danger and to the risk of life (sailing, windsurfing, kite surfing, parachute, etc.).

*Devised by British Rear-Admiral, Sir Francis Beaufort in 1805
based on observations of the effects of the wind*

Beaufort number (force)	Wind Speed		Wave height (feet)	WMO* description	Effects observed on the sea	Effects observed on land
	knots	mph				
0	under 1	under 1	-	Calm	Sea is like a mirror	
1	1 - 3	1 - 3	0.25	Light air	Ripples with appearance of scales; no foam crests	

In general **difficulty equals danger**. Consequently, an outdoor provider should not offer outdoor activities that are too difficult (= too dangerous) to a novice client.

3.3.4 Voluntary measures

Four subcategories of ‘voluntary measures’ are identified: certification schemes, codes of conduct, guidelines and best practices. Each of these subcategories is reviewed in the next sections of this report.

3.3.4.1 Certification schemes (Table 6)

Taking a closer look at the overview of all referenced certification schemes shows that:

- Certification schemes focussing on one specific activity are in fact activity specific technical **'training programmes'**. In most cases these training programmes are offered by governing bodies.
- Certification schemes focussing on the outdoors as a 'sector' have a more general character and also focus on **sectoral safety** at SME (company/provider) level. In most cases, these schemes are offered and owned by employer federations.

Technical training schemes are a typical feature related to 'governing bodies' (federations). Governing bodies share a common belief that relying on technical certification schemes inherently implies safety.

As described in the section dealing with 'regulatory measures' (*section 3.3.1*) the French situation is probably the most extreme example of linking safety to (legal) certification. Provided the French outdoor instructor / guide / animator / has a certificate ('brevet d'état') for a certain discipline, according to the 'Code du Sport', both the instructor/guide/animator and the activity are **'officially judged safe'**.

In many cases – not just in France - the latter seems to result in certification schemes that hardly pay attention to genuine safety for the simple fact that - almost by definition - being certified by a governing body automatically implies 'safety'.

Without doubt technical skills are essential in securing safety 'on the spot', but as it turns out, many other aspects of outdoor activities such as general management, people management, site plans, emergency procedures, evacuation procedures, incident and accident reporting, equipment maintenance, etc. should also be taken into consideration in order to provide for safe outdoor activities.

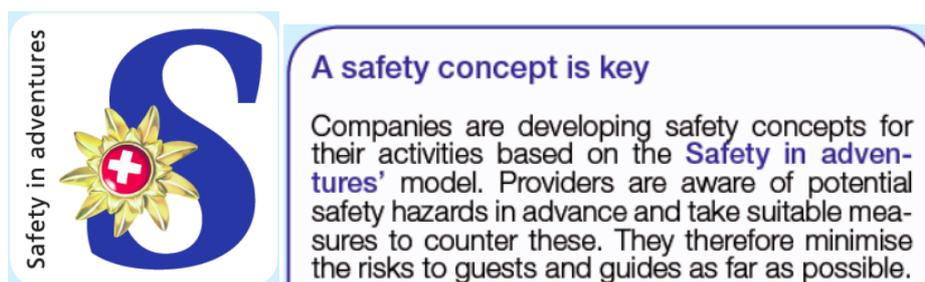
In contrast with the 'technical training schemes' the sectoral certification schemes, seem to cope with the **five components of outdoor activities** as outlined in section 2.1.1.

Only in four countries (Belgium, UK, The Netherlands and Switzerland) sectoral certification schemes have been referenced. Except for the UK these certification schemes have been developed by the national employers federations (BFNO, VeBON and SOA) and are referred to as ‘programme safety’ schemes.

Basically these sectoral certification schemes or programme safety schemes are comparable to ISO quality management systems. The Dutch safety scheme ‘*VeBON 4.0 veiligheidsnorm*’ explicitly refers to the ISO 9001:2000 standard for quality control.¹⁹

The referenced safety measures have a different approach. Because of underlying legislation, the Belgian (BFNO)²⁰ approach can be considered co-regulatory whilst the Spanish scheme in fact is a national standard developed by the Spanish standardisation organisation AENOR.

In the absence of national legislation the Dutch (VeBON) and Swiss (SOA)²¹ safety schemes, can be considered as self-regulating.



Besides the ‘Adventure Activities Licensing Authority’ (piloted by the Health and Safety Executive – HSE) the ‘Learning Outside the Classroom’ scheme (LOtC) is a second British programme safety scheme (non-statutory or self-regulating) developed for providers offering ‘**other**’ activities to schools. ‘Adventuremark’, finally is the third programme safety scheme (non-statutory or self-regulation), developed by the sector of professional outdoor providers (former BAHA now BAPA) offering activities for adults²².

¹⁹ Vereniging van Buitensport Ondernemingen Nederland: www.vebon.nl

²⁰ Beroepsfederatie van Natuursportorganisaties: www.bfno.be

²¹ Swiss Outdoor Association: www.swissoutdoorassociation.ch

²² British Activity Providers Association: www.thebapa.org.uk/

At the international level one **private** programme safety scheme by 'Outward Bound International' was retrieved. This OBI scheme is managed through (international OBI) peer reviews ²³.

The common feature of all referenced programme safety schemes, however, is that they all focus on the complete **management cycle** of the **provider** who offers an outdoor leisure activity to the client.

To complete the list it should be noted that recently both in **Ireland** and in **Finland** new initiatives for '**programme safety measures**' have been launched.

Besides the Finish Consumer Safety Act, Finland has also issued "*Guidelines for the promotion of safety in program services*". So far a standardised system to check programme safety does not seem to be operational.

Most recent (2012) in Ireland, an Accreditation Steering Committee (ASC) was set up by 'Coaching Ireland' to explore regulation of adventure sports. ²⁴ The ASC agreed that some form of accreditation for Adventure Activity providers is needed and that this should be: 'industry led', non-statutory, encompass all providers in Ireland, recognise/value/endorse NGB (National Governing Bodies) standards and be based on standards of safety.

3.3.4.2 Codes of Conduct (*Table 7*)

Nine out of twelve codes of conduct relate to the providers of outdoor leisure activities. Only one out of twelve is both a sectoral and regional (Wallonia in Belgium) code of conduct whereas the other codes of conduct relate to only one specific activity and have an impact at national level.

In general terms the impact of a code of conduct on safety in outdoor activities seems to be relatively limited. The enforcement of a code of conduct is left over to the appreciation of the service provider. In other words, using a "*set of rules to outline the responsibilities of, or proper practices for an individual, party or organisation*" (*Annex 2: Glossary*) indeed is a limited tool to promote safety in outdoor

²³ <http://www.outwardbound.net/staff/safety/>

²⁴ <http://www.coachingireland.com>

activities. Nevertheless, codes of conduct can be effective **if** and only **when** they are applied. Codes of conduct primarily seem to focus on improving the quality of the programmes delivered by outdoor companies and as such are often developed to improve the image of the sector.

<p>Deutscher Hängegleiterverband e.V. im DAeC Beauftragter des Bundesministeriums für Verkehr, Bau und Wohnungswesen DHV, Postfach 88, 83701 Gmund am Tegernsee, Telefon (08022) 9675 0, Fax (08022) 9675 99</p>	
<p><u>German Flying Rules</u></p>	
<p>The DHV, the German Paragliding and Hanggliding Federation, would like to welcome all foreign pilots in Germany. In Germany there are more than 800 flying sites for paragliding and hanggliding. Details may be found in the flying-site database here: http://www.dhv.de/typo/Flying_Sites.1402.0.html</p>	

3.3.4.3 Guidelines (Table 8)

Twenty-two out of twenty-six of the referenced guidelines can be considered as national guidelines. The region of Tirol in Austria is the exception with guidelines issued at regional level.

National in this case means that ‘guidelines’ can have an impact at national level because they are often issued by governing bodies. On the other hand (and except for **Norway**), the referenced guidelines are not issued by an official authority or by a national authority.

As in the case of the ‘codes of conduct’, **sectoral** guidelines impact the providers of outdoor activities. On the other hand, table 8 seems to indicate that ‘guidelines’ mainly impact the animator/guide at the **individual level**. In other words through the use of ‘guidelines’, governing bodies try to help, document, or guide individual outdoor animators to improve safety practices.

It is noticed that the content of most of the referenced guidelines is informative: for instance the Austrian (Tirol) guidelines simply provide emergency telephone numbers. Though maybe a very useful tool, compared with the ‘components of outdoor activities’ (section 2.1.1), the latter illustrates the limited impact of certain ‘guidelines’ on safety in outdoor activities.




Wichtige Nummern für das Bergwandern

Wetterdienste und Lawinenwarndienste

Alpenverein Wetterdienst
Diese Rufnummern sind nur innerhalb der nationalen Grenzen erreichbar!

