

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

f^{XI} Article 1 **U.K.**

Subject matter and scope

1 This Directive aims at ensuring a minimum level of safety for road users in tunnels in the trans-European road network by the prevention of critical events that may endanger human life, the environment and tunnel installations, as well as by the provision of protection in case of accidents.

2 It shall apply to all tunnels in the trans-European road network with lengths of over 500 metres, whether they are in operation, under construction or at the design stage.

Editorial Information

X1 Substituted by [Corrigendum to 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 \(Official Journal of the European Union L 167 of 30 April 2004\)](#).

Article 2 **U.K.**

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 No 1692/96/EC and illustrated by maps and/or described in Annex II to that Decision;
2. ‘emergency services’ means all local services, whether public or private or part of the tunnel staff, which intervene in the event of an accident, including police services, fire brigades and rescue teams;
3. ‘tunnel length’ means the length of the longest traffic lane, measured on the fully enclosed part of the tunnel.

Editorial Information

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Article 3 **U.K.**

Safety measures

1 Member States shall ensure that tunnels in their territory falling within the scope of this Directive meet the minimum safety requirements laid down in Annex I.

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2 Where certain structural requirements laid down in Annex I can only be satisfied through technical solutions which either cannot be achieved or can be achieved only at disproportionate cost, the administrative authority as referred to in Article 4 may accept the implementation of risk reduction measures as an alternative to application of those requirements, provided that the alternative measures will result in equivalent or improved protection. The efficiency of these measures shall be demonstrated through a risk analysis in conformity with the provisions of Article 13. Member States shall inform the Commission of the risk-reduction measures accepted as an alternative and provide justification therefor. This paragraph shall not apply to tunnels at the design stage as referred to in Article 9.

3 Member States may specify stricter requirements, provided that they do not contravene the requirements of this Directive.

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Article 4 **U.K.**

Administrative authority

1 Member States shall designate (an) administrative authority(ies), hereinafter referred to as ‘the administrative authority’, which shall have responsibility for ensuring that all aspects of the safety of a tunnel are assured and which shall take the necessary steps to ensure compliance with this Directive.

2 The administrative authority may be set up at national, regional or local level.

3 Each tunnel in the trans-European road network located on the territory of a single Member State shall fall under the responsibility of a single administrative authority. For each tunnel located on the territory of two Member States, each Member State shall designate an administrative authority or, alternatively, the two Member States shall designate a joint administrative authority. If there are two different administrative authorities, the decisions of either taken in the exercise of its respective competencies and responsibilities with regard to tunnel safety shall be adopted with the prior agreement of the other authority.

4 The administrative authority shall commission tunnels in accordance with the procedure laid down in Annex II.

5 Without prejudice to further arrangements on this subject at national level, the administrative authority shall have power to suspend or restrict the operation of a tunnel if safety requirements are not met. It shall specify the conditions under which normal traffic may be resumed.

6 The administrative authority shall ensure that the following tasks are performed:

- a testing and inspecting tunnels on a regular basis and drawing up safety requirements pertaining thereto;
- b putting in place organisational and operational schemes (including emergency response plans) for the training and equipping of emergency services;
- c defining the procedure for immediate closure of a tunnel in an emergency;
- d implementing the necessary risk-reduction measures.

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7 Where bodies designated as administrative authorities existed prior to the designation referred to in this Article, those administrative authorities may continue their previous activities provided that they comply with this Directive.

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Article 5 **U.K.**

Tunnel manager

1 For each tunnel located on the territory of one Member State, whether it is in the design, construction or operating stage, the administrative authority shall identify as Tunnel Manager the public or private body responsible for the management of the tunnel at the stage in question. The administrative authority itself may perform this function.

2 For each tunnel located on the territory of two Member States, the two administrative authorities or the joint administrative authority shall recognise only one body in charge of the operation of the tunnel.

3 Any significant incident or accident occurring in a tunnel shall be the subject of an incident report prepared by the Tunnel Manager. This report shall be forwarded to the Safety Officer referred to in Article 6, to the administrative authority and to the emergency services within a maximum period of one month.

