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PROPOSAL

from: Commission
dated: 5 October 2006

Subject: Proposal for a Directive of the European Parliament and of the Council on road
infrastructure safety management
(presented by the Commission)

Delegations will find attached a proposal from the Commission, submitted under a covering letter from Mr Ayet PUIGARNAU to Mr Javier SOLANA, Secretary-General/High Representative.

Encl.: COM(2006) 569 final



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 5.10.2006
COM(2006) 569 final

2006/0182 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on road infrastructure safety management

(presented by the Commission)

{SEC(2006) 1231}

{SEC(2006) 1232}

EXPLANATORY MEMORANDUM

1) CONTEXT OF THE PROPOSAL

Grounds for and objectives of the proposal

The European Commission announced it would take an initiative on road infrastructure safety in its 2001 White Paper on European Transport Policy for 2010¹ and in its Communication on a European Road Safety Action Programme of June 2003. The European Parliament invited the Commission to provide guidelines for high-risk spot management and road safety audits².

Besides action on the driver and the vehicle, infrastructure should be the third pillar of any comprehensive road safety programme. Physical features of a road network together with associated traffic volumes are important contributing factors to accidents.

Much progress has been made in terms of vehicle safety. Car occupants run a much lower risk of death or injury in case of crash than ten years ago. Test and training requirements have been gradually increased to ensure that European drivers can cope with the dangers of road traffic. Because speeding, non-wearing of seat belts and drink-driving are the main causes of death on European roads, enforcement of traffic rules has been stepped up³.

However, for road safety infrastructure, no such joint effort has yet been carried out at European level, although the legislator called for a high level of safety on roads in the trans-European network Guidelines of 1996. Apart from research and the creation of an internal market for construction products, the European Community has not yet taken necessary action in this field. Progresses in terms of road safety have been registered for the roads equipped with traffic management and control systems based on Information and Communication Technologies (ICT), but the implementation of ICT tools is not yet systematic.

While the general trend is to decrease budgets for road infrastructure, road users pay more attention to the quality and level of safety of roads. Many road authorities are in a dilemma because they have to provide an infrastructure corresponding to the latest state of safety under budgetary constraints. Road authorities are taken to court by citizens who have suffered injuries in road accidents.

Against this background, the objective of the proposed directive is to ensure that safety is integrated in all phases of planning, design and operation of road infrastructure in the Trans-European Network (TEN-T). It shall ensure that safety is regarded in its own right in parallel with economic and environmental analysis. This directive will ensure that managers of road infrastructure are given the guidelines, training and information required to increase safety in the road network to the best benefits of road users and the public at large. It will:

- increase the safety of new roads through continuous adaptation to the latest safety requirements;

¹ Commission White Paper of 12 September 2001: "European transport policy for 2010: time to decide", COM (2001) 370

² European Parliament Resolution A5-0381/2000 of 18 January 2001

³ Commission Recommendation of 2003 on enforcement in the field of road safety, OJ 111 of 17 April 2004, p. 75

- bring about a common high level of safety of roads in all EU Member States;
- create an awareness for safety in order to achieve informed decisions on planning and design;
- make safety implications of decisions more transparent;
- allow the collection and the distribution of the available expertise in order to better exploit research results;
- use limited funds for more efficient and safer construction and maintenance of roads;
- allow for a better collection, treatment and dissemination of safety-related information.

General context

In 2001 the European Union set itself the ambitious objective of halving the number of fatalities on European roads by 2010 from 50 000 to 25 000. While progress is being made (see Mid Term Review of the 2003 Road Safety Action Plan⁴), road accidents have still caused 41 500 victims on EU roads in 2005.

Many lives could be saved and many accidents avoided if the existing road infrastructure was managed according to the latest best practice of safety engineering. Action should be taken on a selection of high risk road sections (or black spots) on the basis of local accident records. Unfortunately, today, safety data take too long to reach the authorities in charge of maintaining the road network and taking remedial action.

If roads are usually designed according to a number of criteria such as objectives of urban or regional planning, travel time, user comfort and convenience, fuel consumption, construction cost and environmental impact, safety is often implicitly assumed to be achieved by simply adhering to prescribed standards of alignment and layout. Experience shows that abiding by those standards is not sufficient to avoid hazardous features. Moreover, case studies have shown that more than half of the safety deficiencies resulted from a disrespect of design guidelines and norms⁵.

Present road layouts result from many decades of construction and maintenance, in a time when safety issues were not always considered to the same extent. Today, several road features no longer meet the latest safety requirements. Moreover, traffic conditions have changed since the road was designed and built.

Existing provisions in the area of the proposal

There are no existing provisions in the area of the proposal.

⁴ Commission Communication of 22 February 2006: "Mid Term Review of the 2003 Road Safety Action Plan", COM(2006) 74

⁵ European Transport Safety Council, 1997, 'Road Safety audit and safety impact assessment', p. 11

Consistency with other policies and objectives of the Union

The objective of the present directive is to ensure that infrastructure makes its contribution to improving road safety and reducing mortality and accidents on the trans-European road network of the Union, as indicated by the European Commission in 2001 in its White Paper on European Transport policy for 2010 and further in its Communication on a European Road Safety Action Programme in 2003.

2) CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

Consultation of interested parties

Consultation methods, main sectors targeted and general profile of respondents

In order to provide for experts input at an early stage and with regard to transparency policy, the Commission has established a **working group on infrastructure safety**, which met several times in 2002 and 2003. The results of this Group have influenced the present proposal considerably. 11 Member States participated in this Group and gave detailed advice on the situation and practices in their countries.