Österreich:	Alpenwetterbericht: 0450 199 0000 11
	Ostalpen: 0450 199 0000 18
	Schweizer Alpen: 0450 199 0000 17

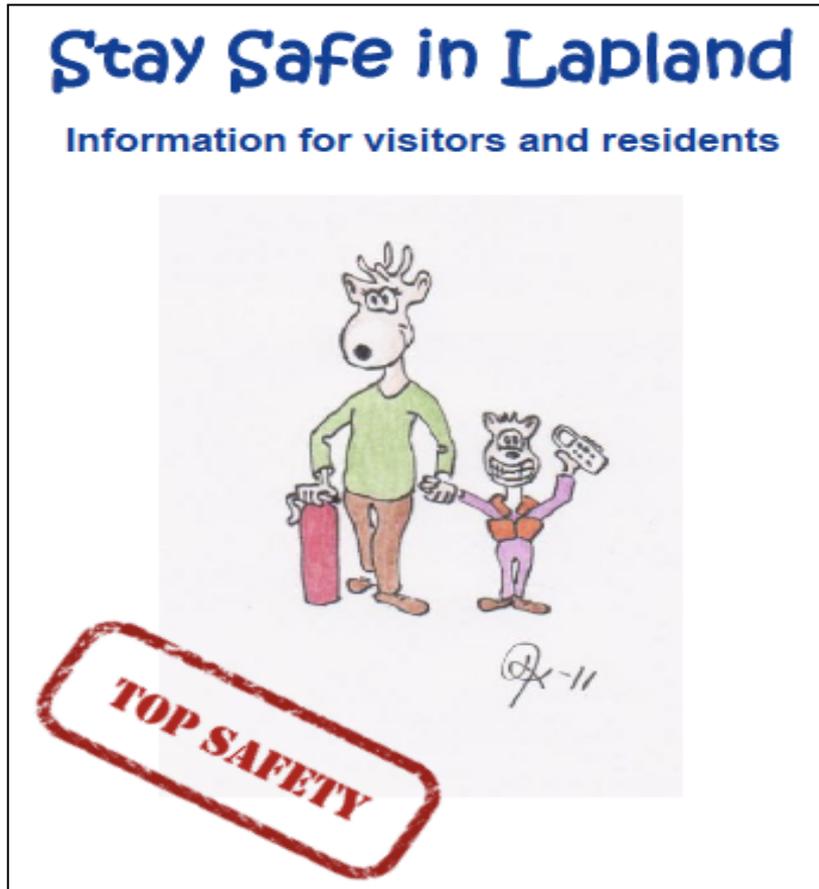
3.3.4.4 Best Practices (Table 9)

Best practices (N= 11) mostly relate to a very local situation for example just one company or in a remote area. A best practice seems to be the 'best thing to do' in a particular situation or context. If and when a best practice is applied, it might be a useful tool to promote safety in the given situation.

Best practices have been referenced only in three countries: Finland, the UK and Portugal.

Finally, as is also the case with 'codes of conduct' and with 'guidelines', there seems to be a **semantic problem** in qualifying safety measures. It is not always clear why certain safety measures are described as a 'code of conduct', a 'guideline' or a 'best practice'.

However, for the purpose of this report, and as described above in section 2.1.2, the level of constraint that a measure creates upon the service providers is used as a distinguishing criterion.



3.4 Overview by safety measure

In order to compile the gathered information per safety measures a **measure synoptic chart** has been created. (*Annex 4: Measure Synoptic Chart*)

This chart can store all retrievable information on the content of the measure. If available, information is processed on:

- 1) The nature of the organisation
- 2) The nature/number of subscribers
- 3) The coverage of content
- 4) The level (local/regional/national)
- 5) The enforcement

If available, information on the scope (sector, subsector, activity) and the coverage of content relating to management (management, staff training, customers, environment, equipment) of each referenced measure is also processed.

In sum, detailed data on the content of the 121 individual referenced safety measures have been stored on 121 individual measure synoptic charts.²⁵

Annex 4 (using the first referenced measure for Austria) illustrates how the content or the 'environment' of the measures is processed.

Compiling all data stored on the 121 measure synoptic charts should provide relatively detailed information on every single issue. To meet the purpose of this report, however, it is better to use the data for comparing and evaluating the impact or constraint on the sector's operators of the referenced measures.

The latter is subject of the next sections in which an overview will be presented of the referenced safety measures at MS and at cross-country level.

3.5 Overview of the safety measures per Member State

To compile the gathered information by safety measure at Member State (MS) level the different 'measure synoptic charts' (by country) are incorporated into one **MS synoptic chart**. (*Annex 5: Member State Synoptic*)

In fact the MS synoptic chart summarises the impact or constraint the referenced safety measures (by country) have on the sector's operators.

The Austrian MS synoptic chart, for example, illustrates this step in the analysis.

²⁵ Because ISO, CEN and national standards must be purchased (at variable costs), the environment of the referenced 'standards' (N=102) was not included into this part of the research.

A brief crosscheck of the regulatory measures was carried out through consulting the Vocasport report (2004) ²⁷ and an internal DG SANCO report on regulatory safety measures for the outdoors ²⁸. Without claiming statistical validity it can be stated that the crosscheck at least confirms the general trend of this study.

	Strong points	Appearing Gaps
Switzerland	The level of safety input in the outdoors is rather global and sectoral and covers the 5 components of the outdoors: management, staff, customers, environment and equipment.	The enforcement of safety measures remains with the good will of the professionals.
Estonia		Estonia does not have a national law that governs the Outdoors in terms of safety. No national or regional, sector or activity based programme safety measure has been found either.
United Kingdom	Apart from many other safety measures, United Kingdom has developed several programme safety measures	The only regulatory measure is restricted to under 18 years old

3.6 Overview of the safety measures at cross-country level

The last step in compiling the gathered information is to incorporate the fourteen MS synoptic charts into one comprehensive **European synoptic chart**. (*Annex 6: Europe Synoptic Chart*)

	SCOPE 1 : Measures common to all outdoor activities	SCOPE 2 : Measures specific to the sub-sectors				
Coverage of content	Sector	Lakes Sea	Snow	Earth	Stream	Air
(SME) Management (SME)	(SME) Management (SME)	(SME) Management (SME)				
Identify and assess risks	(ISO x 1) BE BE BE BE BE BE CH ES FI FI FI GB UK UK UK UK UK NL NO NO	No measure found apart from sectoral ones		UK PT	UK	FR
Notify authorities	(ISO x 1) BE BE BE BE BE CH ES FI FI FR UK UK UK NL			UK	UK	FR
Inspections & controls	(ISO x 1) BE BE BE BE BE CH ES FI FI FR UK UK UK UK UK UK NL			UK PT	UK	FR

²⁷ EOSE, oc., Table 16, p. 54

²⁸ Anonym, Report of CSN meeting on 18th of June, Brussels, 2010

View (from Annex 6) of the EU synoptic chart

The European synoptic chart is in fact a compilation of gathered information of all (regulatory and non-regulatory) referenced measures related to the safety of outdoor leisure activities in the EU.

The EU Synoptic Chart is best read from left to right and from top to bottom.

Reading left to right, it becomes clear that, if a safety measure is available at sectoral level, the same measure will also impact at subsector and activity level. If a country code is repeated on the same row, however, the latter indicates that at least two, three or more different national measures are involved.

In order to **visualise gaps** in the coverage of content of the referenced safety measures in the EU, red coloured boxes are added to the EU Synoptic Chart. These boxes indicate a lack of coverage by a specific safety measure.

The European synoptic chart thus allows to comment on many different issues, although an overall analysis proves more appropriate.

In **Belgium** and to a lesser extent also in the **UK** and **Finland**, regulatory measures in combination with 'voluntary measures' are applied to promote safety in the **whole sector** of the outdoors. **Spain, Switzerland** and **The Netherlands** also have some relatively impacting certification schemes, but these schemes are not backed-up by legislation.

If safety measures are available at sectoral level these measures seem to refer mostly to 'management' and 'staff' components and to a lesser extent to 'clients' and 'environment' components. In case of the 'equipment' component, most countries either have no regulation or rely on ISO and CEN standards.

If regulation measures and/or certification schemes are lacking, safety measures relating to **management issues** are genuinely not retrieved: **Portugal** being the exception.

At **subsector** level and **activity** level the situation becomes more ambiguous. **Denmark, France** and **Norway** have safety measures in some limited areas

whereas other countries have no safety measures at all or only 'case-by-case' measures at **activity level**.

Furthermore, countries that do not focus on management safety issues tend to rely on a combination of staff training and customer information.

Apart from regulatory safety measures in Belgium, Finland, France and Norway, safety measures referring to 'staff' are mostly **voluntary measures (certification schemes)** issued by National Governing Bodies (federations).

To a large extent, in many countries the promotion of safety seems a matter of **pure technical training** (skills). The latter is particularly the case for **diving, skiing, climbing, rafting and kayaking**.

Concentrating on technical training for an activity also seems to correlate with focussing on 'conventions' related to the activity.

At the activity level, **France** seems to rely mainly on '**national standards**'.

At the activity level, **ISO and CEN** standards are almost exclusively used when referring to quality criteria (production) for equipment for **diving** (11 ISO & 10 CEN standards), **climbing** (20 CEN standards) and **skiing** (22 ISO standards).

The **subsector air**, with an exception of the airworthiness of delta planes, paragliders and ULM's (Ultra Light Machines), is generally regulated by International and/or European law. Therefore it might be considered appropriate to **refrain** from dealing with the subsector Air in the context of promoting safety measures for outdoor leisure activities in the EU.

3.7 Conclusions

The information gathered (including the nature of the organisation, the coverage of the content, the scope of the measure, the enforcement, etc.,) is used to **compare** the referenced measures related to safety of outdoor leisure activities at both national and cross-country level. The national 'measure synoptic charts' are compiled into one overview 'national synoptic chart' and finally all national synoptic charts were amassed into one comprehensive 'EU synoptic chart'.

The EU synoptic chart is a view based on the information gathered from May to the first of October 2012. The data collected are undoubtedly partial and some documents can only serve as indicative. They just indicate the existence of a certain measure. Nevertheless, the European synoptic chart reflects the general trend for the year 2012.

At **cross-country level** (EU synoptic chart) there are only three activities where all the 'components of outdoor activities' are covered by safety regulations: Alpine ski, horse riding and carting. However, on the one hand not all components are covered at the same time in the same countries, and on the other hand, it is only because of Finish law that horse riding and carting are covered. The latter illustrates the gap that despite a total of 223 referenced safety measures, **not one single activity is fully and adequately covered (five components) at EU or even country level.**

Probably the most confusing and difficult aspect of dealing with all the referenced measures is the **multitude of issues** relating to both the type of the measures and to the coverage of the content of the measure. Consequently, it appears that **having a complete picture** of international regulations via national standards to local best practices across the EU is a more complex task than initially perceived. The straight conclusion from this fact is that a comprehensive **safety scheme at EU level** is a substantial gap in promoting safety of outdoor leisure activities.

It should be noted that reading this EU synoptic chart could be misleading. Indeed, at first glance a lot of safety measures (N=223) have been referenced but it should also be taken into account that most of these safety measures **stand alone**. Apart from six countries (BE, CH, ES, FI, UK, NL) that have introduced some kind of certification scheme at sectoral level, the vast majority of referenced measures were developed **per country** and only **at activity level**. In other words, there is **no structural link** between all these measures neither at activity level, neither at country level nor at EU level.

