

Basic information	
2002/0309(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Trans-European road network : minimum safety requirements for tunnels Subject 3.20.05 Road transport: passengers and freight 3.20.11 Trans-European transport networks	

Key players			
European Parliament	Committee responsible		Rapporteur
	RETT Regional Policy, Transport and Tourism		RACK Reinhard (PPE-DE) 21/01/2003
	Former committee responsible		Former rapporteur
	RETT Regional Policy, Transport and Tourism		RACK Reinhard (PPE-DE) 21/01/2003
	Former committee for opinion		Former rapporteur for opinion
	ENVI Environment, Public Health, Consumer Policy		The committee decided not to give an opinion.
Council of the European Union	Council configuration		Meetings
	Transport, Telecommunications and Energy		2515
	Transport, Telecommunications and Energy		2499
	Education, Youth, Culture and Sport		2565
European Commission	Commission DG		Commissioner
	Energy and Transport		

Key events			
Date	Event	Reference	Summary
30/12/2002	Legislative proposal published	COM(2002)0769 	Summary

10/02/2003	Committee referral announced in Parliament, 1st reading		
27/03/2003	Debate in Council		
05/06/2003	Debate in Council		
10/09/2003	Vote in committee, 1st reading		Summary
10/09/2003	Committee report tabled for plenary, 1st reading	A5-0311/2003	
08/10/2003	Debate in Parliament		
09/10/2003	Decision by Parliament, 1st reading	T5-0425/2003	Summary
26/02/2004	Council position published	05238/1/2004	Summary
26/02/2004	Modified legislative proposal published	COM(2004)0147 	Summary
10/03/2004	Committee referral announced in Parliament, 2nd reading		
06/04/2004	Vote in committee, 2nd reading		Summary
06/04/2004	Committee recommendation tabled for plenary, 2nd reading	A5-0249/2004	
20/04/2004	Decision by Parliament, 2nd reading	T5-0294/2004	Summary
20/04/2004	Debate in Parliament		
29/04/2004	End of procedure in Parliament		
30/04/2004	Final act signed		
30/04/2004	Final act published in Official Journal		

Technical information	
Procedure reference	2002/0309(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC Treaty (after Amsterdam) EC 071-p1
Stage reached in procedure	Procedure completed
Committee dossier	RETT/5/20769

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0311/2003	10/09/2003	
Text adopted by Parliament, 1st reading/single reading		T5-0425/2003	09/10/2003	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0249/2004	06/04/2004	
		T5-0294/2004		

Text adopted by Parliament, 2nd reading		OJ C 104 30.04.2004, p. 0034-0203 E	20/04/2004	Summary
Council of the EU				
Document type		Reference	Date	Summary
Council statement on its position		06090/2004	23/02/2004	
Council position		05238/1/2004 OJ C 095 20.04.2004, p. 0031-0052 E	26/02/2004	Summary
European Commission				
Document type		Reference	Date	Summary
Legislative proposal		COM(2002)0769 	30/12/2002	Summary
Modified legislative proposal		COM(2004)0147 	26/02/2004	Summary
Commission communication on Council's position		COM(2004)0164 	05/03/2004	Summary
Other institutions and bodies				
Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0746/2003 OJ C 220 16.09.2003, p. 0026-0032	18/06/2003	
CofR	Committee of the Regions: opinion	CDR0093/2003 OJ C 256 24.10.2003, p. 0064-0074	02/07/2003	

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act
Directive 2004/0054 OJ L 201 07.06.2004, p. 0056-0076 Summary