From 12 April 2006 to 19 May 2006, the services of the inland transport directorate of the Directorate General for Energy and Transport of the European Commission launched an **internet public consultation** to call for comments on their approach to road infrastructure safety management and on their initiative to preparing a proposal for a Council and Parliament Directive on this matter. The Commission received 51 responses.

Summary of responses and how they have been taken into account

Main conclusions of the **working group on infrastructure safety** can be summarised as follows:

- All procedures proposed by the Commission in this directive have proven their effectiveness in more than one Member State;
- Several of these countries will have to introduce only minor, but effective, changes or additions to their current practice in order to meet the requirements of the present directive;
- There is a widespread deficit of feedback concerning the effectiveness of the management systems, which makes any improvement on a purely "best practice" basis ineffective;
- A more coherent regulatory framework is therefore necessary.

Main conclusions of the **internet public consultation** can be summarised as follows:

- All comments agree on the definition of the problem and on the necessity of an action at European level;
- The proposed measures and instruments are widely recognised as effective;

- A significant number of comments suggest to extend the provisions of the Directive also to roads not part of the trans-European road network;
- The Commission is expected to assist less experienced MS in the implementation of the Directive, providing them with framework to develop methodology and know-how;
- The overwhelming majority of the comments welcome the approach envisaged by the Commission, to leave Member States free to adopt own legislation on a set of mandatory procedures;

Further details of the results of the stakeholder consultation can be found in the Impact Assessment, accompanying this proposal.

The comments sent are available on http://ec.europa.eu/transport/road/index_en.htm.

Collection and use of expertise

Scientific/expertise domains concerned

National governments, road safety research institutes and experts, health, transport and road safety organisations, users and road operators associations.

Methodology used

Public consultation, high level experts consultation, analysis of already existing procedures, conferences and workshops.

Main organisations/experts consulted

51 comments were received:

- 15 from national governments;
- 11 from research institutes and experts in the field of road safety;
- 10 from health, transport and road safety organisations;
- 9 from users associations;
- 6 from road operators' associations.

Summary of advice received and used

The existence of potentially serious risks with irreversible consequences has not been mentioned.

- All comments agree on the definition of the problem and on the necessity of an action at European level;
- The proposed measures and instruments are widely recognised as effective;

- A significant number of comments suggest to extend the provisions of the Directive also to roads not part of the trans-European road network;
- The Commission is expected to assist less experienced MS in the implementation of the Directive, providing them with framework to develop methodology and know-how;

Means used to make the expert advice publicly available

The comments sent are available on http://ec.europa.eu/transport/road/index_en.htm. Impact assessment

Impact assessment

In 2003, the thematic network ROSEBUD⁶ undertook an impact analysis for the present proposal. It found it realistic to estimate the reduction potential for the implementation of the infrastructure safety Directive to the TEN roads to more than 600 fatalities and about 7000 injury accidents per year. For the TEN roads, this corresponds to 12%-16% of fatalities and 7%-12% of injury accidents.

ROSEBUD also estimated that 400 lives per year could be saved if the safety management was applied to motorways, and additional 900 lives could be saved every year if it was applied to the main road network, i.e. interurban roads or national roads (without motorways)⁷. As a result, the Directive is estimated to reduce the number of fatalities on motorways and main roads by 1.300 every year or 12 % of the fatalities occurring in this part of the network.

3) LEGAL ELEMENTS OF THE PROPOSAL

Summary of the proposed action

The present directive explicitly limits the requirements to a minimum set of elements necessary to achieve a safety effect and spread procedures that have shown to be effective. This comprehensive system of road infrastructure safety management⁸ is centring on the following four procedures:

- (1) Road safety impact assessments will help strategic decision-making about the safety implications of new roads or major changes of operation of existing roads, especially on the adjacent network.
- (2) Road safety audits shall provide for an independent control and recommendations for technical verification of the design of either a new road or a rehabilitation of a road.

⁶ ROSEBUD is an acronym for Road safety and Environmental Benefit-Cost and Cost-Effectiveness Analysis for Use in Decision-Making. Among the ROSEBUD partners are road research institutes from 11 Member States as well as from Israel and Norway <http://partnet.vtt.fi/rosebud/>

⁷ Calculation for EU25 plus Bulgaria, Romania and Switzerland

⁸ The procedures put forward in the present directive were recommended by the High Level Group on Road Safety, established by the Commission to assist it in developing a European Road Safety Policy and in coordinating national policies. The Final Report on 'Recommended Safety measures for short term application on trunk roads' drafted by Working Party 4 was adopted on 12 May 1995

(3) Network safety management is to target remedial measures to parts of the network with high concentrations of accidents (high risk road sections or black spots) and/or a high potential to avoid them in the future.

(4) Safety inspections as part of regular road maintenance will allow detecting and reducing in a preventive way risks of accidents through cost-efficient measures.

These procedures already exist and are applied at varying degrees in some Member States. Aim of this proposal for a directive is therefore to extend these measures to the whole of the EU, without defining technical standards or requirements, but leaving the Member States free to keep already existing procedures or to introduce their own. The application of the comprehensive package of measures will make sure that road safety is included and considered in the whole life of a road of European importance, from planning to operation.

Legal basis

The measure is proposed on the basis of Article 71 of the EC Treaty.