4 Where an investigation report is drawn up analysing the circumstances of the incident or accident referred to in paragraph 3 or the conclusions that can be drawn from it, the Tunnel Manager shall forward this report to the Safety Officer, the administrative authority and the emergency services no later than one month after he/she receives it himself/herself.

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Article 6 **U.K.**

Safety Officer

1 For each tunnel, the Tunnel Manager shall, with the prior approval of the administrative authority, nominate one Safety Officer who shall coordinate all preventive and safeguards measures to ensure the safety of users and operational staff. The Safety Officer may be a member of the tunnel staff or the emergency services, shall be independent in all road tunnel safety issues and shall not be under instructions from an employer in respect of those issues. A Safety Officer may perform his/her tasks and functions at several tunnels in a region.

2 The Safety Officer shall perform the following tasks/functions:

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- a ensure coordination with emergency services and take part in the preparation of operational schemes;
- b take part in the planning, implementation and evaluation of emergency operations;
- c take part in the definition of safety schemes and the specification of the structure, equipment and operation in respect of both new tunnels and modifications to existing tunnels;
- d verify that operational staff and emergency services are trained, and he/she shall take part in the organisation of exercises held at regular intervals;
- e give advice on the commissioning of the structure, equipment and operation of tunnels;
- f verify that the tunnel structure and equipment are maintained and repaired;
- g take part in the evaluation of any significant incident or accident as referred to in Article 5(3) and (4).

Editorial Information

- X1** Substituted by [Corrigendum to 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 \(Official Journal of the European Union L 167 of 30 April 2004\)](#).

Article 7 **U.K.**

Inspection entity

Member States shall ensure that inspections, evaluations and tests are carried out by inspection entities. The administrative authority may perform this function. Any entity performing the inspections, evaluations and tests must have a high level of competence and high quality procedures and must be functionally independent from the Tunnel Manager.

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Article 8 **U.K.**

Notification of the administrative authority

The Member States shall notify the Commission of the name and address of the administrative authority by 1 May 2006. In the event of a change in this information they shall notify the Commission thereof within three months.

Editorial Information

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Article 9 **U.K.**

Tunnels whose design has not yet been approved

- 1 Any tunnel whose design has not been approved by the responsible authority by 1 May 2006 shall be subject to the requirements of this Directive.
- 2 The tunnel shall be commissioned in accordance with the procedure laid down in Annex II.

Editorial Information

- X1** Substituted by [Corrigendum to 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 \(Official Journal of the European Union L 167 of 30 April 2004\)](#).

Article 10 **U.K.**

Tunnels whose design has been approved but which are not yet open

- 1 In the case of tunnels whose design has been approved but which have not been opened to public traffic by 1 May 2006, the administrative authority shall assess their compliance with the requirements of this Directive, with specific reference to the safety documentation provided for in Annex II.
- 2 Where the administrative authority finds that a tunnel does not comply with the provisions of this Directive, it shall notify the Tunnel Manager that appropriate measures must be taken to increase safety and shall inform the Safety Officer.
- 3 The tunnel shall then be commissioned in accordance with the procedure laid down in Annex II.

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Article 11 **U.K.**

Tunnels already in operation

- 1 In the case of tunnels which are already open to public traffic by 30 April 2006, the administrative authority shall have until 30 October 2006 to assess their compliance with the requirements of this Directive, with specific reference to the safety documentation provided for in Annex II and on the basis of an inspection.
- 2 The Tunnel Manager shall, if necessary, propose to the administrative authority a plan for adapting the tunnel to the provisions of this Directive and the remedial measures he intends to put in place.

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3 The administrative authority shall give its approval to the remedial measures or ask for them to be modified.

4 Thereafter, if the remedial measures include any substantial modification in the construction or operation, then once these measures have been taken, the procedure laid down in Annex II shall be implemented.