Trans-European road network : minimum safety requirements for tunnels

2002/0309(COD) - 05/03/2004 - Commission communication on Council's position

The Council's common position includes the amendments proposed by the Commission in its amended proposal, which seeks to incorporate most of the amendments adopted by the European Parliament at first reading. It differs from the amended proposal in the following major respects: - The initial proposal provided for a schedule for the refurbishment of existing tunnels, requiring 10% of tunnels to be made compliant within 3 years, 50% within 6 years and 100% within 10 years. The common position does not restate the interim deadlines, but leaves them to the discretion of the Member States. Instead, a clause has been inserted in the new Article 15 "Reporting" stipulating that, 30 months after the Directive enters into force, Member States should forward a schedule for the refurbishment of existing tunnels to the Commission. In addition, every two years, they are to give the Commission a progress report on fulfilment of the schedule. This approach is acceptable to the Commission, which will monitor the situation to ensure that the proposed plans are realistic and properly staggered over the whole ten-year period. - The common position proposes introducing a streamlined committee procedure under Article 14 to authorise Member States to grant, on the basis of a duly documented request, a derogation from the terms of the Directive for the implementation of a technical innovation providing an equivalent or higher protection level. The streamlined procedure, aimed at making it easier to examine any derogations, is acceptable insofar as it is applied only if either the Commission or a Member State submits no comments. - The common position introduces a new Article 15 on "Reporting", which incorporates the obligation for Member States to report regularly on the implementation of the Directive and its effectiveness in the event of any accidents occurring in the course of the year. The new Article is acceptable. The Commission considers that the common position adopted unanimously by the Council is faithful to the aims and spirit of the Commission's proposal and that it can therefore approve the common position. The common position includes, either in letter or spirit, many of the amendments adopted by the European Parliament at first reading. There is consequently a high level of agreement between the Council, Parliament and the Commission on the key aspects of the proposal. Accordingly, the Commission invites the European Parliament to approve the common position. The engineering work required to bring tunnels into compliance with the future Directive will take a long time and it is important for this work to begin as soon as possible.

Trans-European road network : minimum safety requirements for tunnels

2002/0309(COD) - 20/04/2004 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution drafted by Reinhard RACK (EPP-ED, A) and approved the common position.

Trans-European road network : minimum safety requirements for tunnels

2002/0309(COD) - 09/10/2003 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Reinhard RACK (EPP-ED, Austria) and made several amendments to the Commission's proposal. (Please see the summary of 10/09/03.) In addition, Parliament: - deleted the definitions of "traffic volume" and "equipment class"; - for tunnels located on the territory of two Member States, the latter will designate joint Inspection Bodies to carry out prescribed tasks; - the Tunnel Supervisory Body will be ultimately responsible for the safety of the tunnel; - the safety Officer is renamed the Safety Coordinator and the tasks are redefined; - Annex I is revised, and there are new provisions on monitoring systems, equipment to close the tunnel, communication systems, and power supply and electrical circuits.

Trans-European road network : minimum safety requirements for tunnels

2002/0309(COD) - 30/12/2002 - Legislative proposal

PURPOSE : to propose minimum safety requirements for tunnels in the Trans-European Road Network. CONTENT : the proposed Directive establishes preventive measures and measures that provide a minimum level of safety in the event of accidents in tunnels in the Trans-European Road Network. It shall apply to all tunnels on the Trans-European Road Network with lengths of over 500 m, whether they are in operation, under construction or at the design stage. The following objectives have been set for reaching the optimal level of safety in road tunnels: - Primary objective: prevention (to prevent critical events that endanger human life, the environment and tunnel installations). - Secondary objective : reduction of possible consequences (concerning events such as accidents and fires) by providing the ideal prerequisites for enabling people involved in the incident to rescue themselves; allowing immediate intervention of road users to prevent greater damage; ensuring efficient action by emergency services; - protecting the environment; limiting material damage. In order to reach these objectives, the Directive proposes to establish: - organisational requirements : the Commission proposes to harmonise the organisation of safety at national level and to clarify the different roles and responsibilities. In particular, the Commission proposes that each Member State should appoint an Administrative Authority seconded by an Inspection Body. In most cases, Member States will have the possibility of appointing existing administrative services as Administrative Authorities for the purposes of the present Directive. Responsibility for safety in each tunnel will lie with the Tunnel Manager and the responsibility for control with the appointed Safety Officer; - technical requirements : the level of safety in tunnels is influenced by a variety of factors which can be put under the following four main headings: Infrastructure; Operation; Vehicles; Road users. Requirements aimed at reinforcing safety in road tunnels will be established for each group.