Moreover, one cannot state that a country with more safety measures than another one is consequently a safer country (for active leisure activities). Adding up a large number of individual safety measures is no guarantee that all the components of leisure activities (management, staff, client, environment, equipment) as well as the whole scope of active leisure will be covered.

Furthermore, the cross-border character of outdoor leisure activities makes it paramount for the safety of clients (**consumers**) to rely on providers operating according to EU wide accepted safety procedures.

From the above discussion it can be concluded that the '**effectiveness**' (*section 2.1.3*) of safety measures should be considered in order to identify the most effective safety measures for outdoor leisure activities throughout the EU. The next chapter of this study, chapter 4 turns its attention to the analysis of the effectiveness of different safety measures.

4. Analysis of the effectiveness of safety measures

4.1 Key aspects of effectiveness

As presented in the second chapter of this report (*section 2.1.1*) outdoor activities consist of the conjunction of **five main components**.

The first component is the **management** of the provider that sells and delivers the outdoor service. The management acts as a 'conductor' ensuring that all service components have been assessed, checked, controlled or maintained and do not present unforeseen, unnecessary, unacceptable risks, failure, or danger.

This component does not take place physically 'on the hill' or 'in the boat' for example, nevertheless it is one of the five key components of an outdoor activity.

The four other components directly concern the field of service delivery and comprise the **animator** who delivers the service, the **client** who pays for the service, the **environment** within which the service is delivered and the **equipment** used to deliver the service.

These components can consist for instance of:

- A Swiss instructor with British children on a ski slope using French constructed skis;
- A Greek guide and a group of Dutch adults on a mountain river in a raft;

- A Spanish leader taking German tourists on a canyon trip using ropes and harnesses;
- A Belgian animator offering local visitors a Walloon flight experience in a hot air balloon;
- A French instructor taking London tourists on a horse riding tour in the Dordogne area.

Such combinations are endless, since European instructors and guides operate in all 27 EU countries, deal with tourists from all over the world and deliver over a hundred types of outdoor activities using hundreds of pieces of equipment within a landscape practically as vast as Europe itself.

The five components described above, however, **always apply** regardless the provider's nationality that sells the service and the staff involved, regardless the type of clients and the activity they have purchased and regardless the location (cross-border) where the service is being delivered as well as the type of activity.

Safety in the outdoors is directly linked to the fact that these five components have been appropriately dealt with before, during and after the delivery of the service.

As far as management is concerned, a 'safe manager' is certainly the one who has well planned the service delivery, assessed the risks and taken corresponding prevention actions.

A 'safe instructor' could be the one who has been appropriately trained.

A 'safe client' has certainly received proper information and is physically and mentally ready for the activity.

A 'safe environment' is for instance a place that is well known to the instructor, where weather conditions are permitting the delivery of the service and which has in some cases even been modified (e.g. a ski slope).

'Safe equipment' must be well constructed and used according to professional standards.

The aim of the present report is indeed not to list or to describe in an exhaustive way what each of the five components should consist of.

However, it is clear that if one of the five components of an outdoor activity is missing, un-adapted, inoperative, or simply not dealt with, the service will lose in safety effectiveness and accidents are more likely to occur.

Safety in the outdoors, however, is not limited to the sole presence of a strong management; it is not exclusively limited to well-trained instructors nor it is exclusively depending on weather conditions. Even providing for brand new bicycles alone cannot guarantee a safe bicycle trip.

Safety in the outdoors cannot be seriously established because one, two or only three of its components are operating according to safe references. On the contrary, safety in the outdoors is directly linked to the fact that **each and every one** of the five components is taken care off according to professional, recognised or accepted **references**.

This means that as far as outdoor activities are concerned, safety is due to the fact that management **AND** staff **AND** clients **AND** environment **AND** equipment are safe, checked, adapted, appropriate and trained.

The cross-border character of outdoor leisure activities makes it paramount for the safety of clients (**tourists**) to rely on providers operating according to EU wide accepted safety procedures. Moreover, because of the increasing mobility of workers (outdoor guides) these safety procedures should also be available and useable for them.

In the light of the above, outdoor companies and their professional organisations, as well as various other national and international stakeholders gradually realised the necessity of taking action in creating a common referential on safety in outdoor leisure activities in the EU. Both the EQFOA (2008)²⁹ and the CLO2 (2010)³⁰ projects were milestones in this process.

²⁹ EU (Leonardo da Vinci), European Qualification Framework for Outdoor Animators –EQFOA, (Contract number 17.020200/12/624470), 2006-2008

³⁰ EU (Leonardo da Vinci), Professional training & mobility for Outdoor Animators in Europe bridging the gap between sector Competences & Learning Outcomes: CLO2 (Contract number UK/08/LLP-LdV/TOI/163_178), 2008-2010

Governing bodies and/or trade representatives decided along the years to establish measures to define the safest or at least the most satisfactory manner to deliver outdoor services.

A priori in some countries, following tragic accidents³¹ in others or even simply through common sense, the questions that rose were such as:

1. What is a safe management?
2. What is the best training for an outdoor instructor?
3. Which information should be provided to customers?
4. How to evaluate if an environment is “safe”?
5. How to build the equipment to operate properly?

All sorts of consequent and side questions were of course addressed, but these elements constituted the essence of what is nowadays regarded as the **coverage of content** of safety measures operated in the outdoors.

For this report, the 2008 EIM study as mentioned above (*section 2.1.3*), is inspirational for the further development of the ‘effectiveness’ concept for safety of outdoor leisure activities³².

Transcribing the ‘key aspects of effectiveness of self and co-regulation’ as identified in the EIM report, resulted in defining **five key aspects of effectiveness** of non-regulatory safety measures for outdoor leisure activities.

Five key aspects of effectiveness

1. **The coverage of content** relates to the five components of an outdoor activity. This aspect is the most important one, since it refers to the core of safety in the outdoors, as mentioned previously;
2. **The level of the measure** relates to the geographical level of enforcement of a measure and of course determines the number of customers concerned;
3. **The type of the measure** deals with the level of constraint that a measure represents for the service providers concerned;

³¹ UK: (1993) 4 fatal victims in Lyme Bay sea kayaking disaster

CH: (1999) 21 fatal victims in Saxetbach canyoning disaster

³² EIM, Self-Regulation in SANCO policy areas, 2008.

4. **The nature of the organisation:** refers to who is in charge of or owns the measure;
5. **The scope of the measure:** relates to the number of activities concerned.

Each safety measure regarding outdoor activities can be assessed through these five appropriate aspects and effectiveness.

An alternative way to assess this effectiveness would be to collate every single accident and injury from tragic deaths to simply bruised customers in each country and, having analysed these data per activity *'pro rata'* the total number of customers having purchased an outdoor activity.

Not only is this approach impossible due to un-existing data, but it also would not cover the situations that are potentially risky (**near accidents**).

4.2 Modelling of safety measures

After describing the key aspects of effectiveness for safety measures in outdoor leisure activities the search for patterns of effectiveness is addressed in this next section of the report.

As mentioned in point 2.1.3, according to the Lex Fori study (*section 2.1.3*):

*“ Everyone agrees that **the objective that must be pursued** by any rules, whether or not they come from the State, is **effectiveness**. In order **to be effective, rules must have a number of characteristics**: they must be **clear, appropriate**, and must be able to be **monitored and enforced**, among other things following consumer initiatives. (...) **The higher the number of consumers who are really protected, the more soft law shows its effectiveness**“.*

However, before designing a pattern (or patterns) of effectiveness it is imperative to assess the parameters used to design the pattern. The five parameters or **key aspects** of effectiveness were described in the former section (4.1). For the simple reason that one key aspect (type of measure) indeed has seven subcategories, each of the key aspects is scored on a 7-point scale. Consequently for some 'key aspects' gaps might appear on the continuum from one to seven. The latter, however, does not affect the principle of the method.

Assessing the ‘Coverage of content’ (Key aspect 1)

As explained above, there are five components that should be addressed for this aspect. Therefore each measure is assessed depending on the **number of components that are addressed**.

In order to classify the various possibilities a 7-point scale is used.

	1	2	3	4	5	6	7
Coverage of content	1 Component	2 Components		3 Components		4 Components	5 Components

A measure that deals with only one component (disregarding how well it addresses it) is classified less effective than a measure that deals with two components and so on.

Assessing the ‘Level of the measure’ (Key aspect 2)

The effectiveness of a measure in terms of **geographical level of its enforcement** is linked to the fact of whether it applies locally within for example only one company or if it is applicable for every single regional or national provider. This of course also relates to *"the number of consumers who are really protected"*.

	1	2	3	4	5	6	7
Level of Measure	Local			Regional			National

A strong measure is determined by the fact that the measure is applicable **to every single service provider**.

On the contrary, if a measure only applies to one or two outdoor providers, the measure may be very effective within the company concerned, but in terms of effectiveness it is classified as less effective.

In order to adjust to the ‘7-point scale’ as described above, some gaps were left between ‘local’ ‘regional’ and ‘national’. Consequently, as far as the level of the measures is concerned, only ‘1’, ‘4’ and ‘7’ will be allocated.

Assessing the ‘Type of the measure’ (Key aspect 3)

This ‘key aspect’ relates to the level of **constraint** that a measure creates upon the service providers.

The seven different ‘types of measures’ that were taken into account are ranging from ‘best practices’ to ‘regulatory measures’ (*section 2.1.2: Taxonomy*).

According to the level of constraint, a best practice may be very effective at the company level, but in terms of effectiveness, best practices are classified as the least effective at sectoral level.

A ‘certification scheme’ is classified more effective since it is established in a broader more comprehensive way with stronger issues in terms of control of its enforcement and (if applicable) its correspondence with a given standard.

‘Standards’ are classified as even more effective as standards are often established by a variety of stakeholders.

Finally a ‘regulatory measure’ does not leave any choice in terms of enforcement and is therefore classified as the highest possible constraint on the service providers.