5 Member States shall by 30 April 2007 submit a report to the Commission on how they plan to meet the requirements of this Directive, on planned measures, and, where appropriate, on the consequences of opening or closing the main access roads to the tunnels. In order to minimise disturbances to traffic at European level, the Commission may comment on the timetable of the work intended to ensure that tunnels comply with the requirements of this Directive.

6 The refurbishment of tunnels shall be carried out according to a schedule and shall be finished by 30 April 2014.

7 Where the total tube length of existing tunnels divided by the total length of the part of the trans-European road network located on their territory exceeds the European average, Members States may extend the period stipulated in paragraph 6 by five years.

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Article 12 **U.K.**

Periodic inspections

1 The administrative authority shall verify that regular inspections are carried out by the inspection entity to ensure that all tunnels falling within the scope of this Directive comply with its provisions.

2 The period between two consecutive inspections of any given tunnel shall not exceed six years.

3 Where, on the basis of the report of the inspection entity, the administrative authority finds that a tunnel does not comply with the provisions of this Directive, it shall notify the Tunnel Manager and the Safety Officer that measures to increase tunnel safety must be adopted. The administrative authority shall define the conditions for continuing to operate the tunnel or for re-opening the tunnel which will apply until the remedial measures and any further relevant restrictions or conditions are implemented.

4 If the remedial measures include any substantial modification in the tunnel's construction or operation, then once these measures have been taken, the tunnel shall be made the subject of a new authorisation to operate in accordance with the procedure laid down in Annex II.

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Article 13 U.K.

Risk analysis

1 Risk analyses, where necessary, shall be carried out by a body which is functionally independent from the Tunnel Manager. The content and the results of the risk analysis shall be included in the safety documentation submitted to the administrative authority. A risk analysis is an analysis of risks for a given tunnel, taking into account all design factors and traffic conditions that affect safety, notably traffic characteristics and type, tunnel length and tunnel geometry, as well as the forecast number of heavy goods vehicles per day.

2 Member States shall ensure that, at national level, a detailed and well-defined methodology, corresponding to the best available practices, is used and shall inform the Commission of the methodology applied; the Commission shall make this information available in electronic form to other Member States.

[^{F13} By 30 April 2009 the Commission shall publish a report on the practice followed in the Member States. Where necessary, it shall make recommendations for the adoption of a common harmonised risk analysis methodology in accordance with the regulatory procedure referred to in Article 17(2).]

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- X1** Substituted by [Corrigendum to 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 \(Official Journal of the European Union L 167 of 30 April 2004\)](#).

Textual Amendments

- F1** Substituted by [Regulation \(EC\) No 596/2009 of the European Parliament and of the Council of 18 June 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part Four](#).

Article 14 U.K.

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.

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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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Article 15 **U.K.**

Reporting

1 Every two years, Member States shall compile reports on fires in tunnels and on accidents which clearly affect the safety of road users in tunnels, and on the frequency and causes of such incidents, and shall evaluate them and provide information on the actual role and effectiveness of safety facilities and measures. These reports shall be transmitted to the Commission by the Member States before the end of September of the year following the reporting period. The Commission shall make the reports available to all Member States.

2 Member States shall make a plan which includes a timetable for the gradual application of the provisions of this Directive to tunnels already in operation as described in Article 11 and notify it by 30 October 2006 to the Commission. Thereafter, Member States shall inform the Commission every two years of the state of implementation of the plan and of any changes made to it, until the end of the period referred to in Article 11(6) and (7).

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[^{F1}Article 16 **U.K.**

Adaptation to technical progress

The Commission shall adapt to technical progress the Annexes to this Directive. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 17(3).]

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[^{F1}Article 17 **U.K.**

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 Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.]

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Article 18 **U.K.**

Transposition

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 April 2006. They shall immediately forward to the Commission the text of those provisions, together with a table correlating those provisions with this Directive.

2 The provisions adopted by the Member States 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.

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Article 19 **U.K.**

Entry into force

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

Editorial Information

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Article 20 **U.K.**

This Directive is addressed to the Member States.]

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