Trans-European road network : minimum safety requirements for tunnels

2002/0309(COD) - 29/04/2004 - Final act

PURPOSE : to establish minimum safety requirements for tunnels in the Trans-European Road Network. LEGISLATIVE ACT : Directive 2004/54/EC of the European Parliament and of the Council. CONTENT : this Directive aims to ensure safety in tunnels by preventing critical events that may endanger human life, the environment and tunnel installations, as well as by the provision of protection in case of accidents. It applies to all tunnels in the Trans-European Road Network with lengths of over 500 m, whether they are in operation, under construction or at the design stage. Member States must ensure that tunnels in their territory meet the minimum safety requirements laid down in Annex I. 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 established by this Directive may accept the implementation of risk reduction measures as an alternative to application of those requirements. The alternative measures must result in equivalent or improved protection. The efficiency of these measures must be demonstrated through a risk analysis in conformity with the provisions of the directive. Member States will inform the Commission of the risk reduction measures accepted as an alternative and provide justification for them. The principal points of the Directive are as follows: - Member States shall designate an 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 the Directive. - The Administrative Authority will commission tunnels in accordance with the procedure laid down in Annex II. The Administrative Authority has the power to suspend or restrict the operation of a tunnel if safety requirements are not met. - For each tunnel, whether it is in the design, construction or operating stage, the Administrative Authority must 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. Any significant incident occurring in a tunnel will be the subject of an incident report prepared by the Tunnel Manager. This report shall be forwarded to the Safety Officer established also by this directive, and to the Administrative Authority and to the emergency services within a maximum period of one month. - The Tunnel Manager will nominate one Safety Officer who will 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, will be independent in all road tunnel safety issues and will not be under instructions from an employer in respect of those issues. - Inspections, evaluations and tests must be carried out by Inspection Entities. The Administrative Authority may perform this function. The Administrative Authority must verify that regular inspections are carried out by the Inspection Entity to ensure that all tunnels falling within the scope of the Directive comply with its provisions. - Every two years, Member States must 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 must evaluate them and provide information on the actual role and effectiveness of safety facilities and measures. ENTRY INTO FORCE : 30/04/04. DATE OF TRANSPOSITION : 30/04/06.

