

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

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, with the exception of roads that are not open to general motor vehicle traffic, such as bicycle paths, or roads that are not designed for general traffic, such as access roads to industrial, agricultural or forestry sites.

4 Member States may exempt from the scope of this Directive primary roads which have a low risk for safety, based on duly justified grounds connected to traffic volumes and accident statistics.

Member States may include in the scope of this Directive roads not referred to in paragraphs 2 and 3.

Each Member State shall notify to the Commission, by 17 December 2021, the list of motorways and primary roads on its territory and, thereafter, any subsequent changes thereto. In addition, each Member State shall notify to the Commission the list of roads exempted in accordance with this paragraph from, or included in the scope of, this Directive, and, thereafter, any subsequent changes thereto.

The Commission shall publish the list of roads notified in accordance with this Article.

5 This Directive shall not apply to roads in tunnels covered by Directive 2004/54/EC.;

- (2) Article 2 is amended as follows:

(a) point 1 is replaced by the following:

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1. “trans-European road network” means the road networks identified in Regulation (EU) No 1315/2013 of the European Parliament and of the Council⁽¹⁾;
 - (b) the following points are inserted:
 - 1a. “motorway” means a road, specially designed and built for motor traffic, which does not serve properties bordering on it and which meets the following criteria:
 - (a) it is provided, except at special points or temporarily, with separate carriageways for the two directions of traffic, separated from each other either by a dividing strip not intended for traffic or, exceptionally, by other means;
 - (b) it does not cross at level with any road, railway or tramway track, bicycle path or footpath;
 - (c) it is specifically designated as a motorway;
 - 1b. “primary road” means a road outside urban areas that connects major cities or regions, or both, belonging to the highest category of road below the category “motorway” in the national road classification that is in place on 26 November 2019;
 - (c) point 5 is deleted;
 - (d) points 6 and 7 are replaced by the following:
 6. “safety rating” means the classification of parts of the existing road network in categories according to their objectively measured in-built safety;
 7. “targeted road safety inspection” means a targeted investigation to identify hazardous conditions, defects and problems that increase the risk of accidents and injuries, based on a site visit of an existing road or section of road;
 - (e) the following point is inserted:
 - 7a. “periodic road safety inspection” means an ordinary periodical verification of the characteristics and defects that require maintenance work for reasons of safety;
 - (f) the following point is added:
 10. “vulnerable road user” means non-motorised road users, including, in particular, cyclists and pedestrians, as well as users of powered two-wheelers.;
- (3) in Article 4, the following paragraph is added:
6. The Commission shall provide guidance for the design of “forgiving roadsides” and “self-explaining and self-enforcing roads” in the initial audit of the design phase, as well as guidance on quality requirements regarding

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vulnerable road users. Such guidance shall be developed in close cooperation with Member State experts.;

- (4) Article 5 is replaced by the following:

Article 5

Network-wide road safety assessment

1 Member States shall ensure that a network-wide road safety assessment is carried out on the entire road network in operation covered by this Directive.

2 Network-wide road safety assessments shall evaluate accident and impact severity risk, based on:

- a primarily, a visual examination, either on site or by electronic means, of the design characteristics of the road (in-built safety); and
- b an analysis of sections of the road network which have been in operation for more than three years and upon which a large number of serious accidents in proportion to the traffic flow have occurred.

3 Member States shall ensure that the first network-wide road safety assessment is carried out by 2024 at the latest. Subsequent network-wide road safety assessments shall be sufficiently frequent in order to ensure adequate safety levels, but in any case shall be carried out at least every five years.

4 In carrying out the network-wide road safety assessment, Member States may take into account the indicative elements set out in Annex III.

5 The Commission shall provide guidance on the methodology for carrying out systematic network-wide road safety assessments and safety ratings.

6 On the basis of the results of the assessment referred to in paragraph 1, and for the purpose of prioritisation of needs for further action, Member States shall classify all sections of the road network in no fewer than three categories according to their level of safety.;

- (5) Article 6 is amended as follows:

- (a) the heading is replaced by the following:

Article 6;

Periodic road safety inspections

- (b) paragraph 1 is replaced by the following:

1. Member States shall ensure that periodic road safety inspections are undertaken with sufficient frequency to safeguard adequate safety levels for the road infrastructure in question.;

- (c) paragraph 2 is deleted;

- (d) paragraph 3 is replaced by the following:

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3. Member States shall ensure the safety of sections of the road network adjoining road tunnels covered by Directive 2004/54/EC through joint road safety inspections involving the competent entities involved in the implementation of this Directive and Directive 2004/54/EC. The joint road safety inspections shall be sufficiently frequent to safeguard adequate safety levels, but in any case shall be carried out at least every six years.;

- (6) the following Articles are inserted:

Article 6a

Follow-up of procedures for roads in operation

- 1 Member States shall ensure that the findings of network-wide road safety assessments carried out pursuant to Article 5 are followed up either by targeted road safety inspections or by direct remedial action.

- 2 When carrying out targeted road safety inspections Member States may take into account the indicative elements set out in Annex IIa.

- 3 Targeted road safety inspections shall be carried out by expert teams. At least one member of the expert team shall meet the requirements set out in point (a) of Article 9(4).

