

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>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>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) thereof,

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the Committee of the Regions<sup>(2)</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>(3)</sup>,

Whereas:

- (1) In its White Paper of 12 September 2001 on 'European transport policy for 2010: time to decide' the Commission announced that it would propose minimum safety requirements for tunnels belonging to the trans-European road network.
- (2) The transport system, notably 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>(4)</sup>, is of paramount importance in supporting European integration and ensuring a high level of well-being among Europe's citizens. The European Community has the responsibility of guaranteeing a high, uniform and constant level of security, service and comfort on the trans-European road network.
- (3) Long tunnels of over 500 m in length are important structures which facilitate communication between large areas of Europe and play a decisive role in the functioning and development of regional economies.
- (4) The European Council has on several occasions, and notably at its meeting on 14 and 15 December 2001 in Laeken, underlined the urgency of taking measures to improve tunnel safety.
- (5) On 30 November 2001, the Transport Ministers of Austria, France, Germany, Italy and Switzerland met in Zurich and adopted a Common Declaration recommending the alignment of national legislations on the most recent harmonised requirements for improving safety in long tunnels.

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- (6) Since the objective of the proposed action, namely the achievement of a uniform, constant and high level of protection for all European citizens in road tunnels, cannot be sufficiently achieved by the Member States and can therefore, by reason of the level of harmonisation required, 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.
- (7) Recent accidents in tunnels emphasise their importance in human, economic and cultural terms.
- (8) Some tunnels in Europe, put into operation a long time ago, were designed at a time when technical possibilities and transport conditions were very different from those of today. There are thus disparate safety levels and this must be rectified.
- (9) Safety in tunnels requires a number of measures relating, amongst other things, to the geometry of the tunnel and its design, safety equipment, including road signs, traffic management, training of the emergency services, incident management, the provision of information to users on how best to behave in tunnels, and better communication between the authorities in charge and emergency services such as the police, fire-brigades and rescue teams.
- (10) As the work of the United Nations Economic Commission for Europe (UNECE) has already made clear, the conduct of road users is a decisive aspect of tunnel safety.
- (11) Safety measures should enable people involved in incidents to rescue themselves, allow road users to act immediately so as to prevent more serious consequences, ensure that emergency services can act effectively and protect the environment as well as limit material damage.
- (12) The improvements brought about by this Directive will improve safety conditions for all users, including disabled persons. However, as disabled persons have more difficulty in escaping in an emergency, particular consideration should be given to their safety.
- (13) In order to implement a balanced approach and due to the high cost of the measures, minimum safety equipment should be defined taking into account the type and the expected traffic volume of each tunnel.
- (14) International bodies such as the World Road Association and the UNECE have for a long time been making invaluable recommendations to help improve and harmonise safety equipment and traffic rules in road tunnels. However, as these recommendations are not binding, their full potential can only be maximised if the requirements they identify are made mandatory through legislation.
- (15) Maintaining a high safety level requires proper maintenance of the safety facilities in tunnels. An exchange of information on modern safety techniques and accident/incident data between the Member States should be systematically organised.

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- (16) In order to ensure that the requirements of this Directive are properly applied by tunnel managers, Member States should designate one or more authorities at national, regional or local level with responsibility for ensuring that all aspects of tunnel safety are assured.
- (17) A flexible and progressive timetable is needed for implementation of this Directive. This will allow for completion of the most urgent works without creating major disturbances in the transport system or bottlenecks in public works in the Member States.
- (18) The cost of refurbishing existing tunnels varies considerably from one Member State to another, particularly for geographical reasons, and Member States should be allowed to stagger any refurbishment works needed to meet the requirements of this Directive where the density of tunnels on their territory is well in excess of the European average.
- (19) For tunnels already in operation or tunnels whose design has been approved but which have not been opened to the public within 24 months following the entry into force of this Directive, Member States should be allowed to accept the adoption of risk-reduction measures as an alternative to application of the requirements of the Directive, where the tunnel does not allow for structural solutions to be implemented at reasonable cost.
- (20) Further technical progress is still necessary to improve tunnel safety. A procedure should be introduced to allow the Commission to adapt the requirements of this Directive to technical progress. That procedure should also be used to adopt a harmonised risk-analysis method.
- (21) 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>.
- (22) Member States should submit a report to the Commission on the measures they plan to adopt to meet the requirements of this Directive, with a view to synchronising works at Community level in order to reduce traffic disturbances.
- (23) Where the requirements of this Directive necessitate the construction of a second tube for a tunnel in the design or construction phase, this second tube to be constructed should be considered as a new tunnel. The same applies if the requirements of this Directive necessitate the opening of new legally binding planning procedures, including planning permission hearings for all related measures.
- (24) Work should continue in the appropriate forums in order to arrive at a large degree of harmonisation as regards the signs and pictogrammes used on variable message signs in tunnels. Member States should be encouraged to harmonise the user interface for all tunnels on their territory.
- (25) Member States should be encouraged to implement comparable safety levels for road tunnels located in their territory that do not form part of the trans-European road network and consequently do not fall within the scope of this Directive.
- (26) Member States should be encouraged to develop national provisions aiming at a higher tunnel safety level,

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HAVE ADOPTED THIS DIRECTIVE:]

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**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).

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- (1) [<sup>X1</sup>OJ C 220, 16.9.2003, p. 26.]
- (2) [<sup>X1</sup>OJ C 256, 24.10.2003, p. 64.]
- (3) [<sup>X1</sup>Opinion of the European Parliament of 9 October 2003 (not yet published in the Official Journal), Council Common Position of 26 February 2004 (OJ C 95 E, 20.4.2004, p. 31) and Position of the European Parliament of 20 April 2004 (not yet published in the Official Journal).]
- (4) [<sup>X1</sup>OJ L 228, 9.9.1996, p. 1. Decision as last amended by the 2003 Act of Accession.]
- (5) [<sup>X1</sup>OJ L 184, 17.7.1999, p. 23.]

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