Subsidiarity principle

The subsidiarity principle applies insofar as the proposal does not fall under the exclusive competence of the Community.

The objectives of the proposal cannot be sufficiently achieved by the Member States for the following reasons.

The directive will ensure a common high level of safety of roads in all EU Member States. All Member States, but especially new Member States, which are in the process of upgrading and extending their road networks, will be given the opportunity to develop their road networks in full consideration of safety.

Exchange of best practices as a solution to improve road infrastructure safety is not, in itself, sufficient. Indeed, exchange of best practices through research projects, working groups, conferences and workshops has been going on now for several years in the European Union and in the international arena. A general improvement in road infrastructure safety performance could not be registered. Furthermore, Member States needing to upgrade their road safety record are positive about regulatory measures. This is a strong indication that they find best practices insufficient to improve their safety performance.

The trans-European road network needs common and high safety standards throughout the European Union, as acknowledged by the Community legislator itself. Wherever a road user travels on the network, he or she is entitled to the same high level of safety, in line with Article 2, para. 2, lit. a of Council and Parliament Decision 1692/1996⁹ Without a binding methodology and legal commitment throughout the European Union, Member States alone are not in a position to safeguard this common high level of safety, as the very disparate safety records of the single Member States show.

Community action will better achieve the objectives of the proposal for the following reasons.

⁹ This section reads: « The network must (a) ensure the sustainable mobility of persons and goods within an area without internal frontiers *under the best possible social and safety conditions*,...

The directive will create the basis for establishing safety procedures that will help Europe achieve its ambitious objective to drastically reduce the number of road fatalities in the trans-European network. It will allow road infrastructure safety management to become a comprehensive system based on a thorough analysis of accidents, the identification of risky designs, revised guidelines and training curricula, as well as the implementation of effective remedial measures. It will also mitigate the risk of judicial action against road managers.

The directive will improve the effectiveness of the exchange of best practice by introducing a common basic set of procedural requirements and by promoting and enabling its codification through comitology.

Proportionality principle

The proposal complies with the proportionality principle for the following reasons.

The present proposal strikes a balance between proposing proven methods for improving road infrastructure safety and limiting administrative and other implementation costs, while respecting the different traditions and instruments in the Member States. The proposal explicitly limits the requirements to a minimum set of elements necessary to achieve a safety effect and spread procedures that have shown to be effective. Aim of this proposal for a directive is therefore to extend these measures to the whole of the EU, without defining technical standards or requirements, but leaving the Member States free to keep already existing procedures or to introduce their own. The application of the comprehensive package of measures will make sure that road safety is included and considered in the whole life of a road of European importance, from planning to operation.

Cost increases will be marginal and often be offset within a short while due to reduced number and cost of accidents as well as reduced costly correction being avoided once roads are in operation. The measures proposed will not create additional delays in the approval procedure and the design process of roads, as safety impact assessment and audits will be undertaken in parallel with them. This directive does not require the creation of any new offices or posts, but relies on a more efficient use of existing resources.

Choice of instruments

Proposed instruments: directive requiring the adoption of guidelines on infrastructure safety management and leaving the details of their implementation to Member States.

Other means would not be adequate for the following reasons.

Exchange of best practices as a solution to improve road infrastructure safety has been going on now for several years in the European Union and in the international arena. A general improvement in road infrastructure safety performance could not be registered. Moreover, this option does not offer any guarantee that road safety will be further enhanced by Member States. Experience has shown that relying on exchange of best practice alone does not advance the objective of higher road infrastructure safety. Member States most in need of upgrading their infrastructure safety are asking for a structured EC legal approach on this issue, which shows that they have not benefited from exchange of best practices.

The harmonisation of Member States legislation on road safety assessment, audits, management and inspections, would provide common instruments to strengthen safety to

maximise the benefit to road users and the public at large. However, obtaining an extended harmonisation would face the opposition of the Member States creating them many obstacles and difficulties:

- most of the Member States would have to reorganise their road safety practices and legislation, even if already adopted and effective;
- the large differences between the already existing road safety approaches would create political conflicts among Member States and the Commission;
- harmonised guidelines would not take into account organisational and socio-cultural differences between the Member States;
- the harmonisation process would require time to be finalised; the consequent number of lives saved would only be appreciated years later and would only partially justify the huge efforts and costs for Member States.

4) BUDGETARY IMPLICATION

If only applied to the TEN roads, the Directive is estimated to reduce the number of EU citizens dying in this part of the network by more than 600 fatalities per year and the injury accidents by about 7000 per year. According to the monetary estimations of the White Paper, the welfare benefit of these reductions corresponds to more than 2,4 billions € per year. If the Directive will be applied on motorways and main roads, the reduction of fatalities is estimated around 1.300 every year; this corresponds to more than 5 billions € per year. These estimates exceed costs by a considerable factor.

Estimations of the budgetary implications of the four procedures are as following:

- **Road Safety Impact Assessment:** A rough estimation of the costs for the production of road safety impact assessments can be made considering the costs of the analogous environmental impact assessments (EIA). In general, EIA costs amount to less than 0,5% of the overall capital cost of a construction project. Costs in excess of 1% are the exception. For projects with capital costs in excess of 100 millions of €, EIA costs may be as low as 0,2%, ie 200.000 €.
- **Safety audits** are performed in parallel with the design and construction process of the road, and are therefore not expected to cause any delay. Audit costs range between 600 and 6.000 € per stage. In general, the estimations in the different countries indicate that audit costs, related to the time spent to complete it, are far less than 1% of the construction cost of the whole project.
- **Road safety inspection:** Where inspections are carried out on a regular basis, costs range between 600 and 1.000 € per km of motorway. Considering the roads where the Directive will be mandatory, one can estimate that for a large sized country, with about 5.000 km of trans-European road network, this means costs for inspections ranging between 3 and 5 millions of €.