- 4 Member States shall ensure that the findings of targeted road safety inspections are followed up by reasoned decisions determining if remedial action is necessary. In particular, Member States shall identify road sections where road infrastructure safety improvements are necessary and define actions to be prioritised for improving the safety of those road sections.

- 5 Member States shall ensure that remedial action is targeted primarily at road sections with low safety levels and which offer the opportunity for the implementation of measures with high potential for safety development and accident cost savings.

- 6 Member States shall prepare and regularly update a risk-based prioritised action plan to track the implementation of identified remedial action.

Article 6b

Protection of vulnerable road users

Member States shall ensure that the needs of vulnerable road users are taken into account in the implementation of the procedures set out in Articles 3 to 6a.

Article 6c

Road markings and road signs

- 1 Member States shall pay specific attention, in their existing and future procedures for road markings and road signs, to readability and detectability for human drivers and automated driver assistance systems. Such procedures shall take

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into account common specifications where such common specifications have been established in accordance with paragraph 3.

- 2 A group of experts established by the Commission shall, at the latest by June 2021, assess the opportunity to establish common specifications including different elements aiming at ensuring the operational use of road markings and road signs in order to foster the effective readability and detectability of road markings and road signs for human drivers and automated driver assistance systems. That group shall be formed by experts designated by the Member States. The assessment shall include a consultation of the United Nations Economic Commission for Europe.

The assessment shall take into consideration in particular the following elements:

- a the interaction between various driver assistance technologies and infrastructure;
- b the effect of the weather and atmospheric phenomena as well as traffic on road markings and road signs present on the Union territory;
- c the type and frequency of maintenance efforts necessary for various technologies, including an estimate of costs.

- 3 Taking into account the assessment referred to in paragraph 2, the Commission may adopt implementing acts to establish common specifications, relating to Member States' procedures referred to in paragraph 1 aiming at ensuring the operational use of their road markings and road signs, with regard to the effective readability and detectability of road markings and road signs for human drivers and automated driver assistance systems. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13(2).

The implementing acts referred to in the first subparagraph shall be without prejudice to the competence of the European Committee for Standardization regarding standards for road markings and road signs.

Article 6d

Information and transparency

The Commission shall publish a European map of the road network within the scope of this Directive, accessible online, highlighting different categories as referred to in Article 5(6).

Article 6e

Voluntary reporting

Member States shall endeavour to establish a national system for the purpose of voluntary reporting, accessible online to all road users, to facilitate the collection of details of occurrences transmitted by road users and vehicles, and of any other safety-related information which is perceived by the reporter as an actual or potential hazard to road infrastructure safety.;

- (7) in Article 7, the following paragraph is inserted:

- 1a. The Commission may adopt implementing acts to provide guidance according to which accident severity, including number of fatalities and

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injured persons, is to be reported. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13(2).;

(8) in Article 9, the following paragraph is inserted:

1a. For road safety auditors taking their training from 17 December 2024, Member States shall ensure that the training curricula for road safety auditors includes aspects related to vulnerable road users and the infrastructure for such users.;

(9) Article 10 is replaced by the following:

Article 10

Exchange of best practices

In order to improve the safety of Union roads, the Commission shall establish a system for the exchange of information and best practices between the Member States, covering, inter alia, training curricula for road safety, existing road infrastructure safety projects and proven road safety technology.;

(10) in Article 11, paragraph 2 is deleted;

(11) the following Article is inserted:

Article 11a

Reporting

1 Member States shall provide a report to the Commission by 31 October 2025 on the safety classification of the entire network assessed in accordance with Article 5. Where possible, the report shall be based on a common methodology. If applicable, the report shall also cover the list of provisions of national updated guidelines, including in particular the improvements in terms of technological progress and of protection of vulnerable road users. From 31 October 2025, such reports shall be provided every five years.

2 On the basis of an analysis of the national reports referred to in paragraph 1, in the first instance by 31 October 2027 and every five years thereafter, the Commission shall draw up and submit a report to the European Parliament and to the Council on the implementation of this Directive, in particular with regard to the elements referred to in paragraph 1, and on possible further measures, including a revision of this Directive and possible adaptations to technical progress.;

(12) Article 12 is replaced by the following:

Article 12

Amendment of Annexes

The Commission is empowered to adopt delegated acts in accordance with Article 12a amending the Annexes in order to adapt them to technical progress.;

(13) the following Article is inserted:

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Article 12a

Exercise of the delegation

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in Article 12 shall be conferred on the Commission for a period of five years from 16 December 2019. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3 The delegation of power referred to in Article 12 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4 Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁽²⁾.

5 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6 A delegated act adopted pursuant to Article 12 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.;

(14) Article 13 is replaced by the following:

Article 13

Committee procedure

1 The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council⁽³⁾.

2 Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.;

(15) the Annexes are amended as set out in the Annex to this Directive.

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Article 2

Transposition

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 17 December 2021. They shall immediately inform the Commission thereof.

When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

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

Article 3

Entry into force

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

Article 4

Addressees

This Directive is addressed to the Member States.

Done at Strasbourg, 23 October 2019.

For the European Parliament

The President

D.M. SASSOLI

For the Council

The President

T. TUPPURAINEN

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- (1) Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1).';
- (2) OJ L 123, 12.5.2016, p. 1.';
- (3) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).';