

Directive (EU) 2019/1936 of the European Parliament and
of the Council of 23 October 2019 amending Directive
2008/96/EC on road infrastructure safety management

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PARLIAMENT AND OF THE COUNCIL

of 23 October 2019

amending Directive 2008/96/EC on road infrastructure safety management

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union and in particular Article 91(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee⁽¹⁾,

Having regard to the opinion of the Committee of the Regions⁽²⁾,

Acting in accordance with the ordinary legislative procedure⁽³⁾,

Whereas:

- (1) The communication of 20 July 2010 from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions entitled ‘Towards a European road safety area: policy orientations on road safety 2011-2020’ stated the strategic objectives of the Union to halve the number of road deaths by 2020 compared to 2010 and to move close to zero fatalities by 2050. However, progress towards achieving those objectives has stalled in recent years. A new interim target of halving the number of serious injuries by 2030 compared to 2020 was endorsed by Council in its conclusions of 8 June 2017 on road safety, endorsing the Valletta Declaration of March 2017. Greater efforts are therefore needed to attain both those targets.
- (2) According to the Safe System approach, death and serious injury in road accidents are largely preventable. It should be a shared responsibility at all levels to ensure that road accidents do not lead to serious or fatal injuries. In particular, well-designed, properly maintained and clearly marked and signed roads should reduce the probability of road accidents, whilst ‘forgiving roads’ (roads laid out in an intelligent way to ensure that driving errors do not immediately have serious or fatal consequences) should reduce the severity of accidents. The Commission should provide guidance for the provision and maintenance of ‘forgiving roadsides’, building on the experience of all Member States.
- (3) The roads of the trans-European transport network (TEN-T network) identified in Regulation (EU) No 1315/2013 of the European Parliament and of the Council⁽⁴⁾ are

of key importance in supporting European integration. A high level of safety should therefore be guaranteed on those roads.

- (4) The road infrastructure safety management ('RISM') procedures implemented on the TEN-T network have helped reduce fatalities and serious injuries in the Union. It is clear from the evaluation of the effects of Directive 2008/96/EC of the European Parliament and of the Council⁽⁶⁾ that Member States which have been applying RISM principles on a voluntary basis to their national roads beyond the TEN-T network have achieved much better road safety performance than Member States which did not do so. It is therefore also desirable for those RISM principles to be applied to other parts of the European road network.
- (5) It is important that the road sections built on bridges and road sections that pass through tunnels which are part of the network within the scope of this Directive are also covered by this Directive as far as road safety is concerned, with the exception of tunnels covered by Directive 2004/54/EC of the European Parliament and of the Council⁽⁶⁾.
- (6) For reasons of road safety, it is important that entries and exits to parking areas along the network within the scope of this Directive, in particular motorways and primary roads, are also covered by this Directive.
- (7) Seasonal conditions differ substantially between the Member States and regions. It is therefore important that those conditions are appropriately taken into consideration in the national provisions transposing this Directive.
- (8) A large proportion of road accidents occur on a small proportion of roads where traffic volumes and speeds are high and where there is a wide range of traffic travelling at different speeds. Therefore the limited extension of the scope of Directive 2008/96/EC to motorways and other primary roads beyond the TEN-T network should contribute significantly to the improvement of road infrastructure safety across the Union.
- (9) In order to ensure that such extension of scope has the intended effect, it is logical that primary roads other than motorways include all roads belonging to the highest category of road below the category 'motorway' in the national roads classification. For the same reason, Member States should be encouraged to ensure that at least all roads to which Directive 2008/96/EC applied before the entry into force of this Directive, including on a voluntary basis, remain covered by this Directive.
- (10) The mandatory application of the procedures laid down in Directive 2008/96/EC to any road infrastructure project outside urban areas which is completed using Union funding should ensure that Union funds are not used to build unsafe roads.
- (11) Directive 2008/96/EC covers exclusively road infrastructure. Road traffic law is therefore not affected by this Directive, and neither is the Member States' competence to make decisions on their own authority with regard to road traffic law. The United Nations Geneva Convention on Road Traffic of 19 September 1949 and the Vienna Convention on Road Traffic of 8 November 1968, as well as the Vienna Convention on Road Signs and Signals of 8 November 1968, should be respected by the Contracting Parties.