- **Network safety management** costs can be assumed comparable to costs of routine road safety inspections.

5) **ADDITIONAL INFORMATION**

Simulation, pilot phase and transitory period

There was or there will be a transitory period for the proposal.

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on road infrastructure safety management

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71(1) (c) thereof,

Having regard to the proposal from the Commission¹⁰,

Having regard to the opinion of the European Economic and Social Committee¹¹,

Having regard to the opinion of the Committee of the Regions¹²,

Acting in accordance with the procedure laid down in Article 251 of the Treaty¹³,

Whereas:

- (1) The trans-European road network defined in Decision 1692/96/EC of the European Parliament and the Council of 23 July 1996 of the European Parliament and the Council on Community guidelines for the development of the Trans-European network¹⁴, is of paramount importance in supporting European integration and cohesion as well as ensuring a high level of well-being. In particular, a high level of safety should be guaranteed.
- (2) In its White Paper of 12 September 2001 "European transport policy for 2010: time to decide"¹⁵ the Commission expressed the need to carry out safety impact assessments and road safety audits, in order to identify and manage high-risk road sections within the Community. It also set the target of halving the number of deaths on Community roads between 2001 and 2010.
- (3) In its Communication "European Road Safety Action Programme, Halving the number of road accident victims in the European Union by 2010: A shared responsibility"¹⁶ the Commission identified road infrastructure as the third pillar of road safety policy,

¹⁰ OJ C , , p. .

¹¹ OJ C , , p. .

¹² OJ C , , p. .

¹³ OJ C , , p. .

¹⁴ OJ L 228, 9.9. 1996, p.1. Decision as last amended by Decision 884/2004/EC of the European Parliament and of the Council (OJ L 167, 30.4.2004, p. 1).

¹⁵ COM(2001) 370 final

¹⁶ COM (2003) 311 final

which should make an important contribution to the Community's accident reduction target.

- (4) The setting up of appropriate procedures is an essential tool for improving the safety of road infrastructure within the Trans-European road network. Road safety impact assessments should demonstrate, on a strategic level, the implications on road safety of different planning alternatives of a infrastructure project. Moreover, road safety audits should identify, in a detailed way, unsafe features of a road infrastructure project. It is therefore appropriate to establish procedures to be followed in those two fields with an aim of increasing safety of road infrastructures on the trans-European road network, whilst at the same time excluding road tunnels which are covered by Directive 2004/54/EC of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the Trans-European Road Network¹⁷.
- (5) Safety performance of existing roads should be raised by targeting investments to the road sections with the highest accident density or the highest accident reduction potential. To be able to adapt their behaviour and increase compliance to traffic rules, in particular speed limits, drivers should be made aware before entering a high risk road section.
- (6) Network safety management has a high potential immediately after its implementation. Once high risk road sections have been treated and remedial measures have been taken, safety inspections as a preventive measure should assume a more important role. Regular inspections are an essential tool for preventing possible dangers for all users of the road, including vulnerable users, also in case of roadworks.
- (7) Training and certification of safety personnel by means of training curricula and tools for qualification validated by the Member States should ensure that practitioners get the necessary up-to-date knowledge.
- (8) In order to ensure a high level of road safety of Member States should apply guidelines on infrastructure safety management The notification of those guidelines to the Commission and regular reporting on their implementation should pave the way for a systematic improvement of infrastructure safety at the Community level and provide a basis for the evolution towards a more effective system over time. The reporting on their implementation should, furthermore, allow other Member States to identify the most effective solutions, while the systematic collection of data from before/after studies should allow selecting the most effective measure for future action.
- (9) Since the objectives of the action to be taken namely the establishment of procedures to ensure a consistently high level of road safety throughout the Trans-European road network cannot be sufficiently achieved by the Member States and can therefore, by reason of the effects of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

¹⁷ OJ L 167, 30.4.2004, p. 39.

- (10) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission¹⁸,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Subject matter and scope

1. This Directive establishes procedures relating to road safety impact assessments, road safety audits and safety inspections.
2. This Directive shall apply to roads which are part of the trans-European road network, whether they are at the design stage, under construction or in operation.

It shall not apply to road tunnels covered by Directive 2004/54/EC of the European Parliament and of the Council.

Article 2

Definitions

For the purposes of this Directive, the following definitions shall apply:

- (1) “*trans-European road network*” means the road network identified in Section 2 of Annex I to Decision 1692/96/EC;
- (2) “*competent entity*” means any public or private organisation set up at national, regional or local level, involved in the implementation of this Directive by reason of its competences;
- (3) “*road safety impact assessment*” means a strategic comparative analysis of the impact of new road or a substantial modification to the existing network on the safety performance of the road network;
- (4) “*road safety audit*” means a detailed systematic and technical safety check relating to the design characteristics of a road infrastructure project and covering all stages from planning to entry into operation;
- (5) “*high-risk road section*” means a section of the road network which has been in operation for more than one year and upon which a large number of fatal and severe accidents have occurred;
- (6) “*safety development of the road network in operation*” means the reduction of future accidents by targeting remedial treatment to parts of the network where, respectively,

¹⁸ OJ L 184, 17.7.1999, p.23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

accidents occurred most frequently during previous years and accident cost reduction potential is the highest;

(7) "*safety inspection*" means a periodical safety review of a road in operation;

(8) "*guidelines*" means measures adopted by Member States or the relevant competent entities, which lay down the steps to be followed and the elements to be considered in applying the safety procedures set out in this Directive;

(9) "*infrastructure project*" means a project for the construction of new infrastructure or the rehabilitation of an existing infrastructure likely to have a significant effect on road safety.