Trans-European road network : minimum safety requirements for tunnels

2002/0309(COD) - 26/02/2004 - Modified legislative proposal

The Commission's amended proposal retains in their totality or in their substance a large number of the amendments adopted by the European Parliament in its first reading. A number of amendments pay particular consideration to disabled people, so that they can save themselves in the event of a fire. The Commission is in favour of a specific reference to disabled people in the Directive. A new recital is added and when emergency plans referred to in Annex II are drawn up, they must take account of disabled people in order to identify and implement the most appropriate solutions. The other amendments taken up by the Commission include: - the deletion of the definitions of "traffic volume" and "equipment class" of the legislative part, because these terms are used only in the technical annexes. These definitions will therefore be removed to Annex I. - the acceptance of alternative measures to structural measures which would be substantially more expensive for tunnels already in service only if they ensure an "equivalent or improved" level of safety. - the specification of the responsibilities of the Administrative Authority. - the inclusion of a new provision in order to avoid diluting the respective responsibilities of the Administrative Authority and the Tunnel Manager. - the provision for greater flexibility in carrying out periodic inspections under the responsibility of the Member States. As a consequence of this amendment, the term "Inspection Body" is replaced by "Inspection Entity" throughout the text. - the clarification of the role of the Tunnel Manager at the various stages of design, construction and operation of the tunnel. - the clarification of the tasks of the "Safety Officer". - the provision that where the Administrative Authority considers that the safety of an existing tunnel must be improved, it must communicate that fact to the Tunnel Manager, so that remedial measures can be taken, and the Safety Officer, for information purposes. The respective roles of these two players must be highlighted. - the provision for an additional period of six months compared with the original proposal for assessing compliance of existing tunnels with the Directive. - the provision limiting the obligation on the "Tunnel Manager" to send a plan for adapting an existing tunnel only to those cases where this is necessary. - the reinforcing of the role of the Administrative Authority and making it responsible for technical inspections. - the provision clearly indicating that the body responsible for carrying out the risk analyses is independent from the Tunnel Manager. - the provision that Member States may, for the purposes of carrying out risk analyses, only use a standard methodology at national level. With a view to transparency, Member States will have to make information on the methodology that they use available in electronic form. - the extension of the possibility of Member States obtaining a derogation from the provisions of the Directive to allow the use of innovative techniques providing an equivalent or higher protection level. As far as Annex I is concerned, the Commission in general accepts the amendments based on the results of the work of national experts, including in the World Road Association (PIARC), the working group of the Alpine countries and the Council experts group. The main amendments concern the following aspects: - The five classes of equipment in the original proposal which determine the type of equipment have been replaced by a more flexible system adapted to suit each type of equipment. - The threshold for traffic forecasts above which new tunnels will have to be twin tube has been raised to 10 000 vehicles per day and per lane. - The number of lanes reserved for traffic must be the same inside and outside the tunnel. - Gradients may not exceed 5% unless this is impossible for geographical reasons. - A new definition and stricter requirements are set out for escape routes, ventilation systems, lighting, electricity supply, pavements and control rooms. - The rules vary according to whether they are to apply to a new tunnel or an existing tunnel. This is the case for example for the minimum distance between emergency posts equipped with fire extinguishers and between water supply outlets which is increased to 250 metres for existing tunnels. - The descriptions of the responsibilities of the Administrative Authority and the Safety Officer have been condensed and moved to Articles 4 and 6 respectively, without prejudice to the drafting reservation relating to Article 7. - The maximum delay of 10 minutes for the intervention of the emergency services after an alarm for the longest and busiest tunnels, by means of a provision requiring the delay to be kept as short as possible having regard to local conditions. This is acceptable subject to drafting amendments. - The obligation to empty additional fuel tanks on heavy goods vehicles before travelling through tunnels has been scrapped.

Trans-European road network : minimum safety requirements for tunnels

2002/0309(COD) - 26/02/2004 - Council position

The Council states that it supports the aim and scope of the Commission's proposal, in view of its commitment to improve the safety of tunnels throughout the Union. However, it felt that that the automatic classification system as proposed by the Commission would be too rigid for an optimal and cost effective application of the Directive to the large variety in tunnels such as they exist on the territory of the Union. Therefore, Council opted for

a more fine-tuned and pragmatic system, whereby each individual safety requirement for a tunnel is based on one or more relevant parameters.

Amendments of the European Parliament: - amendments concerning the administrative structure - Council was not able to accept all those relating to Administrative Authority, Inspection Entity, Tunnel Manager and Safety Officer, since the Council felt that it was undesirable to unravel the 'package' as regards the administrative structure, - amendments concerning disabled persons: the Council fully agreed with the need for specific consideration which should be given to disabled persons within the context of the Directive. It therefore accepted, with some changes in the wording, certain amendments, and included a specific recital 12 devoted to disabled persons, - amendments concerning the technical Annexes I, II and III: the Council was able to accept a great number of these, either in full, in part or in spirit. The Council acknowledged that this was due to a large extent to Parliament's agreement to use the more flexible approach also advocated by the Council: namely, to introduce a system whereby each individual safety requirement for a tunnel is based on one or more relevant parameters of the tunnel in question, -other amendments: A new recital highlighting the importance of road user behaviour for tunnel safety, was accepted. Regarding the financing for structural adjustments to tunnels through the TEN-budget, Council felt that, in view of the ongoing legislative process on the proposed Decision on the revision of guidelines for the development of the trans-European transport network, on the one hand, and the proposed Directive on the charging of heavy goods vehicles for the use of certain infrastructures, on the other, it was not appropriate to incorporate this element in this Directive. The amendment referring to the implementation of comparable safety standards for tunnels outside the scope of this Directive, was accepted.