	1	2	3	4	5	6	7
Type of measure	Best practice	Guideline	Code of Conduct	Certification Scheme	Convention	Standard	Regulatory

Assessing the ‘Nature of the organisation’ (Key aspect 4)

Although this aspect may not seem as important as the others, the size and/or level of the organisation which is in charge of, or which owns the measure is relevant.

A local trade organisation may indeed define relevant safety measures but it will not have the same impact on its peers as a stronger national organisation.

	1	2	3	4	5	6	7
Nature of Organisation	Local			Regional			National

The same classification is applied as described for the ‘level of the measure’.

Assessing the ‘Scope of the measure’ (Key aspect 5)

The scope of a measure is determined by the number of activities that are concerned by that particular measure.

A measure that concerns only one activity may be very effective for this particular activity. A more effective measure will cover more activities (sub-sector) whereas a safety measure that deals with the sector as a whole is classified as most effective.

	1	2	3	4	5	6	7
Scope	Activity		Multiple activities		Sub-sector		Sector

The overview of the assessment of effectiveness for safety measures for outdoor leisure activities is presented in the following table:

The 5 key aspects of measure effectiveness							
	1	2	3	4	5	6	7
Coverage of content	1 Component	2 Components		3 Components		4 Components	5 Components
Level of Measure	Local			Regional			National
Type of measure	Best practice	Guideline	Code of Conduct	Certification Scheme	Convention	Standard	Regulatory
Nature of Organisation	Local			Regional			National
Scope	Activity		Multiple activities		Sub-sector		Sector

Radar presentation of the effectiveness of safety measures

In order to obtain an overview of the effectiveness of safety measures, a ‘radar’ diagram was chosen to illustrate the measures graphically.

From the table described above, each measure can be assessed in terms of effectiveness; by attributing it a five-digit score associated to the five key aspects of effectiveness and their respective level of pertinence. In order to illustrate this five-digit scoring procedure the Danish certification scheme (kayak training programme) is used as an example: ³³

³³ 30% of all referenced safety measures are ‘certification schemes’

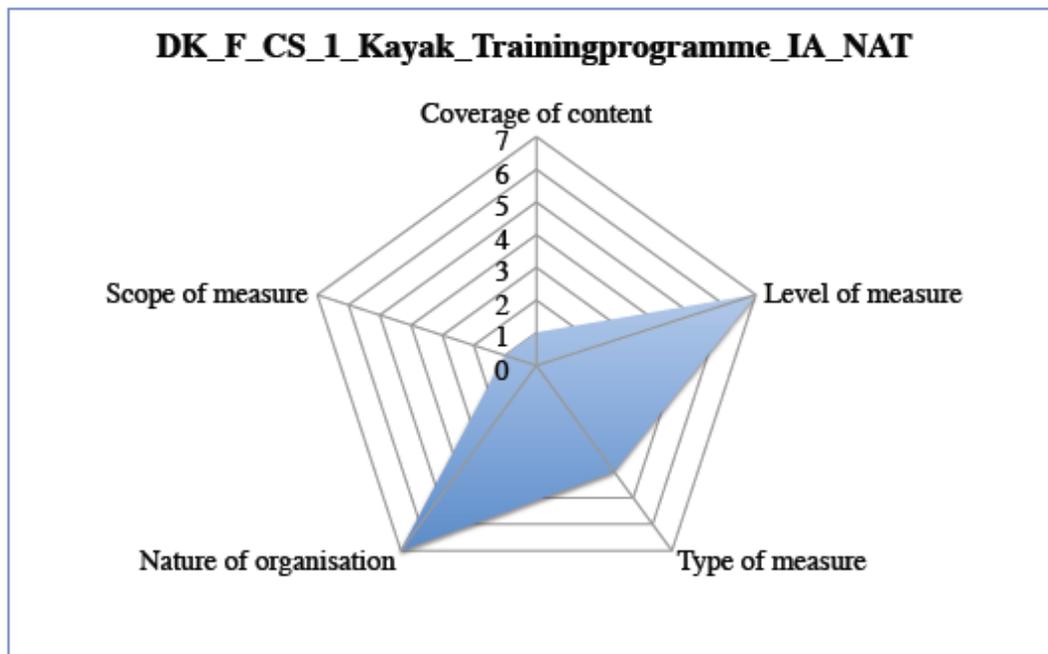
DK_F_CS_1_Kayak_Trainingprogramme_IA_NAT

The five-digit effectiveness score for this measure is coded as follows:

Example					
Code of Measure	Coverage of content	Level of measure	Type of measure	Nature of organisation	Scope of measure
DK_F_CS_1_Kayak_Trainingprogramme_IA_NAT	1	7	4	7	1

This score means that the 'DK_F_CS_1_Kayak_Trainingprogramme_IA_NAT' is a **certification** scheme (Type = 4) adopted by a **national organisation** (Organisation = 7) for **national enforcement** (Level = 7), covering **one component** of the outdoors, that is to say the training of instructors (Coverage = 1) in **one activity** only (Scope = 1), which is 'kayak'. Therefore, the five-digit measure of effectiveness score for the Danish certification scheme (kayak training programme) is coded as 1-7-4-7-1.

On a 'radar' diagram, this effectiveness is represented as follows:



Although this safety measure is determined at national level for an application at the national level, the diagram structure clearly shows that with regards to **the whole sector**, the measure is not effective for three out of the five aspects. It only covers

one component of one activity and its application is left to the decision of the service providers concerned.

This measure probably is an effective measure WHERE and WHEN it is applied, but as the diagram shows, it insufficiently covers many aspects of the outdoors and consequently does not effectively contribute to the overall promotion of safety in outdoor leisure activities.

In order to judge the effectiveness of this measure regarding technical training, the content of this measure should be scrutinised. The latter, however, is not the purpose of this report.

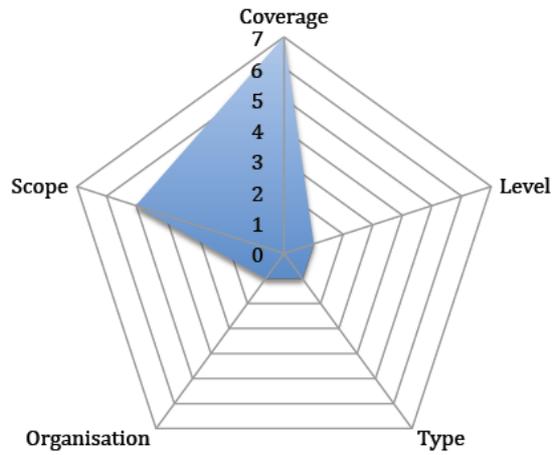
Radar presentation by ‘type’ of measure

By applying the ‘radar’ diagram it now becomes possible to visualise the effectiveness of every single safety measure. Table 9 overviews the five-digit codes (by measure) needed to depict each safety measure in a ‘radar’ diagram. (*Table 9: Measures effectiveness*). However, for the purpose of this report only a random selection of safety measures – one per type of measure - is presented in a ‘radar’ diagram.

Radar diagram of an example of a ‘best practice’

Example: Portuguese Best Practice for Earth sub-sector					
	Coverage	Level	Type	Organisation	Scope
PT_I_BP_1_Earth_Riskevaluation_SME_L OC	7	1	1	1	5

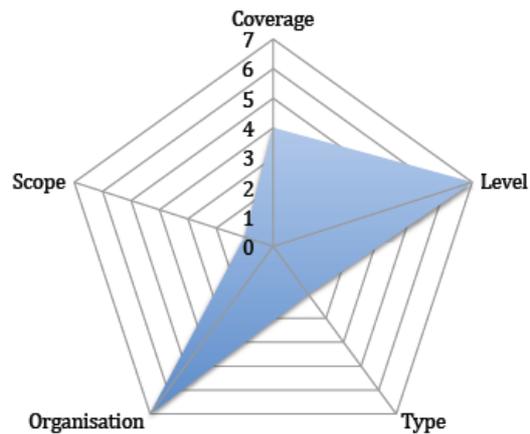
PT_I_BP_1_Earth_Riskevaluation_SME_LOC



Radar diagram of an example of a 'guideline'

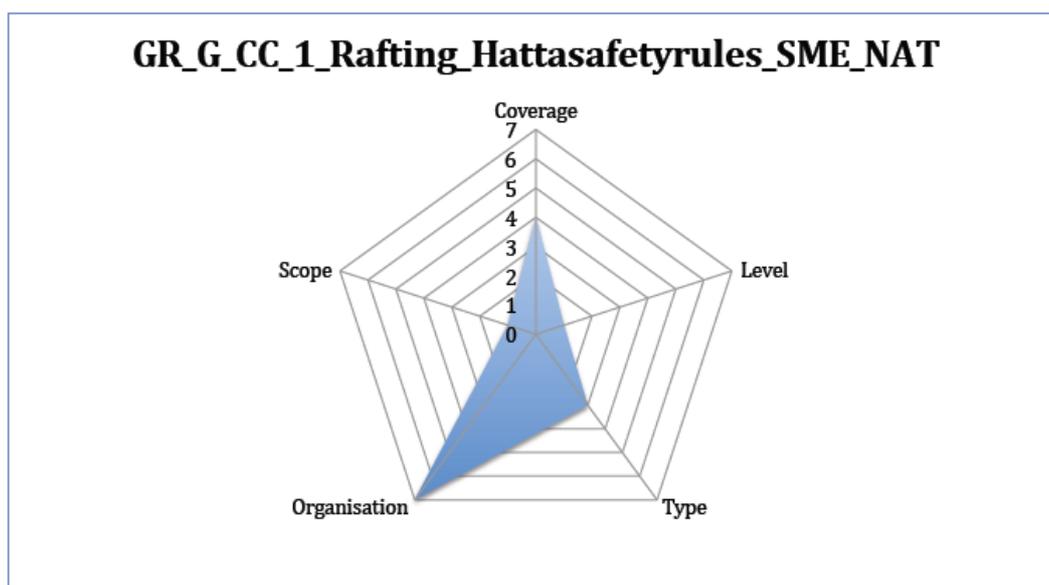
Example: Danish Guideline for windsurf					
	Coverage	Level	Type	Organisation	Scope
DK_H_GL_3_Windsurf_Safetyinstruction_IC_NAT	4	7	2	7	1