Article 3

Road safety impact assessment

1. Member States shall ensure that a road safety impact assessment is carried out for all variants of any infrastructure project.
2. The road safety impact assessment shall be carried out at the initial planning stage before the infrastructure project is approved in accordance with the criteria set out in Annex I.
3. The safety impact assessment shall indicate the road safety considerations which have led to the choice of the proposed solution. It shall further provide all relevant information necessary for a cost-benefit analysis of the different variants assessed.

Article 4

Road safety audits

1. Member States shall ensure that road safety audits are carried out for all infrastructure projects.
2. Road safety audits shall be carried out in accordance with the criteria set out in Annex II.

Member States shall ensure that an auditor is appointed to carry out an audit of the design characteristics of a infrastructure project.
3. The audit shall form an integral part of the design process of the infrastructure project at the stage of feasibility, draft design, detailed design, pre-opening and early operation.
4. Member States shall ensure that the auditor sets out safety critical design elements in an audit report for each stage of the infrastructure project, as well as proposals to remedy any unsafe features identified. Where unsafe features are identified in the course of the audit but the design is not rectified before the end of the appropriate stage as referred to in Annex II, the reasons shall be stated by the competent entity in an annex to that report.

Article 5

Safety development of the road network in operation

1. Member States shall ensure the safety development of the road network in operation. They shall ensure that management of high-risk road sections and network safety management is carried out on the basis of an annual review of the operation of the road network in accordance with Annex III.
2. Member States shall rank every road section on the trans-European road network within their territory according to accident cost reduction potential.
3. Member States shall ensure that high risk road sections and sections with the greatest accident cost reduction potential are evaluated by inspection teams. At least one member of the inspection team shall meet the requirements for auditors set out in Article 9.

For each section referred to in paragraph 3, Member States shall estimate the potential of remedial measures provided for in points 3(e) and (f) of Annex III to reduce severe injuries and fatalities for the following three years as well as the costs of each such measure.

4. Member States shall prioritise the measures referred in point 3(f) of Annex III on the basis of their cost-benefit ratio.
5. Member States shall ensure that road users are warned of the existence of a high risk road section by all appropriate measures. If signposting is used, this shall comply with the provisions of the Vienna Convention on Road Signs and Signals of 1968.

Member States shall make available to the public a list of the locations of high risk road sections.

Article 6

Safety inspections

1. Member States shall ensure that safety inspections are undertaken in respect of the roads referred to in Article 1(2) in order to identify the road safety risks and prevent accidents.
2. Safety inspections shall comprise routine inspections and inspections of road works. They shall be carried out in accordance with the criteria set out in Annex III.
3. Member States shall ensure that routine inspections are undertaken regularly by the competent entity. Such inspections shall be sufficiently frequent to safeguard adequate safety levels for the road infrastructure in question.
4. Without prejudice to the guidelines adopted pursuant to Article 8, Member States shall adopt guidelines on temporary safety measures applying to road works. They shall also implement an appropriate inspection scheme to ensure that those guidelines are properly applied.

Article 7

Data management and tools

1. Member States shall ensure that for each accident involving one or more fatalities or severe injuries occurring on a road referred to in Article 1(2), a complete accident report is drawn up by the competent entity. This report shall include each of the elements listed in Annex IV.
2. Member States shall calculate the average social cost of a fatal accident and the average social cost of a severe accident occurring in its territory. Member States may choose to further differentiate the cost rates, which shall be updated at least every five years.

Article 8

Adoption and communication of guidelines

1. In order to assist the competent entities in the application of this Directive, Member States shall ensure that guidelines are adopted within three years from its entry into force. These guidelines shall be made available to all interested parties.
2. Member States shall communicate the guidelines adopted at national level to the Commission within three months of their adoption or amendment.

The Commission shall make them available on the Internet.

Article 9

Appointment and training of auditors and inspectors

1. Member States shall ensure that training curricula for road safety auditors are adopted within three years after the entry into force of this Directive.
2. Member States shall ensure that where road safety auditors carry out functions under this Directive, they undergo an initial training within five years of the entry into force of this Directive resulting in the award of a certificate of competence, and follow periodic re-training at least every seven years.
3. Member States shall ensure that road safety auditors hold a certificate of competence. Certificates awarded before the entry into force of this Directive shall be taken into account.
4. Member States shall ensure that auditors are appointed in compliance with the following requirements:
 - (a) they have experience in road design, road safety engineering and accident analysis;

- (b) from two years after the adoption by the Member States of the guidelines pursuant to Article 8, road safety audits shall only be undertaken by auditors meeting the requirements provided for in paragraphs 2 and 3;
- (c) for the purpose of the infrastructure project audited, the auditor shall not be involved in the conception or operation of the relevant infrastructure project.

Where audits are undertaken by teams, at least one member of the team shall meet the requirements set out in paragraphs 2 and 3.

