



COMMISSION EUROPÉENNE

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17.5.2018

**AVIS DU COMITE D'EXAMEN DE LA REGLEMENTATION**

**Proposal for a directive of the European Parliament and of the Council  
amending Directive 2008/96/EC on road infrastructure safety management**

{COM(2018)274final}  
{SWD(2018)175final}  
{SWD(2018)176final}



EUROPEAN COMMISSION  
Regulatory Scrutiny Board

Brussels,  
Ares(2018)

## **Opinion**

### **Title: Impact Assessment / Road infrastructure and tunnel safety**

(version of 15 December 2017)\*

### **Overall opinion: POSITIVE WITH RESERVATIONS**

#### **(A) Context**

The RISM Directive (on road infrastructure safety management) aims to harmonise road infrastructure safety management. It defines guidelines for all stages of infrastructure planning, development and management. It does not impose specific technical standards or measures on the Member States.

The tunnel safety Directive aims to prevent accidents in long tunnels and to reduce the consequences of accidents when they do occur. It was adopted in the wake of a number of serious road tunnel fires.

Both Directives apply to the trans-European road transport network (TEN-T). They have been subject to evaluations in 2014-2015. The present impact assessment follows up on these evaluations. It explores how both Directives could contribute to a further reduction of road fatalities and serious injuries which currently remain too high, to reach the EU strategic objectives to move close to zero fatalities by 2050 and halve the number of road fatalities by 2020 and serious injuries by 2030.

#### **(B) Main considerations**

**The Board acknowledges the large volume of information gathered to support this impact assessment through evaluations and stakeholders' consultations.**

**However, the report still contains significant shortcomings that need to be addressed. As a result, the Board expresses reservations and gives a positive opinion only on the understanding that the report will be adjusted in order to integrate the Board's recommendations on the following key aspects:**

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\* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted.

- (1) The report does not sufficiently delimit the expected contribution of this initiative within the comprehensive approach to road safety of the Safe System. It does not well explain the relationship and complementarity with the parallel general safety of vehicles and pedestrian safety initiative.**
- (2) The report does not sufficiently demonstrate that the preferred policy option is proportionate. It does not clearly identify the constraints by EU and national financial resources and how lacking resources hinder the full enforcement of the Directive.**
- (3) The problems analysis does not take up some of the conclusions of the evaluations, in particular for the tunnel safety Directive. The report fails to explain how enforcement problems of the existing Directives will be addressed.**

### **(C) Further considerations and adjustment requirements**

(1) The report should clarify the (limited) contribution of this initiative to the overall road safety objectives. It should clarify the relation, prioritisation and complementarity with the parallel initiative on general vehicle and pedestrian safety. It should better explain how the scope of this initiative fits into the overall road safety policy.

For this purpose, the report should include a description of the Safe System approach that is common to both initiatives. It should present all initiatives on road safety and their respective contributions to the common objectives. The impact analysis should describe the interaction with the vehicle and pedestrian safety initiative. It should show how the two initiatives complement each other and together contribute to multiple safety layers. The report should also clarify how the methodologies of the studies for the two proposals have been developed to avoid double counting within and between proposals.

It should elaborate on how its cost-effectiveness is justified compared to alternative measures (such as the vehicle safety features or more targeted enforcement measures of the existing Directive). For this purpose, the report should include a "chapeau" on the safety system that is common to both initiatives in order to strengthen the mutual reinforcement of the respective contributions to the common objectives. The impact analysis should describe the relation with the road vehicle safety initiative, i.e. show how the two initiatives complement (or overlap) each other (clarify how both initiatives together contribute to multiple safety layers).

(2) The report should demonstrate that the preferred policy option is proportionate. As the choice of the preferred option is the result of a trade-off between road safety and enforcement costs, the financial constraints should be integrated into the policy objectives. The report needs to assess the compatibility of the policy options with the national budgets; this necessitates repatriating information from the annexes to the main report about the financial impacts on the various Member States. The report should demonstrate how likely EU and national resources can ensure the financing of the policy options. The impact analysis (and the annex) should provide more information about the underlying methodology for the estimates (e.g. explain the varying impacts of options 2 and 3 on individual Member States, provide a sensitivity analysis of the impacts). Finally the impact analysis should reflect the overall contribution of the

initiative with the 2020 objectives on road fatalities. The analysis should also inform whether the distribution of costs and benefits across Member States of the final option allows addressing the critical bottlenecks to achieve the EU target.

(3) The report should more closely link the problems analysis to the outcomes of the evaluations of the two Directives. In particular, it should explain how the identified loopholes of the tunnel safety Directive will be addressed. The report should explain more in details how stakeholders concerns or proposals have been addressed.

(4) The analysis should include a discussion of the REFIT dimension of the initiative. It should as a minimum explain expected simplification of the legislative framework. It should also give indications on future updates of the legislation. Equally important is to explain the efforts to simplify the stock of possible outdated regulatory dispositions in view of potential cost reduction.

**The Board takes note of the quantification of the various costs and benefits associated to the preferred option of this initiative, as assessed in the report considered by the Board and summarised in the attached quantification tables.**

*Some more technical comments have been transmitted directly to the author DG.*

**(D) RSB scrutiny process**

**The lead DG shall ensure that the report is adjusted in accordance with the recommendations of the Board prior to launching the interservice consultation.**

**The attached quantification tables may need to be adjusted to reflect any changes in the choice or the design of the preferred option in the final version of the report.**

Full title	Road infrastructure and tunnel safety
Reference number	2016/MOVE/007
Date of RSB meeting	17 January 2018

**ANNEX: Quantification tables extracted from the draft impact assessment report submitted to the Board on 15 December 2017**

*(N.B. The following tables present information on the costs and benefits of the initiative in question. These tables have been extracted from the draft impact assessment report submitted to the Regulatory Scrutiny Board on which the Board has given the opinion presented above. It is possible, therefore, that the content of the tables presented below are different from those in the final version of the impact assessment report published by the Commission as the draft report may have been revised in line with the Board's recommendations.)*

I. Overview of Benefits (total for all provisions) – Preferred Option		
Description	Amount (in million euro)	Comments
Direct benefits		
Reduced fatalities and injuries on EU roads (in Policy option 2 and Policy option C combined)	25,277	Present value for the period 2020-2050. Includes value of reduced fatalities and serious injuries.  Benefit estimates include reductions in authority costs for hospital care, emergency services etc., and for those involved in accidents, and their relatives.
Indirect benefits		
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II. Overview of costs – Preferred option						
		Citizens/Consumers		Businesses		Administrations
		One-off	Recurrent	One-off	Recurrent	One-off and Recurrent (net present value in million euro for 2020-2050) <sup>1</sup>
Policy option 2	Direct costs					2,004
	Indirect costs					-

<sup>1</sup> The net present value of estimated compliance costs over the 2020-2050 period. Recurrent costs are included in the estimated present value of compliance costs. They are estimated at 10,000 euro annually per Member State for Policy option 2 and 30,000 euro annually per Member State for Policy option C.

Policy option C	Direct costs					7,440
	Indirect costs					2,004

*Note: The one-off costs for the preferred option comprise costs related to undertaking assessment programmes, for investing in new road safety installations in the infrastructure and for maintaining these new installations. The costs are distributed throughout the evaluation period 2020-2050 and include both installation costs and recurring maintenance costs. The costs are not calculated separately, as the sources used report total costs. The costs are therefore reported as the present value of all costs covering the entire period.*