DK_H_GL_3_Windsurf_Safetyinstruction_IC_NAT



Radar diagram of an example of a 'code of conduct'

Example: Greek Code of Conduct for rafting					
	Coverage	Level	Type	Organisation	Scope
GR_G_CC_1_Rafting_Hattasafetyrules_SME_NAT	4	1	3	7	1

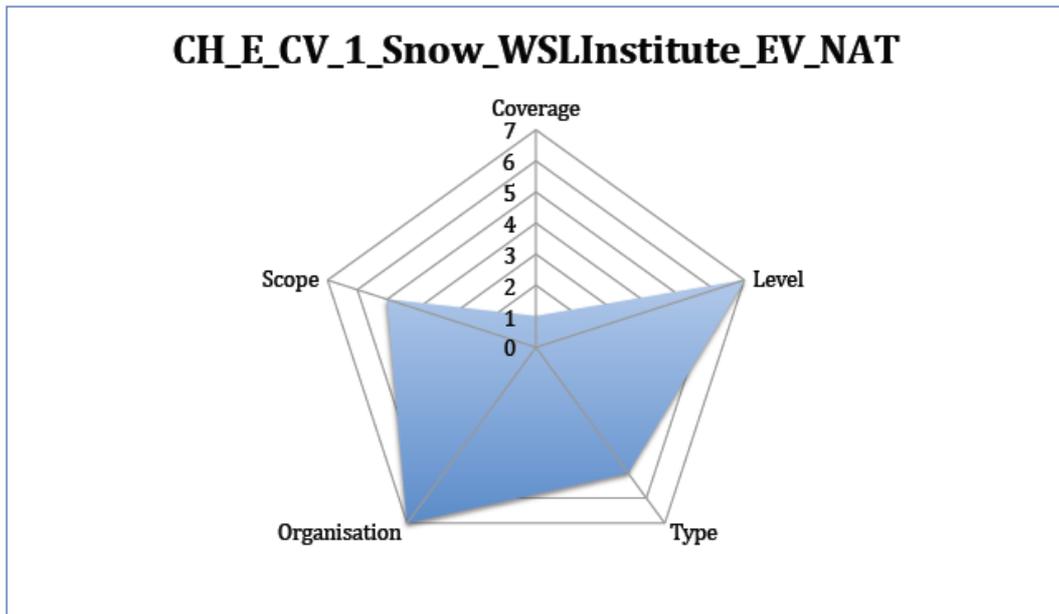


Radar diagram of a 'certification scheme'

See the Danish certification scheme (kayak training programme) used previously as an example.

Radar diagram of a 'convention'

Example: Swiss Convention for Snow sub-sector					
	Coverage	Level	Type	Organisation	Scope
CH_E_CV_1_Snow_W SLInstitute_EV_NAT	1	7	5	7	5



Radar diagram of a ‘standard’

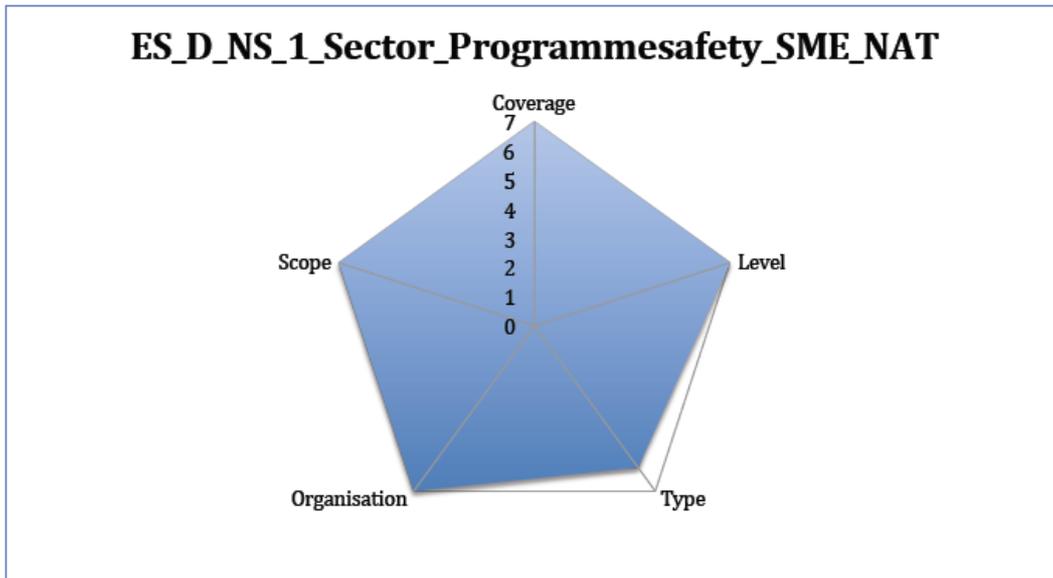
A type of measure that covers most aspects of the outdoors is the Spanish standard on programme safety. This measure is referenced as:

‘ES_D_NS_1_Sector_ProgrammsafetyAENOR188003_SME_NAT’

This national standard presents a ‘7’ within every aspect, except for its ‘type’, since it is a non-regulatory measure. As a result, the five-digit measure of effectiveness score is 7-7-6-7-7.

Example: Spanish Standard for Sector					
	Coverage	Level	Type	Organisation	Scope
ES_D_NS_1_Sector_Programmsafety_SME_NAT	7	7	6	7	7

On a ‘radar’ diagram, the effectiveness for this Spanish standard is represented as follows:



This Spanish standard can be considered as presenting a high level of effectiveness since it fully covers four of the five aspects of the outdoors. Its enforcement is, however, being left to the judgement of the service providers. It is a very effective measure **if and only when** it is applied.

Radar diagram of a 'regulatory measure'

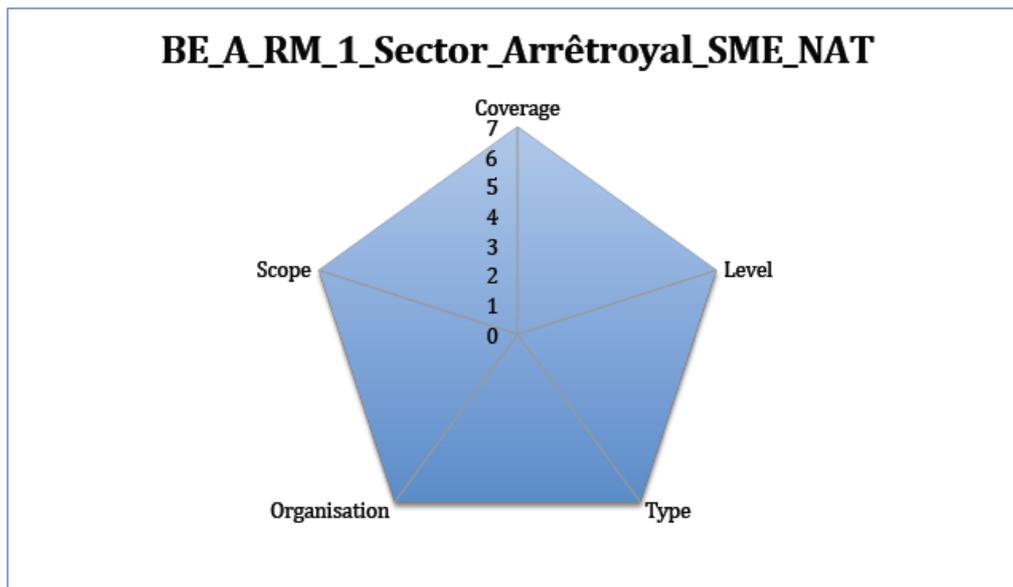
Finally, **regulatory** measures that cover **every single aspect** of the outdoors can be found in Belgium, Finland and in Great Britain:

BE_A_RM_1_Sector_Arrêtroyal_SME_NAT
 FI_A_RM_1_Sector_Safetyact_SME_NAT
 UK_A_RM_1_Earth&stream_ProgrammesafetyyouthAALA_SME_NAT

The five-digit measure effectiveness score for these safety measures is 7-7-7-7-7.

Example: Belgium Regularoy Measure for Sector					
	Coverage	Level	Type	Organisation	Scope
BE_A_RM_1_Sector_Arrêtroyal_SME_NAT	7	7	7	7	7

On a 'radar' diagram, the effectiveness for these measures is represented as follows:



Radar presentation of safety measures per country

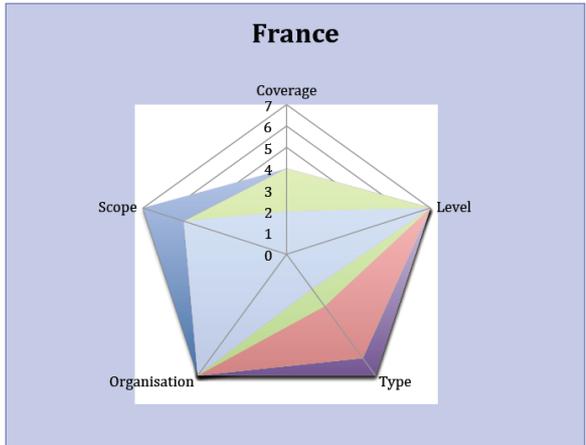
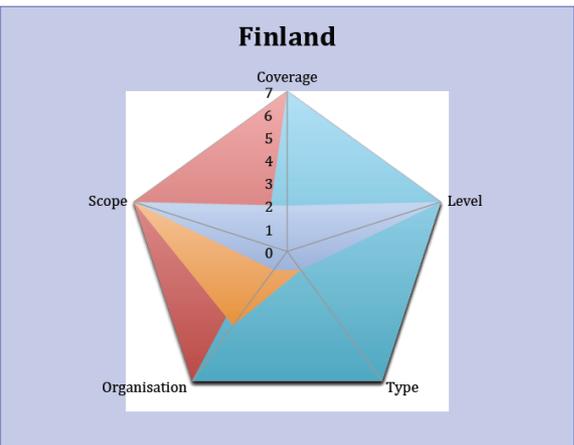
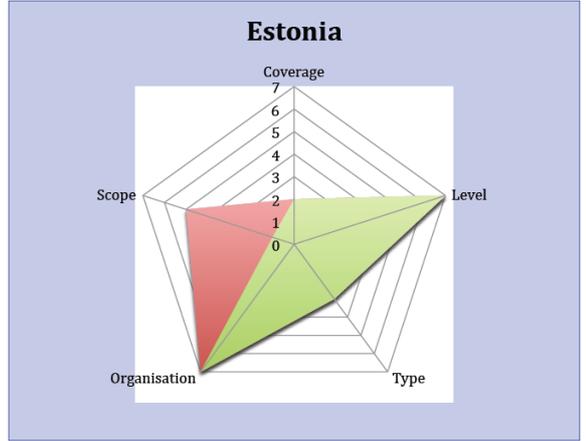
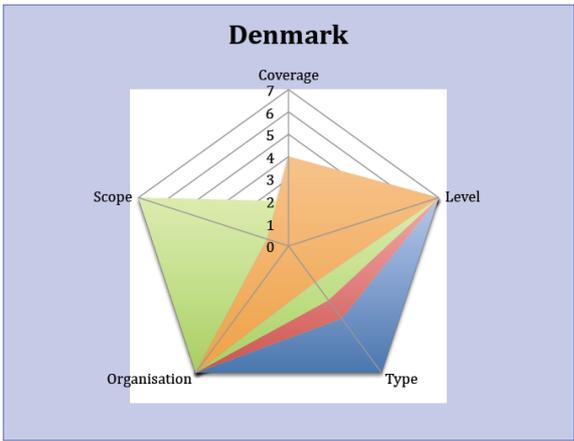
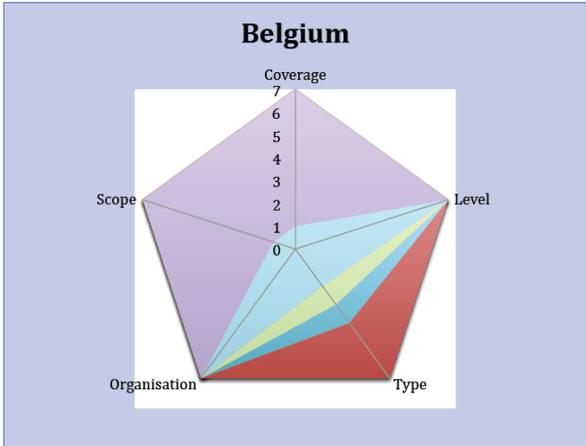
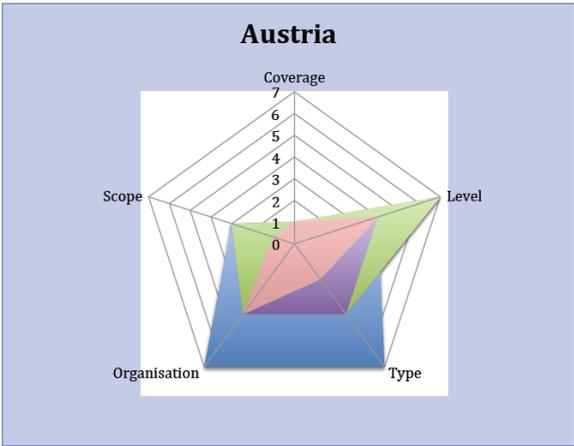
The radar diagrams of all types of safety measures – **except** for the depicted **regulatory** measure – clearly indicate that these measures do not cover the whole spectrum of safety in outdoor leisure activities. In many cases large parts of the spectrum are not covered at all.

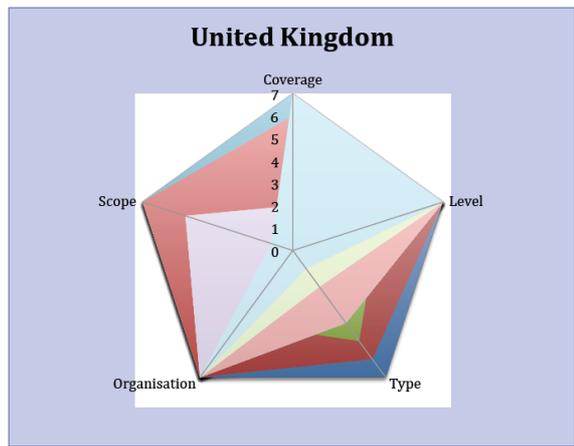
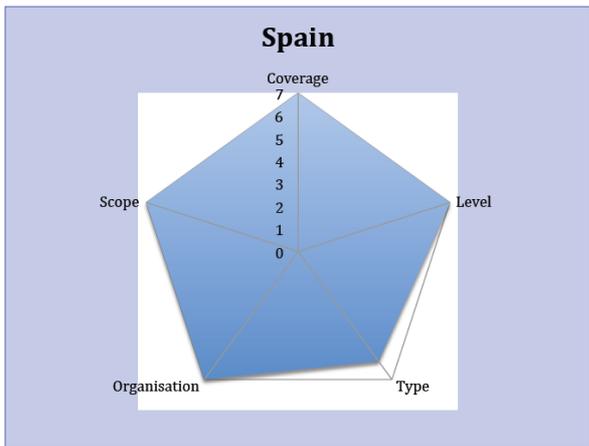
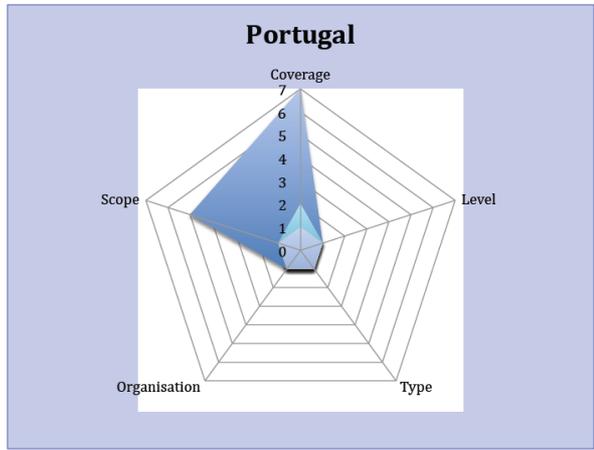
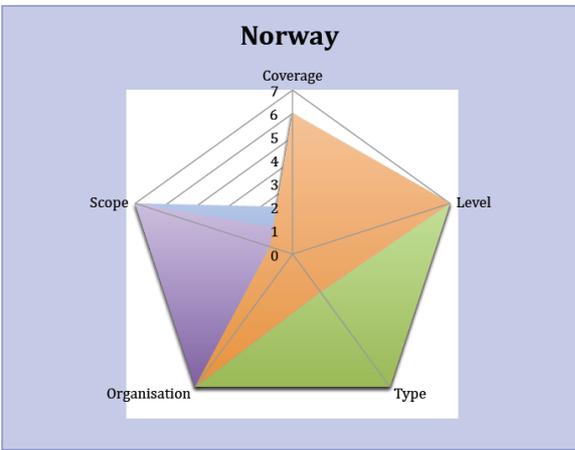
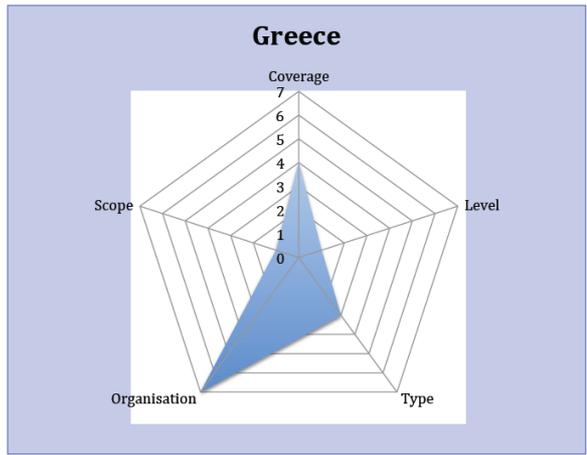
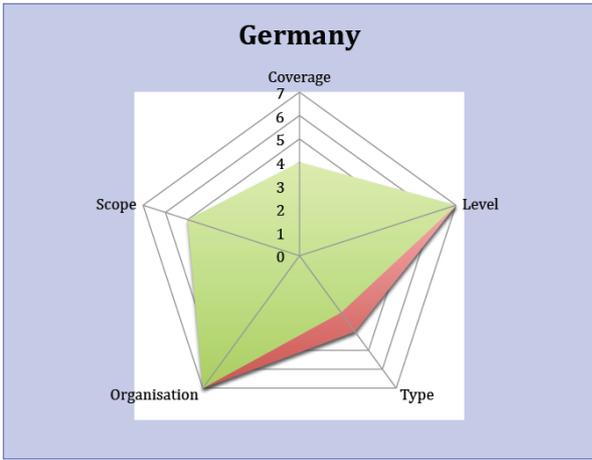
In order to validate these radar presentations of effectiveness, the following hypothesis is put forward. One single measure may not cover all key aspects of outdoor activities and/or may not be compulsory. The question is would **compounded patterns** of safety measures cover all key aspects of outdoor activities? In other words, can the addition of

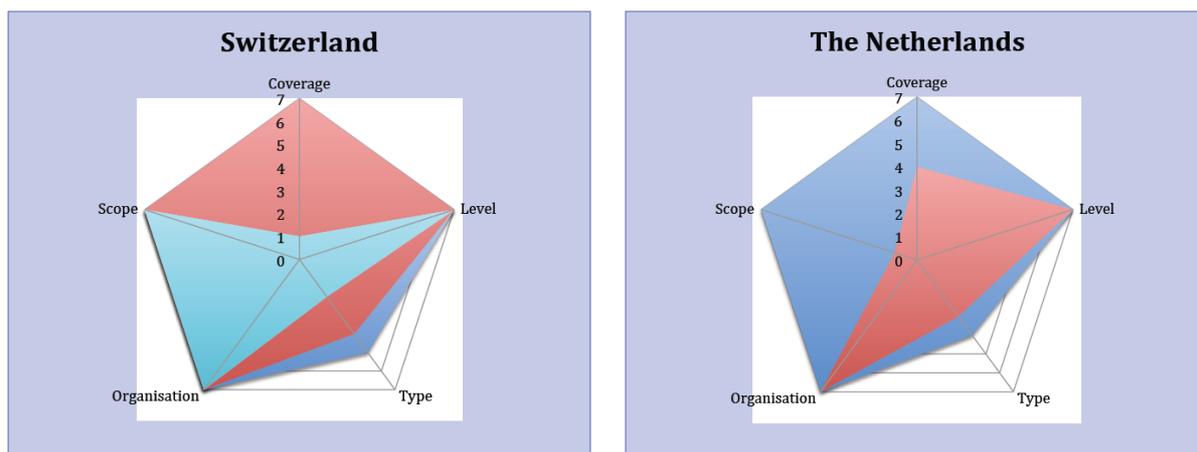
*“**different safety measures, partially covering some of the five components (of the existing one hundred plus outdoor activities) operating at different levels of implementation, of a different type, created by different organisations and structured at different levels**”,*

result in a pattern of effectiveness for the entire sector and for every customer ?