Article 10

Reporting on the implementation

1. Member States shall report to the Commission on the implementation of this Directive five years after its entry into force and thereafter every four years.
2. This report shall include:
 - (a) the identification of the organisation structures responsible for the implementation of the guidelines;
 - (b) an assessment of the need to amend guidelines on road design, signing and signalling including a list and a description of road designs that have shown to be very high risk or that have a high potential to reduce risk;
 - (c) information on the rates, the procedures and cost elements used to calculate such rates according to Article 7(2);
 - (d) contact data of the competent entities,
3. A common format for reporting may be adopted in accordance with the procedure referred to in Article 11(2).
4. The Commission shall analyse the reports and information obtained and provide as appropriate a report to the European Parliament and the Council on the implementation of this Directive.
5. Where necessary to ensure a consistently high level of road safety throughout the Trans-European road network, minimum requirements for the content of the guidelines referred to in Article 8(1) shall be adopted in accordance with the procedure referred to in Article 11(2).

Article 11

Committee procedure

1. The Commission shall be assisted by a Committee.
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

Article 12

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [...]. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 13

Entry into force

This Directive shall enter into force on the twentieth day following the day of its publication in the *Official Journal of the European Union*.

Article 14

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX I

Road Safety Impact Assessment

1. Elements of a road safety impact assessment:

- (a) problem definition;
- (b) current situation and “do nothing” scenario ;
- (c) road safety objectives;
- (d) analysis of impacts of the proposed alternatives;
- (e) comparison of the alternatives, including cost-benefit analysis;
- (f) presentation of the best solution.

2. Elements to be taken into account:

- (a) casualties and accidents; reduction targets against "do nothing" scenario;
- (b) route choice and traffic patterns;
- (c) presence of intersections with the existing networks (exits, junctions, level crossings);
- (d) vulnerable users (pedestrians, cyclists and motorised two wheelers);
- (e) traffic flows (number of vehicles by vehicle type).

ANNEX II

Road Safety Audits

1. Criteria at the feasibility stage:

- (a) geographical location (exposition to landslides, flooding, avalanches, etc.);
- (b) types and distance of junctions;
- (c) number and type of lanes;
- (d) kinds of traffic admissible to the new road.

2. Criteria at the draft design stage:

- (a) design speed;
- (b) cross-sections (width of carriageway, cycle tracks, foot paths, etc.);
- (c) visibility;
- (d) junctions layout;
- (e) bus and tramway line stops;
- (f) road/rail level crossings.

3. Criteria for the detailed design stage:

- (a) layout;
- (b) horizontal and vertical alignments;
- (c) road signs and markings;
- (d) lighting;
- (e) road side equipment;
- (f) road side environment including vegetation;
- (g) fixed obstacles at the road side.

4. Criteria for the pre-opening stage:

- (a) users comfort under different conditions such as darkness and bad weather;
- (b) readability of road signs and markings;

(c) grip of pavements.

5. Criteria for early operation: assessment of patterns of usage in the light of actual behaviour of users.

Audits at any stage may involve the need to revisit criteria of previous stages.

ANNEX III

Management of high-risk road sections, network safety management and safety inspection

1. Identification of high-risk road sections

The identification of high-risk road sections takes into account at least the number of fatal and severe injury accidents that have occurred in previous years per unit of road length and, in case of intersections, the number of such accidents per location of intersections.

2. Identification of sections for further analysis in network safety management

(a) basic accident cost rates for a best practice road section of a certain category is calculated in accident cost per kilometre;

(b) for each section of a certain road category, the accident cost reduction potential per kilometre is calculated as the difference of the actual accident cost per kilometre for the section considered and the basic accident cost rate.

3. Criteria and elements for reporting by the inspection team and measures:

(a) the delimitation of the road section;

(b) a reference to a possible previous report on the same road section;

(c) the analysis of the accident reports;

(d) the number of accidents fatalities and severely injured in the three previous years;

(e) a set of remedial measures for realisation within one year considering for example:

- removal or protection of fixed road side obstacles;
- speed limits and local speed enforcement;
- visibility under different weather and light conditions;
- safety condition of road side equipment like road restraint systems;
- visibility, readability and position of road markings (incl. application of rumble strips), signs and signals;
- rocks falling ;
- grip / roughness of pavements;

(f) a set of remedial measures for realisation within more than one year considering for example:

- redesign of road restraint systems;

- median protection;
- overtaking layout;
- junction improvement including road/rail level crossings;
- change of alignment;
- change of width of road, addition of a hard shoulder;
- installation of traffic management and control system;
- potential conflict with vulnerable road users;
- upgrading the road to current design standards;
- restoring or replacing of pavements.

ANNEX IV

Accident data contained in accident reports

Accident reports include the following data:

- 1) precise location of the accident;
- 2) pictures and diagrams of the accident site;
- 3) date and hour of accident;
- 4) information on the road such as area type, road type, junction type incl. signalling, number of lanes, markings, road surface, lighting and weather conditions, speed limit, road side obstacles;
- 5) accident severity, including number of fatalities, hospitalised and slightly injured. In this context, persons killed are all those killed as a result of the accident within 30 days from the day of the accident and persons hospitalised are all those being hospitalised for at least 24 hours as a result of the accident;
- 6) characteristics of the persons involved like age, sex, nationality, alcohol level, use of safety equipment or not;
- 7) data on the vehicles involved (type, age, country, eventually safety equipments);
- 8) accident data (accident type, collision type, vehicle and driver manoeuvre).

