

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

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PARLIAMENT AND OF THE COUNCIL

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on road infrastructure safety management

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71(1)(c) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee<sup>(1)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>(2)</sup>,

Whereas:

- (1) The trans-European road network defined in Decision No 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the trans-European transport network<sup>(3)</sup>, is of paramount importance in supporting European integration and cohesion as well as ensuring a high level of well-being. In particular, a high level of safety should be guaranteed.
- (2) In its White Paper of 12 September 2001 'European transport policy for 2010: time to decide' the Commission expressed the need to carry out safety impact assessments and road safety audits, in order to identify and manage high accident concentration sections within the Community. It also set the target of halving the number of deaths on the roads within the European Union between 2001 and 2010.
- (3) In its Communication of 2 June 2003 'European Road Safety Action Programme, Halving the number of road accident victims in the European Union by 2010: A shared responsibility' the Commission identified road infrastructure as the third pillar of road safety policy, which should make an important contribution to the Community's accident reduction target.
- (4) In recent years, major advances have been made in vehicle design (safety measures and the development and application of new technologies) which have helped to reduce the number of people killed or injured in road accidents. If the target set for 2010 is to be achieved, action must be taken in other areas too. Managing the safety of road infrastructure offers plenty of scope for improvement, which must be used to advantage.
- (5) The setting up of appropriate procedures is an essential tool for improving the safety of road infrastructure within the trans-European road network. Road safety impact

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assessments should demonstrate, on a strategic level, the implications on road safety of different planning alternatives of an infrastructure project and they should play an important role when routes are being selected. The results of road safety impact assessments may be set out in a number of documents. Moreover, road safety audits should identify, in a detailed way, unsafe features of a road infrastructure project. It therefore makes sense to develop procedures to be followed in those two fields with the aim of increasing safety of road infrastructures on the trans-European road network, whilst at the same time excluding road tunnels which are covered by 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>(4)</sup>.

- (6) Several Member States already possess well functioning road infrastructure safety management systems. These countries should be permitted to continue using their existing methods, in so far as they are consistent with the aims of this Directive.
- (7) Research is vital to improving safety on the roads within the European Union. Developing and demonstrating components, measures and methods (including telematics) and disseminating research results play an important part in increasing the safety of road infrastructure.
- (8) Safety performance of existing roads should be raised by targeting investments to the road sections with the highest accident concentration and/or the highest accident reduction potential. To be able to adapt their behaviour and increase compliance with traffic rules, in particular speed limits, drivers should be made aware of road sections with a high accident concentration.
- (9) Network safety ranking has a high potential immediately after its implementation. Once road sections with a high accident concentration have been treated and remedial measures have been taken, safety inspections as a preventive measure should assume a more important role. Regular inspections are an essential tool for preventing possible dangers for all road users, including vulnerable users, and also in case of roadworks.
- (10) Training and certification of safety personnel by means of training curricula and tools for qualification validated by the Member States should ensure that practitioners get the necessary up-to-date knowledge.
- (11) With a view to improving safety on the roads within the European Union, arrangements should be made for more frequent and more consistent exchanges of best practices among the Member States.
- (12) In order to ensure a high level of road safety on the roads within the European Union Member States should apply guidelines on infrastructure safety management. The notification of those guidelines to the Commission and regular reporting on their implementation should pave the way for the systematic improvement of infrastructure safety at Community level and provide a basis for the evolution towards a more effective system over time. The reporting on their implementation should, furthermore, allow other Member States to identify the most effective solutions, while the systematic collection of data from before/after studies should allow selecting the most effective measure for future action.

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- (13) The provisions of this Directive which relate to investment in road safety should apply without prejudice to the Member States' powers as regards investment in the upkeep of the road network.
- (14) Since the objective of this Directive namely the establishment of procedures to ensure a consistently high level of road safety throughout the trans-European road network cannot be sufficiently achieved by the Member States and can therefore, by reason of the effects of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. 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.
- (15) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>(5)</sup>.
- (16) In particular the Commission should be empowered to adopt the criteria necessary for the improvement of road safety management practices and the adaptation of the annexes to technical progress. Since those measures are of general scope and are designed to amend non-essential elements of this Directive, *inter alia*, by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.
- (17) Sufficient roadside parking areas are very important not only for crime prevention but also for road safety. Parking areas enable drivers to take rest breaks in good time and continue their journey with full concentration. The provision of sufficient safe parking areas should therefore form an integral part of road infrastructure safety management.
- (18) In accordance with point 34 of the Interinstitutional Agreement on better law-making<sup>(6)</sup>, Member States are encouraged to draw up, for themselves and in the interest of the Community, their own tables, which will, as far as possible, illustrate the correlation between this Directive and their transposition measures, and to make them public,

HAVE ADOPTED THIS DIRECTIVE:

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- (1) [OJ C 168, 20.7.2007, p. 71.](#)
- (2) Opinion of the European Parliament of 19 June 2008 (not yet published in the Official Journal), and Council Decision of 20 October 2008.
- (3) [OJ L 228, 9.9.1996, p. 1.](#)
- (4) [OJ L 167, 30.4.2004, p. 39.](#)
- (5) [OJ L 184, 17.7.1999, p. 23.](#)
- (6) [OJ C 321, 31.12.2003, p. 1.](#)