In order to test this hypothesis compounded radar diagrams of the various safety measures per **Member State** are produced. All referenced measures per country were superposed in a country radar diagram. The results of this exercise are presented in the following radar diagrams.







It should be taken into consideration that these radar diagrams are constructed according to the safety measures collected within the scope of this report (*Table 1: Overview of all referenced measures*). Within this context it is worth noting that for instance, both for Greece and Spain, only one single safety measure was referenced. Consequently the radar diagrams might not be very representative for these countries. Nevertheless it is believed that the presented radar diagrams do reflect the general trend.

When one closely examines these radar diagrams it becomes clear that certain patterns of effectiveness of safety measures can be distinguished. For instance by visually comparing the radar diagrams of the UK with Portugal or Belgium with Estonia, fundamental differences clearly do exist.

4.3 Identification of patterns of effectiveness

The radar diagrams for **Portugal** and **Greece** do suggest that the existing safety measures in these countries are not very 'effective'. On the contrary the referenced safety measures in these countries barely cover the spectrum (radar) of safety in outdoor leisure activities.

Germany and **Estonia** also seem to have limited coverage of the safety spectrum.

These four radar diagrams include measures that do not reach '7' for several key aspects including that of 'type of measure', thus leaving the enforcement of the defined measure to the judgement and goodwill of the service providers.

However, the low effectiveness quality does not mean that **where** and **when** the referenced measures are applied they are not reliable. It only means that according to the collected data for Estonia, Germany, Greece and Portugal, the effectiveness in terms of promoting safety in outdoor leisure activities at **sectoral level** is very low in these countries.

To a lesser extent, the radar diagrams for **Austria, Denmark, France and Norway** also reveal parts of the safety spectrum uncovered. These four countries attain a score of 7 for several key aspects but remarkably they do not score 7 for the key aspect 'coverage of content'.

For each of these four countries, there are obviously slight differences with regards to the 'coverage of content'. However, regardless of the number of referenced safety measures, all four countries display a common characteristic – the **management component** is not considered.

At first glance the radar diagrams of the remaining six countries seem to be quite identical. But on the other hand, the radar diagrams for **Belgium, Finland** and the **UK** seem to indicate a full coverage of all safety aspects whereas **Spain, Switzerland** and **The Netherlands** particularly lack full coverage of the 'type' of measure.

Taking a closer look, the latter results from the fact that in **Belgium, Finland** and the **UK** a regulatory measure (law) imposes safety measures on every single outdoor provider³⁴. However in the case of **Spain, Switzerland** and **The Netherlands** the

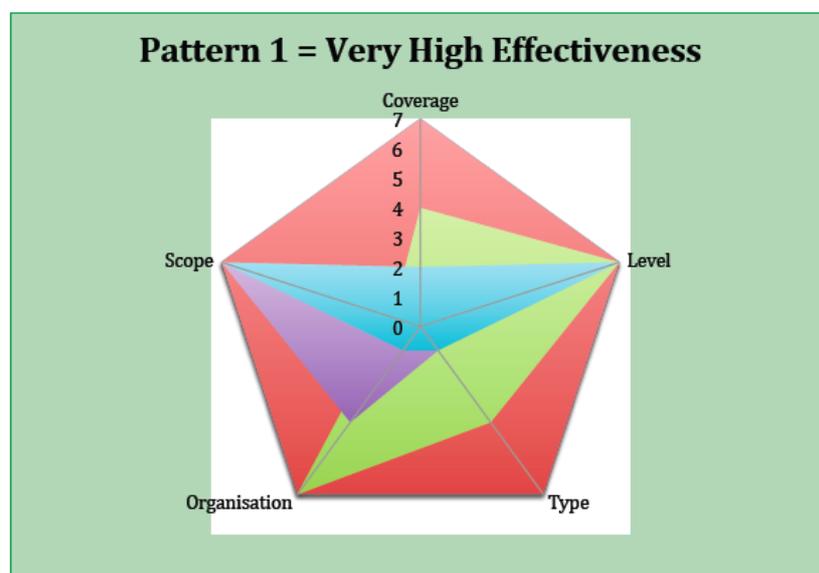
³⁴ In Belgium for instance, legislation provides for a context defining the criteria to meet for the safe organisation of active leisure activities. These criteria are:

- An analysis of risks;
- Precautionary measures must be in place;
- A safety supervisor must be appointed;
- Unacceptable risks must be avoided by taking care of:
 - Installations & equipment;
 - Staff training;
 - Training of the supervisor;
 - Providing information to the customers;
- A situation plan (including a prevention plan and an emergency plan);
- An evacuation plan.

implementation of the safety measures is left over to the goodwill of the service providers.

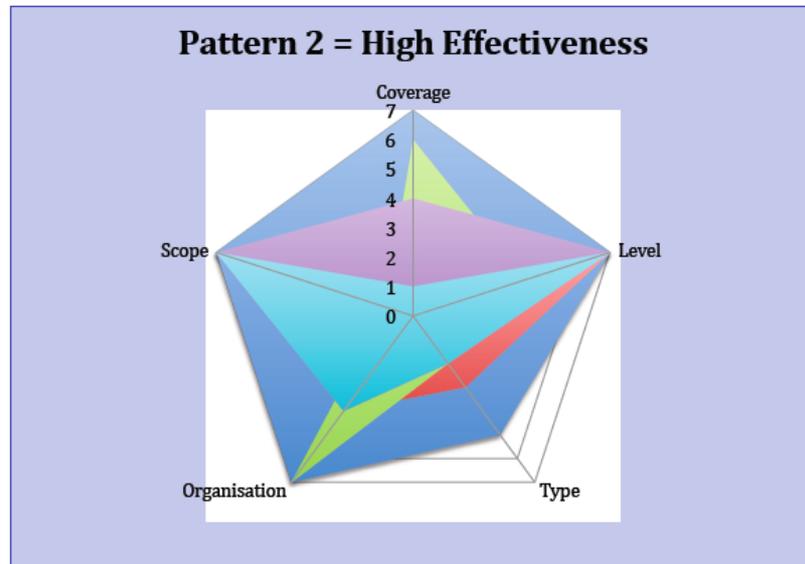
From the above discussion and presentation of the five identified key aspects of effectiveness in radar diagrams the following feature has emerged: in the 14 countries scrutinised in this report there exists at least four patterns of safety measures.

Pattern 1 (presenting a very high effectiveness level) fully covers **ALL** key aspects of the outdoors **AND** is compulsory to enforce.

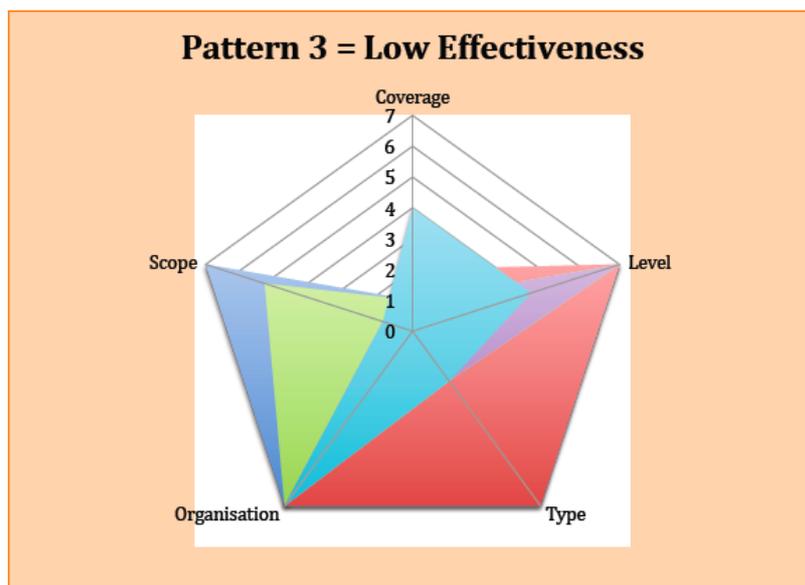


The sector providers, both the employer's organisation BFNO (www.bfno.be) and the public authorities - in accordance with Ministry of Economy in charge - reacted to this legislation by establishing adapted and approved programme safety measures.