LEGISLATIVE FINANCIAL STATEMENT

1. NAME OF THE PROPOSAL:

Proposal for a Directive of the European Parliament and of the Council on road infrastructure safety management

2. ABM / ABB FRAMEWORK

Policy Area(s) concerned and associated Activity/Activities:

Land Transport – Road safety

3. BUDGET LINES

3.1. Budget lines (operational lines and related technical and administrative assistance lines (ex- B..A lines)) including headings:

BGUE-B2006-06.010211.00.03.C1-TREN.PMO

3.2. Duration of the action and of the financial impact:

5 years

3.3. Budgetary characteristics :

Budget line	Type of expenditure		New	EFTA contribution	Contributions from applicant countries	Heading in financial perspective
BGUE-B2006-06.010211.00.03.C1-TREN.PMO	Non-comp	Non-diff ¹⁹	NO	NO	NO	No 5

¹⁹ Non-differentiated appropriations hereafter referred to as NDA

4. SUMMARY OF RESOURCES

4.1. Financial Resources

4.1.1. Summary of commitment appropriations (CA) and payment appropriations (PA)

EUR million (to 3 decimal places)

Expenditure type	Section no.		Year n	n + 1	n + 2	n + 3	n + 4	n + 5 and later	Total
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Operational expenditure²⁰

Commitment Appropriations (CA)	8.1.	a							
Payment Appropriations (PA)		b							

Administrative expenditure within reference amount²¹

Technical & administrative assistance (NDA)	8.2.4.	c							
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TOTAL REFERENCE AMOUNT

Commitment Appropriations		a+c							
Payment Appropriations		b+c							

Administrative expenditure not included in reference amount²²

Human resources and associated expenditure (NDA)	8.2.5.	d							
Administrative costs, other than human resources and associated costs, not included in reference amount (NDA)	8.2.6.	e	0,0434	0,0434	0,0434	0,0434	0,0434	0	0,217

Total indicative financial cost of intervention

TOTAL CA including cost of Human Resources		a+c +d +e	0,0434	0,0434	0,0434	0,0434	0,0434	0	0,217
TOTAL PA including cost of Human Resources		b+c +d +e	0,0434	0,0434	0,0434	0,0434	0,0434	0	0,217

²⁰ Expenditure that does not fall under Chapter xx 01 of the Title xx concerned.

²¹ Expenditure within article xx 01 04 of Title xx.

²² Expenditure within chapter xx 01 other than articles xx 01 04 or xx 01 05.

Co-financing details

If the proposal involves co-financing by Member States, or other bodies (please specify which), an estimate of the level of this co-financing should be indicated in the table below (additional lines may be added if different bodies are foreseen for the provision of the co-financing):

EUR million (to 3 decimal places)

Co-financing body		Year n	n + 1	n + 2	n + 3	n + 4	n + 5 and later	Total
NO	f	0	0	0	0	0	0	0
TOTAL CA including co-financing	a+c +d +e +f	0,0434	0,0434	0,0434	0,0434	0,0434	0	0,217

4.1.2. Compatibility with Financial Programming

- Proposal is compatible with existing financial programming.
- Proposal will entail reprogramming of the relevant heading in the financial perspective.
- Proposal may require application of the provisions of the Interinstitutional Agreement²³ (i.e. flexibility instrument or revision of the financial perspective).

4.1.3. Financial impact on Revenue

- Proposal has no financial implications on revenue
- Proposal has financial impact – the effect on revenue is as follows:

EUR million (to one decimal place)

		Prior to action [Year n-1]	Situation following action					
Budget line	Revenue		[Year n]	[n+1]	[n+2]	[n+3]	[n+4]	[n+5] ²⁴
	a) Revenue in absolute terms							
	b) Change in revenue	Δ						

²³ See points 19 and 24 of the Interinstitutional agreement.

²⁴ Additional columns should be added if necessary i.e. if the duration of the action exceeds 6 years

4.2. Human Resources FTE (including officials, temporary and external staff) – see detail under point 8.2.1.

Annual requirements	Year n	n + 1	n + 2	n + 3	n + 4	n + 5 and later
Total number of human resources	0	0	0	0	0	0

5. CHARACTERISTICS AND OBJECTIVES

5.1. Need to be met in the short or long term

A Committee shall assist the Commission in the adoption of minimum requirements for the guidelines required by the Directive. These minimum requirements should be adopted within five years after entry into force of the Directive.

5.2. Value-added of Community involvement and coherence of the proposal with other financial instruments and possible synergy

Minimum requirements will be identified on the basis of guidelines previously adopted by the Member States. The involvement of the Community will make sure that needs of the singular Member states are properly considered and interpreted.

5.3. Objectives, expected results and related indicators of the proposal in the context of the ABM framework

Reports on the implementation of the Directive and on the effect on the decrease in the number of fatal accidents will be regularly provided by Member States to the Commission. Minimum requirements for the guidelines required by the Directive will finally be adopted.

5.4. Method of Implementation (indicative)

Show below the method(s)²⁵ chosen for the implementation of the action.