- (12) Risk-based network-wide road safety assessment has emerged as an efficient and effective tool to identify sections of the network that should be targeted by more detailed road safety inspections and to prioritise investment according to its potential to deliver network-wide safety improvements. The entire road network covered by this Directive should therefore be systematically assessed, including by means of data gathered by electronic and digital means, to increase road safety across the Union.
- (13) Integrating the best performing elements from the previous ‘safety ranking and management of the road network in operation procedure’ into the new network-wide road safety assessment procedure should allow better identification of road sections where the opportunities to improve safety are the greatest and where targeted interventions should deliver the biggest improvements.
- (14) In order to improve the quality, objectivity and efficiency of the RISM procedures, it is beneficial to allow Member States to take advantage, where appropriate, of the continuously developing technologies for inspecting road sections, documenting road safety conditions and collecting other data related to the safety of the road network.
- (15) Systematic follow-up of the findings of RISM procedures is crucial to achieve the road infrastructure safety improvements necessary for meeting the Union's road safety objectives. To this end, prioritised action plans should ensure that the necessary interventions are implemented as soon as possible. In particular, the findings of the network-wide road safety assessment should be followed up either by targeted road safety inspections or, if possible and cost-efficient, by direct remedial action aimed at eliminating or reducing the road safety risks without imposing an undue administrative burden.
- (16) The safety performance of existing roads should be improved by targeting investment to the road sections with the highest accident concentration and the highest accident reduction potential.
- (17) Funding and financial incentives at Union level can, in accordance with the applicable conditions, be used to provide support for such investment, complementing corresponding national investment and incentives.
- (18) Sections of the road network adjoining road tunnels of the trans-European road network covered by Directive 2004/54/EC have a particularly high accident risk. Joint road safety inspections of those road sections involving representatives of both the competent road and tunnel authorities should therefore be introduced in order to improve the safety of the road network covered by this Directive.
- (19) Vulnerable road users accounted for 47 % of road fatalities in the Union in 2017. Ensuring that the needs of the vulnerable road users are taken into account in all RISM procedures and the development of quality requirements for infrastructure for such road users should therefore improve their safety on the road.
- (20) In order to enable Member States to enhance their procedures aiming at ensuring the operational use of their road markings and road signs, common specifications should be

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established in order to foster the effective readability and detectability of road markings and road signs for human drivers and automated driver assistance systems.

- (21) Improving safety is also a priority for level crossings (i.e. signalling, infrastructure improvement). According to the Report on Railway Safety and Interoperability in the EU 2018 of the European Union Agency for Railways, there were, in 2016, 433 significant accidents on the 108 000 level crossings in the Union, resulting in 255 fatalities and 217 people being seriously injured. Consequently, level crossings which pose a high safety risk should be identified, with a view to improving them.
- (22) High-quality road markings and road signs are crucial to support drivers and connected and automated vehicles. Common specifications for road markings and road signs should form the basis that paves the way towards the roll-out of advanced connected and automated mobility systems. A joint European approach in accordance with the Vienna Convention on Road Signs and Signals of 1968 would be preferable.
- (23) To reinforce the results expected from the application of this Directive and to ensure an adequate level of safety in emergency situations, Member States could facilitate cooperation between their civil protection, emergency response and traffic police services, wherever appropriate and especially in cross-border road sections. Where cooperation between Member States is needed in those activities, the Union Civil Protection Mechanism pursuant to Decision No 1313/2013/EU of the European Parliament and of the Council⁽⁷⁾ offers a framework to that end.
- (24) Without prejudice to legislation on public procurement, in particular Directive 2014/25/EU of the European Parliament and of the Council⁽⁸⁾, the technical specifications relating to safety should be made publicly accessible where public procurements are carried out in the sector of road infrastructure.
- (25) In order to achieve transparency and improve accountability, road safety ratings should be reported so that road users can be informed about the state of the infrastructure and their awareness generally raised.
- (26) The exchange of experience on Safe System methodologies between practitioners and the information exchange between road safety auditors should be encouraged.
- (27) Publication of the results of network-wide road safety assessments should allow the level of road infrastructure safety to be compared across the Union.
- (28) Since the objective of this Directive, namely the establishment of procedures to ensure a consistently high level of road safety throughout the TEN-T network and the network of motorways and primary roads across the Union, cannot be sufficiently achieved by the Member States, but can rather, as improvement is necessary throughout the Union in order to ensure convergence towards higher standards of road infrastructure safety, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. 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 that objective. As a result of action at Union level, travel throughout the Union should become safer, and this in

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turn should improve the functioning of the internal market and support the objective of economic, social and territorial cohesion.

- (29) In order to ensure that the content of RISM procedures continues to reflect the best available technical knowledge, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of adapting the Annexes to this Directive to technical progress. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁽⁹⁾. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (30) Specific measures are necessary for the continuous improvement of road safety management practices and to facilitate the recognition of road markings and road signs by vehicles equipped with driver assistance systems or higher levels of automation. In order to ensure uniform conditions for the implementation of the relevant provisions of this Directive, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁽¹⁰⁾.
- (31) Directive 2008/96/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 2008/96/EC

Directive 2008/96/EC is amended as follows:

- (1) Article 1 is replaced by the following:

Article 1

Subject matter and scope

- 1 This Directive requires the establishment and implementation of procedures relating to road safety impact assessments, road safety audits, road safety inspections and network-wide road safety assessments by the Member States.
- 2 This Directive shall apply to roads which are part of the trans-European road network, to motorways and to other primary roads, whether they are at the design stage, under construction or in operation.
- 3 This Directive shall also apply to roads and to road infrastructure projects not covered by paragraph 2 which are situated outside urban areas, which do not serve properties bordering on them and which are completed using Union funding,