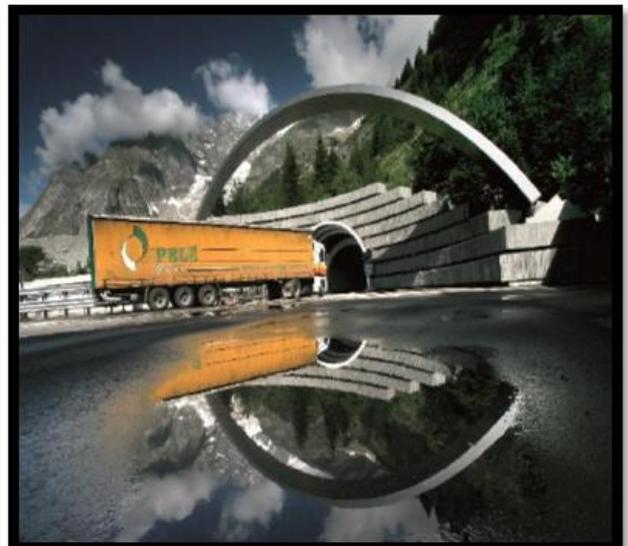


ASECAP Position on



The current revision process of the  
**Directive 2004/54/EC** on “Minimum safety requirements for tunnels in the  
Trans-European Road Networks”

## **1 – ASECAP POSITION**

### *Reminder of the context:*

ASECAP and its members are firmly committed towards road safety and they have been investing great financial and human resources to provide the safest conditions to their customers. These long-term efforts led to very positive results as the fatality rate has dropped by more than 60% during the last decade along the ASECAP network.

ASECAP and its members have been consistently working on the implementation of the Safety Directives, namely Directives 2004/54/EC and 2008/96/EC, in order to maximize the full potential of these legislative tools and create the safest conditions on European motorways. ASECAP fully upholds the legal provisions and technical requirements they envisaged and stress the need to continue their full implementation through a consistent and coordinated approach. Directive 2004/54/EC on the “Minimum Safety requirements for Tunnels” has proved to be an effective instrument as road tunnels represent a particular road infrastructure components which have specific characteristics and features and, therefore, require ad-hoc operational safety procedures.

## Background information

At the time of the drafting of the Directive, ASECAP and its members underlined clearly some key concerns related to the new regime:

- I. A European Directive on tunnel safety can and must set the safety strategic lines and targets that Member States must commit to. Once the intended safety targets have been identified, Member States and Operators should be entitled to opt for the best and most sound technical and technological choices to be pursued at national level;
- II. The scope of the directive and its proposed measures and timing imply a great amount of road-works which are likely to disrupt traffic and even endanger safety of those networks that present a higher tunnel density. **This has proved to be the case in several Member States managing a high amount of road tunnels falling under the scope of the Directive. This is further demonstrated when considering the current situation: in 2014 the deadline for most Member States expired. Some Member States were not able to meet the deadline even if having a limited number of tunnels when compared with those Member States having the deadline set in 2019.**
- III. The tunnel safety issue is part of the overall road safety: investing for tunnel safety is right as long as the global results are optimized. The provisions of the Directives imply high costs. A serious and ad hoc cost-benefit analysis taking into consideration each specific case needs to ensure in order to avoid unnecessary expenditures. **The issue related to the costs for the implementation of this Directive is of utmost importance considering the lack of financial means and resources of many Member States. Moreover new technologies have underlined their potential to tackle in a more cost-efficient way safety related issues.**

## *Recommendations*

Road Toll Operators underline, once again, their commitment towards the implementation of Directive 2004/54/EC and the great amount of resources and efforts already put in place to comply with the Directive provisions. Nevertheless some key issues remain open and they should be adequately taken into considerations by the European representatives in the current revision phase:

- I. The new TEN-T regulation has significantly increased the number of tunnel falling under the scope of the Directive. Therefore the deadlines previously foreseen by the Directive should be changed accordingly, especially for those Member States which own the highest percentage of road tunnels in Europe. The existing time limits should be postponed from 2019 to 2024.
- II. The time limits of the Directive do not adequately considered the administrative and legal requirements foreseen at national level necessary to undertake the refurbishment operations of a tunnel infrastructure. Consistency between European and national regulations are seriously needed in order to minimize the administrative burden and ensure that all road tunnels identified meet the safety requirements envisaged by the Directive.
- III. Adequate European and national financial resources sometimes not included into concession contracts should be earmarked for the refurbishment of tunnel infrastructure given the huge costs involved and the stringent time constraints;
- IV. Reporting activities should be simplified and harmonized in order to simplify the work for road operators and administrative authorities for road tunnels. Furthermore more straightforward reporting procedures would assure a more reliable and concrete picture concerning the implementation of the Directive at European level.

- V. A better use of existing and forecast technologies could lead to solutions less costly and with an equivalent level of safety in tunnels.

### *Conclusion*

The approach of the European Commission encouraging Member States to examine the issues related to road tunnel safety in a detailed manner and with a “comprehensive infrastructure” perspective is positive and must be upheld. Many specific road safety measures have already been adopted and implemented in the context of Directive 2004/54/EC which has led to a significant reduction of risks for drivers in the European road tunnels. Furthermore Directive 2008/96/EC has provided further elements and tools which support the tunnel safety operation and inspection procedures carried out by the responsible actors.

A close and effective coordination between the two directives is certainly beneficial as it can contribute to better fulfill their objectives and capitalize their results. Nevertheless, while the objective pursued is the same as to provide the highest standards of safety to drivers, different technical solutions and actions need to be foreseen and applied in order to tackle the very different risks related involved.

The principles of Directive 2004/52/EC should be preserved and carefully adapted to the specific context of tunnel infrastructure (limited space, particular conditions which impose specific driving behaviors compared to the open sections of the road infrastructure, specific road safety facilities and safety procedures). Safety requirements in road tunnel infrastructure cannot be simply applied to the rest of the transport infrastructure as they will lead to both unsustainable, both economically and technically, practices and obligations.

**ASECAP invites the European Commission to affectively promote an integrated approach towards road safety by preserving the requirements included in the Directive 2004/54/EC while improving certain of its provisions according to specific analysis and indications provided by Member States and road safety operators.**

If a possible merging of the two Directives is envisaged, a robust and thorough cost-benefit analysis shall be produced to clearly highlight the positive impact of such initiative in terms of improved safety conditions and more effective management of road infrastructure. Furthermore a certain degree of flexibility should be ensured for safety operators and safety managers to choose the best cost-effective solutions to tackle the specific problem faced according to the characteristics of infrastructure involved. In no cases, the new legislative framework should be apply to tunnels already refurbished in order to avoid further delays, additional costs and heavier administrative burdens.

## 1. The European Association of Operators of Toll Road Infrastructures (ASECAP)

ASECAP is the European Association of Operators of Toll Road Infrastructures. It is the sole pan-European organization that brings together operators of more than 48.000 km of motorways, bridges and tunnels, from 21 countries<sup>1</sup>. The network of ASECAP's members thus constitutes a large part of the Trans-European Road Network.

ASECAP's mission is to promote tolling as the most efficient tool to finance the construction, operation and maintenance of motorways and other major toll road infrastructures. ASECAP and its members are committed to:

- ❖ Exchange information, experience and best practices on road transport policies;
- ❖ Fully implement the European “user-pays” and “polluter pays” principles in order to create a single transport system in Europe based on multimodal, sustainable and efficient transport solutions;
- ❖ Strengthening the efficiency of their network and permanently improving the level of services provided to the European citizens, by keeping up with the latest technology developments and the best operational practices.

ASECAP has a Permanent Committee (COPER II) which actively works on road safety issues by investigating technical and policy topics related to the safety management of road infrastructure. Under the umbrella of the COPER II, a working group of tunnel safety experts has been set up in order to exchange information and share expertise and knowledge on the implementation of the Tunnel Safety Directive at national level. The technical experts of ASECAP are actively involved in other technical committees dealing with tunnel safety issue within different international organizations such as UNECE, OCSE and PIARC