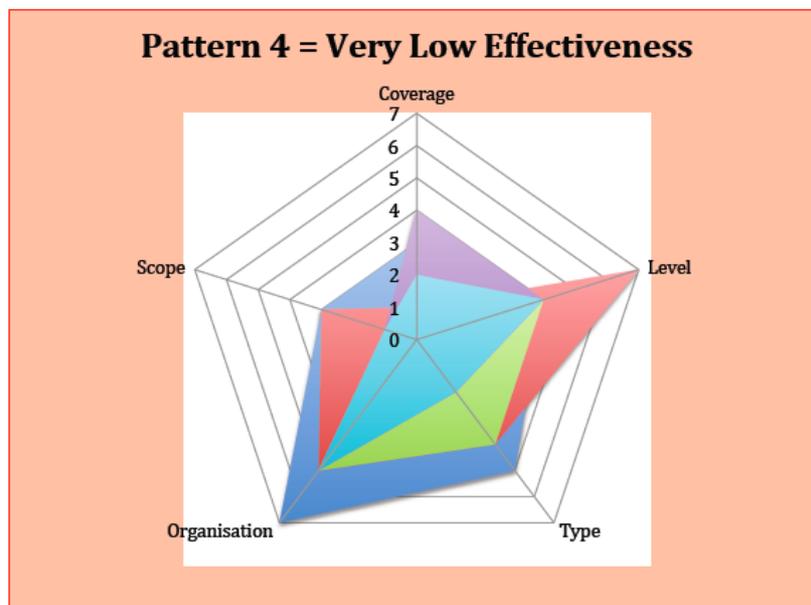
Pattern 2 fully covers **ALL** key aspects of the outdoors **BUT** is not compulsory to enforce. The enforcement of the measures is left to the **goodwill** of the service providers.



Pattern 3 partially covers **SOME** key aspects of the outdoors **AND** is only partly compulsory to enforce.



Pattern 4 (presenting a very low effectiveness level) partially covers **SOME** key aspects of the outdoors **BUT** is not compulsory to enforce. The enforcement of the measures is left to the **goodwill** of the service providers.



4.4 Gaps

At least two major gaps are identified in this report. The first gap is revealed at the activity level while the second gap is detected when the effectiveness of safety measures is taken into consideration.

At the **activity level** (as already discussed in section 3.7) and despite a total of 223 referenced safety measures, this report highlights the following fact: **not one single activity is fully and adequately covered (five components) at country or cross-country level from a safety perspective.** The 'management component' in particular is not dealt with in practically all referenced safety measures.

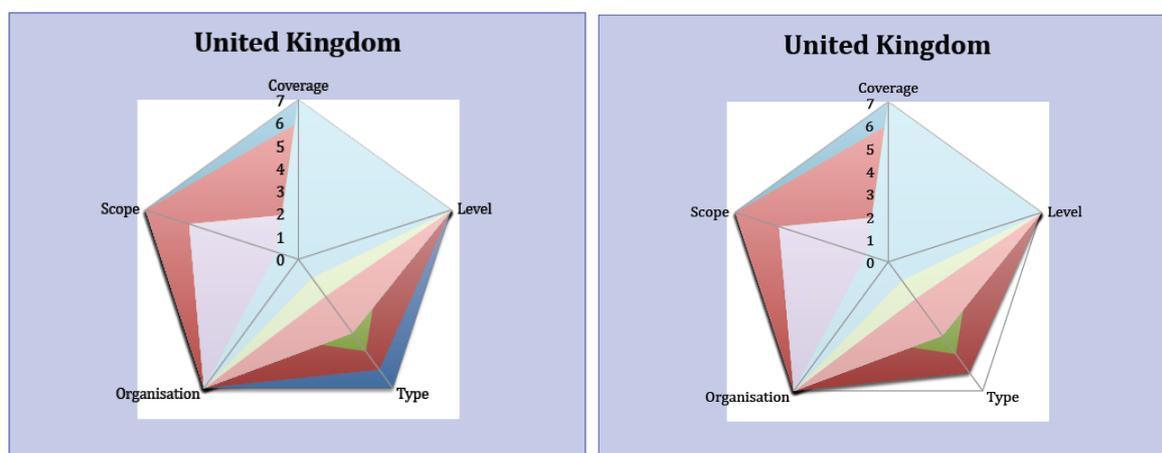
Furthermore, it should be noted that although a lot of safety measures have been referenced most of these safety measures **stand alone**. For example a safety measure for **kayaking** only focuses on (certain aspects of) kayaking and consequently does not impact on other outdoor leisure activities.

The difficulty in dealing with safety measures related to outdoor leisure activities, seems to arise from the **multitude of issues** relating to both the type of the

measures and to the coverage of the content of the measure. Consequently, it appears that **having a complete picture** of international regulations, via national standards to local best practices across the EU is a more complex task than initially perceived..

The second gap can be observed when taking a closer look at the build-up of the **patterns of effectiveness** as described in the previous section (4.3).

In fact in some cases the 'graphic representation of effectiveness' seems to be open to more than one interpretation. Indeed, as is the case with the **UK**, some safety measures might be **hiding or masking** other safety measures. As previously discussed in the UK the full spectrum (radar) of safety in outdoor leisure activities is covered. The British regulatory (statutory) measure that imposes a programme safety scheme, however, only applies to children under 18. As a result, there exists a complete lack of regulatory measures for adults (+ 18 years of age) and therefore the spectrum (radar) for the UK dramatically changes when safety provisions for adults are considered. The distinction between the two diagrams is the dark blue area on the bottom right, which indicates that there is no regulatory measure left, which reduces the effectiveness from pattern 1 to pattern 2 and thus leaves the enforcement of the measures to the good will of the providers.



The latter also seems to confirm the observation that safety measures for outdoor activities indeed **stand alone**. Moreover, regardless of the number of 'non-regulatory' measures added to the 'radar' diagram, **only comprehensive national regulatory safety measures will result in the complete coverage of every single key aspect of effectiveness of the outdoor activities at country level.**

Therefore, it appears that the absence of a **comprehensive safety scheme at EU level** is the most substantial gap in promoting safety of outdoor leisure activities in the EU.

5. General conclusions

This report serves four main aims, namely to gather information, to analyse the effectiveness of the gathered safety measures, to identify gaps and to identify the optimal level of effectiveness of self-regulatory measures.

The **first** aim is to **gather information** on 'non-regulatory measures related to the safety of outdoor leisure activities in the EU.

- Only six countries (BE, CH, ES, FI, UK, NL) were identified as having some type of a certification and auditing scheme at **sectoral level**. This report identified that the vast majority of referenced measures were developed **per country** and only **at activity level**. Therefore it can be deduced **no structural link** exists between all these measures at activity level, at country level and also not at cross-country level.
- Within a broader context and taking the cross-border character of outdoor leisure activities into consideration (**mobility of providers, workers and tourists**) the latter can jeopardize the safety of a large number of active tourists in the EU. It is therefore paramount for the tourists' safety to be able to rely on providers operating according to EU wide accepted safety procedures.

The **second** aim of this report is to **analyse the effectiveness** of the gathered safety measures.

- Paramount for any safety measure to be effective is that the safety measure covers **all components** of an outdoor activity. The analysis of the safety measures indeed indicates that apart from the programme safety measures, most safety measures tend to focus primarily on equipment and/or skills.
- The analysis of effectiveness of each safety measure looks at five aspects:
 1. The coverage of content (five components)

2. The level of the measure (local, regional, national)
 3. The type of measure (from regulatory to best practice)
 4. The size of the organisation (local, regional, national employers organisation)
 5. The scope of the measure (activity, sub-sector, sector)
- For any measure to be most effective it must fully cover **ALL** key aspects of the outdoors and be compulsory to enforce. In contrast the least effective measure is one that partially covers **SOME** key aspects of the outdoors **BUT** is not compulsory. The enforcement of the measures is left to the **goodwill** of the service providers.
 - This study shows that **only** comprehensive national **regulatory safety measures** will result in complete coverage of every single key aspect of effectiveness of the outdoor activities at country level.

The **third** aim of this report is to **identify gaps** where improvement is necessary.

- From the results of the analysis it can be deduced that regulatory safety measures are supported by certification schemes. Moreover, these schemes appear to be **sectoral 'programme safety schemes'**. The common feature of these programme safety schemes is that they all focus on the complete **management cycle** of the **provider** offering outdoor leisure activities. Instead of focussing on the safety of specific activities, programme safety measures tend to function as **audit systems for quality control**.
- As a result of the multitude of issues relating to the subject matter of this report, it appears that **having a complete picture** of international regulations via national standards to local best practices across the EU is a very complex task.
- A comprehensive **programme safety scheme at EU level** appears to be a substantial gap in promoting safety of outdoor leisure activities and as a result of the findings of this report it seems, the most practical solution to overcome this gap is offered by a combination of a national regulatory measure with a so-called programme safety measure (audit scheme).

Finally, the **fourth** aim of this report is to identify the **optimal level** of effectiveness of self-regulatory measures.

- As indicated above, the cross-border character of outdoor leisure activities (**mobility of providers, workers and tourists**) is of paramount significance to the promotion of safety. Consequently, the most obvious level to promote safety in the outdoors should be **at EU level**.
- Moreover, and this is illustrated by the amount (and lack) of content of all different types of safety measures throughout the EU, it can be concluded that travelling from one country to another, even from one region to another can be very hazardous.
- Another argument in favour of an approach at EU level is that the majority of referenced measures apply **per country** and only **at activity level**. In other words, there is **no EU wide structural link** between all these measures neither at activity level, neither at sectoral level, nor at country level, and certainly not at EU level.
- Stakeholders' involvement and goodwill is therefore another cardinal element to achieve effectiveness at sectoral level. This report recommends the stakeholders in the outdoor leisure industry should be strongly involved in the event of setting up any kind of (sectoral) EU programme safety scheme.
- Most of the referenced programme safety schemes are indeed 'owned' by employer federations. In other words, if employer federations are not involved in the enforcement of programme safety schemes, the promotion of safety in outdoor leisure activities will not be effective. However, the UK and Finland are to some extent the exception to the rule.
- The common feature of these programme safety schemes is that they all focus on the complete management cycle of the provider offering outdoor leisure activities. Instead of focussing on the safety of specific activities, programme safety measures have a tendency to function as **audit systems for quality control**.
- The final conclusion on this report is the most effective approach to promote safety in outdoor leisure activities is a combination of a regulatory measure at EU level with a certification scheme, more precisely an EU programme safety scheme.

APPENDIX

Annexes

- Annex 1: List of outdoor activities
- Annex 2: Glossary
- Annex 3: Coding System of Referenced Measures
- Annex 4: Measure Synoptic Chart
- Annex 5: Member State Synoptic Chart (Austria)
- Annex 6: Europe Synoptic Chart
- Annex 7: Member State Reports
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- Table 2: Regulatory measures
- Table 3: Standards
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