- Centralised Management**
 - directly by the Commission
 - indirectly by delegation to:
 - executive Agencies
 - bodies set up by the Communities as referred to in art. 185 of the Financial Regulation

²⁵ If more than one method is indicated please provide additional details in the "Relevant comments" section of this point

national public-sector bodies/bodies with public-service mission

Shared or decentralised management

with Member states

with Third countries

Joint management with international organisations (please specify)

Relevant comments:

6. MONITORING AND EVALUATION

6.1. Monitoring system

The Committee will be managed and chaired by the relevant Commission officials. Therefore, the evolution and the progresses of the Committee will be constantly monitored.

6.2. Evaluation

6.2.1. Ex-ante evaluation

Not applicable

6.2.2. Measures taken following an intermediate/ex-post evaluation (lessons learned from similar experiences in the past)

Not applicable

6.2.3. Terms and frequency of future evaluation

The Committee will meet twice per year

7. ANTI-FRAUD MEASURES

The Committee will be managed and chaired by the relevant Commission officials. Therefore, the evolution and the progresses of the Committee will be constantly monitored.

8. DETAILS OF RESOURCES

8.1. Objectives of the proposal in terms of their financial cost

Commitment appropriations in EUR million (to 3 decimal places)

(Headings of Objectives, and outputs should be provided)	Type of output	Av. cost	Year n		Year n+1		Year n+2		Year n+3		Year n+4		Year n+5 and later		TOTAL	
			No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost
OPERATIONAL OBJECTIVE No.1 ²⁶																
Reduction of the number of fatalities on EU roads																
Action 1		0,0217														
Road infrastructure safety management Committee	Guidelines on minimum requirements	per Committee meeting 700€ x 31 (25 Member States + BG, RO, CH, NO, HR, TR)	2	0,0434	2	0,0434	2	0,0434	2	0,0434	2	0,0434	0	0	10	0,217
Sub-total Objective n			2	0,0434	2	0,0434	2	0,0434	2	0,0434	2	0,0434			10	0,217
TOTAL COST			2	0,0434	2	0,0434	2	0,0434	2	0,0434	2	0,0434			10	0,217

²⁶ As described under Section 5.3

8.2. Administrative Expenditure

8.2.1. Number and type of human resources

Types of post		Staff to be assigned to management of the action using existing and/or additional resources (number of posts/FTEs)					
		Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5
Officials or temporary staff ²⁷ (XX 01 01)	A*/AD	0	0	0	0	0	0
	B*, C*/AST	0	0	0	0	0	0
Staff financed ²⁸ by art. XX 01 02		0	0	0	0	0	0
Other staff ²⁹ financed by art. XX 01 04/05		0	0	0	0	0	0
TOTAL		0	0	0	0	0	0

8.2.2. Description of tasks deriving from the action

Management of the Committee

8.2.3. Sources of human resources (statutory)

- Posts currently allocated to the management of the programme to be replaced or extended
- Posts pre-allocated within the APS/PDB exercise for year n
- Posts to be requested in the next APS/PDB procedure
- Posts to be redeployed using existing resources within the managing service (internal redeployment)
- Posts required for year n although not foreseen in the APS/PDB exercise of the year in question

²⁷ Cost of which is NOT covered by the reference amount

²⁸ Cost of which is NOT covered by the reference amount

²⁹ Cost of which is included within the reference amount

8.2.4. *Other Administrative expenditure included in reference amount (XX 01 04/05 – Expenditure on administrative management)*

EUR million (to 3 decimal places)

Budget line (number and heading)	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later	TOTAL
1 Technical and administrative assistance (including related staff costs)	0	0	0	0	0	0	0
Executive agencies ³⁰	0	0	0	0	0	0	0
Other technical and administrative assistance	0	0	0	0	0	0	0
- <i>intra muros</i>	0	0	0	0	0	0	0
- <i>extra muros</i>	0	0	0	0	0	0	0
Total Technical and administrative assistance	0	0	0	0	0	0	0

8.2.5. *Financial cost of human resources and associated costs not included in the reference amount*

EUR million (to 3 decimal places)

Type of human resources	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later
Officials and temporary staff (XX 01 01)	0	0	0	0	0	0
Staff financed by Art XX 01 02 (auxiliary, END, contract staff, etc.) (specify budget line)	0	0	0	0	0	0
Total cost of Human Resources and associated costs (NOT in reference amount)	0	0	0	0	0	0

³⁰ Reference should be made to the specific legislative financial statement for the Executive Agency(ies) concerned.

Calculation – *Officials and Temporary agents*

Not applicable

Calculation– *Staff financed under art. XX 01 02*

Not applicable

8.2.6. *Other administrative expenditure not included in reference amount*

EUR million (to 3 decimal places)

	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later	TOTAL
XX 01 02 11 01 – Missions	0	0	0	0	0	0	0
XX 01 02 11 02 – Meetings & Conferences	0	0	0	0	0	0	0
XX 01 02 11 03 – Committees ³¹	0,0434	0,0434	0,0434	0,0434	0,0434		0,217
XX 01 02 11 04 – Studies & consultations	0	0	0	0	0	0	0
XX 01 02 11 05 - Information systems	0	0	0	0	0	0	0
2 Total Other Management Expenditure (XX 01 02 11)	0	0	0	0	0	0	0
3 Other expenditure of an administrative nature (specify including reference to budget line)	0	0	0	0	0	0	0
Total Administrative expenditure, other than human resources and associated costs (NOT included in reference amount)	0,0434	0,0434	0,0434	0,0434	0,0434	0	0,217

³¹ Specify the type of committee and the group to which it belongs.

Calculation - *Other administrative expenditure not included in reference amount*

Not applicable