

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 network

*[<sup>XI</sup>Article 14*

**Derogation for innovative techniques**

1 In order to allow the installation and use of innovative safety equipment or the use of innovative safety procedures which provide an equivalent or higher level of protection than current technologies, as prescribed in this Directive, the administrative authority may grant a derogation from the requirements of the Directive on the basis of a duly documented request from the Tunnel Manager.

2 If the administrative authority intends to grant such a derogation, the Member State shall first submit a derogation application to the Commission containing the initial request and the opinion of the inspection entity.

3 The Commission shall notify the application to the Member States within one month of receipt.

4 If, within a period of three months, neither the Commission nor a Member State formulates objections, the derogation shall be treated as granted and the Commission shall inform all Member States accordingly.

5 If objections are expressed, the Commission shall make a proposal in accordance with the procedure referred to in Article 17(2). Where the decision is negative, the administrative authority shall not grant the derogation.

6 After an examination in accordance with the procedure referred to in Article 17(2), a decision to grant a derogation may allow this derogation to be applied to other tunnels.

7 Whenever justified by the derogation requests submitted to it, the Commission shall publish a report on the practice followed in the Member States and, if necessary, make proposals for amendment of this Directive.]

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**Editorial Information**

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