

Directive 2008/96/EC of the European Parliament and of the Council
of 19 November 2008 on road infrastructure safety management

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, the management of road network safety and safety inspections by the Member States.
- 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.
- 3 Member States may also apply the provisions of this Directive, as a set of good practices, to national road transport infrastructure, not included in the trans-European road network, that was constructed using Community funding in whole or in part.
- 4 This Directive shall not apply to road tunnels covered by Directive 2004/54/EC.

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 No 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, including bodies designated as competent entities which existed before the entry into force of this Directive, in so far as they meet the requirements of this Directive;
3. 'road safety impact assessment' means a strategic comparative analysis of the impact of a new road or a substantial modification to the existing network on the safety performance of the road network;
4. 'road safety audit' means an independent detailed systematic and technical safety check relating to the design characteristics of a road infrastructure project and covering all stages from planning to early operation;
5. 'ranking of high accident concentration sections' means a method to identify, analyse and rank sections of the road network which have been in operation for more than three years and upon which a large number of fatal accidents in proportion to the traffic flow have occurred;
6. 'network safety ranking' means a method for identifying, analysing and classifying parts of the existing road network according to their potential for safety development and accident cost savings;
7. 'safety inspection' means an ordinary periodical verification of the characteristics and defects that require maintenance work for reasons of safety;

8. 'guidelines' means measures adopted by Member States, 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 road infrastructure or a substantial modification to the existing network which affects the traffic flow.

Article 3

Road safety impact assessment for infrastructure projects

- 1 Member States shall ensure that a road safety impact assessment is carried out for all infrastructure projects.
- 2 The road safety impact assessment shall be carried out at the initial planning stage before the infrastructure project is approved. In that connection, Member States shall endeavour to meet the criteria set out in Annex I.
- 3 The road safety impact assessment shall indicate the road safety considerations which contribute to the choice of the proposed solution. It shall further provide all relevant information necessary for a cost-benefit analysis of the different options assessed.

Article 4

Road safety audits for infrastructure projects

- 1 Member States shall ensure that road safety audits are carried out for all infrastructure projects.
- 2 When carrying out road safety audits the Member States shall endeavour to meet 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 an infrastructure project.

The auditor shall be appointed in accordance with the provisions of Article 9(4) and shall have the necessary competence and training provided for in Article 9. Where audits are undertaken by teams, at least one member of the team shall hold a certificate of competence as referred to in Article 9(3).

- 3 Road safety audits shall form an integral part of the design process of the infrastructure project at the stage of 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. 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.
- 5 Member States shall ensure that the report referred to in paragraph 4 shall result in relevant recommendations from a safety point of view.

Article 5

Safety ranking and management of the road network in operation

1 Member States shall ensure that the ranking of high accident concentration sections and the network safety ranking are carried out on the basis of reviews, at least every three years, of the operation of the road network. In that connection, Member States shall endeavour to meet the criteria set out in Annex III.

2 Member States shall ensure that road sections showing higher priority according to the results of the ranking of high accident concentration sections and from network safety ranking are evaluated by expert teams by means of site visits guided by the elements referred to in point 3 of Annex III. At least one member of the expert team shall meet the requirements set out in Article 9(4)(a).

3 Member States shall ensure that remedial treatment is targeted at the road sections referred to in paragraph 2. Priority shall be given to those measures referred to in point 3(e) of Annex III paying attention to those presenting the highest benefit-cost ratio.

4 Member States shall ensure that appropriate signs are in place to warn road users of road infrastructure segments that are undergoing repairs and which may thus jeopardise the safety of road users. These signs shall also include signs which are visible during both day and night time and set up at a safe distance and shall comply with the provisions of the Vienna Convention on Road Signs and Signals of 1968.

5 Member States shall ensure that road users are informed of the existence of a high accident concentration section by appropriate measures. If a Member State decides to use signposting, this shall comply with the provisions of the Vienna Convention on Road Signs and Signals of 1968.

Article 6

Safety inspections

1 Member States shall ensure that safety inspections are undertaken in respect of the roads in operation in order to identify the road safety related features and prevent accidents.

2 Safety inspections shall comprise periodic inspections of the road network and surveys on the possible impact of roadworks on the safety of the traffic flow.

3 Member States shall ensure that periodic inspections are undertaken 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 roadworks. They shall also implement an appropriate inspection scheme to ensure that those guidelines are properly applied.

Article 7

Data management

1 Member States shall ensure that for each fatal accident occurring on a road referred to in Article 1(2) an accident report is drawn up by the competent entity. Member States shall endeavour to include in that report 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 Member States shall ensure that guidelines, if they do not already exist, are adopted by 19 December 2011, in order to support the competent entities in the application of this Directive.

2 Member States shall communicate these guidelines to the Commission within three months of their adoption or amendment.

3 The Commission shall make them available on a public website.

Article 9

Appointment and training of auditors

1 Member States shall ensure that, if they do not already exist, training curricula for road safety auditors are adopted by 19 December 2011.

2 Member States shall ensure that where road safety auditors carry out functions under this Directive, they undergo an initial training resulting in the award of a certificate of competence, and take part in periodic further training courses.

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 recognised.

4 Member States shall ensure that auditors are appointed in compliance with the following requirements:

- a they have relevant experience or training 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 or teams to which auditors belong, meeting the requirements provided for in paragraphs 2 and 3;
- c for the purpose of the infrastructure project audited, the auditor shall not at the time of the audit be involved in the conception or operation of the relevant infrastructure project.

Article 10

Exchange of best practices

In order to improve the safety of roads within the European Union that are not part of the trans-European road network, the Commission shall establish a coherent system for the exchange of best practices between the Member States, covering, *inter alia*, existing road infrastructure safety projects and proven road safety technology.

Article 11

Continuous improvement of safety management practices

1 The Commission shall facilitate and structure the exchange of knowledge and best practices between Member States, making use of the experience gained in existing relevant international forums, with a view to achieving continuous improvement of safety management practices concerning road infrastructures in the European Union.

2 The Commission shall be assisted by the Committee referred to in Article 13. In so far as the adoption of specific measures is required, such measures shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(3).

3 Where appropriate, relevant non-governmental organisations, active in the field of safety and management of road infrastructures, may be consulted on matters related to technical safety aspects.

Article 12

Adaptation to technical progress

The Annexes to this Directive shall be adapted to take account of technical progress in accordance with the regulatory procedure with scrutiny referred to in Article 13(3).

Article 13

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.

Article 14

Transposition

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 19 December 2010. They shall forthwith communicate to the Commission the text of those provisions.

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 15

Entry into force

This Directive shall enter into force on the 20th day following the day of its publication in the *Official Journal of the European Union*.

Article 16

Addressees

This Directive is addressed to the Member States.

Done at Strasbourg, 19 November 2008.

For the European Parliament

The President

H.-G. PÖTTERING

For the Council

The President

J.-P. JOUYET