

# Road infrastructure safety management

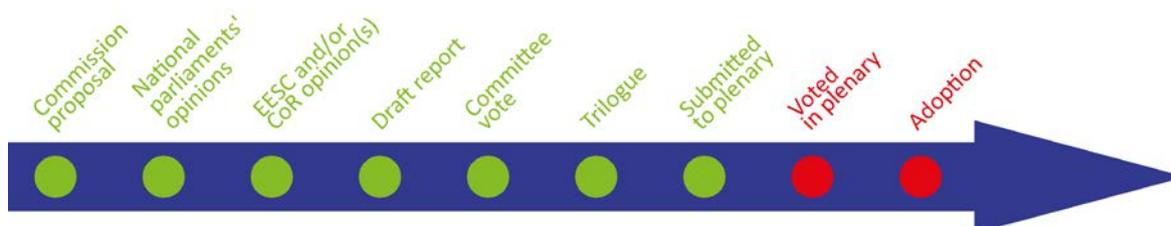
## OVERVIEW

On 17 May 2018, the Commission adopted the proposal for a directive amending Directive 2008/96/EC on road infrastructure safety management. The revision was presented together with another legislative proposal on vehicle and pedestrian safety, and with non-legislative initiatives to promote safe mobility.

The general objective of the proposal, which seeks to address the shortcomings of the existing legislation, is to reduce both road fatalities and serious injuries by improving the safety performance of road infrastructure. It proposes key changes to strengthen road infrastructure safety management procedures and extends the scope of the directive beyond the trans-European transport network (TEN-T).

Interinstitutional negotiations (trilogues) concluded on 21 February 2019. The agreed text, endorsed by Coreper and by the Parliament's TRAN committee, is scheduled for a vote in Parliament's plenary during April.

<b>Proposal for a directive of the European Parliament and of the Council amending Directive 2008/96/EC on road infrastructure safety management</b>		
<i>Committee responsible:</i>	Transport and Tourism (TRAN)	COM(2018) 274
<i>Rapporteur:</i>	Daniela Aiuto (EFDD, Italy)	17.5.2018
<i>Shadow rapporteurs:</i>	Claudia Schmidt (EPP, Germany) Karoline Graswander-Hainz (S&D, Austria) Mark Demesmaeker (ECR, Belgium) Matthijs van Miltenburg (ALDE, The Netherlands) Kateřina Konečná (GUE/NGL, Czech Republic) Michael Cramer (Greens/EFA, Germany)	2018/0129(COD)  Ordinary legislative procedure (COD) (Parliament and Council on equal footing – formerly 'co-decision')
<i>Next steps expected:</i>	First-reading vote in plenary	



## Introduction

Following on from the [2016 Low Emission Mobility Strategy](#) and the previous Europe on the Move packages of [May](#) and [November](#) 2017, the revision of the Directive on road infrastructure safety management is part of the third and last 'Europe on the Move' [package](#). The latter focuses on delivery of the new industrial policy of September 2017 and includes initiatives supporting the transition towards safe, clean, automated and connected mobility for all.

The revision is also consistent with the goals laid down in the 2011 [White Paper](#) on Transport and in the 2011 to 2020 [policy orientations](#) for road safety, and is part of the new EU road safety policy framework for 2021 to 2030. It is also closely related to the initiatives enshrined in the Commission's strategy on [cooperative intelligent transport systems](#) (C-ITS).

On 17 May 2018, the Commission adopted the [proposal](#) for a directive amending Directive 2008/96/EC on road infrastructure safety management together with a legislative [proposal](#) on vehicle and pedestrian safety and non-legislative initiatives to promote safe mobility. A [common framework for road safety](#) for the 2021-2030 period is accompanied by a strategic [action plan](#) on road safety, to be developed in more detail by mid-2019. In both the [communication](#) on 'Europe on the move: Sustainable mobility for Europe: safe, connected, and clean' and the action plan annexed to it, the Commission recalls the EU's long-term goal of moving as close as possible to zero fatalities in road transport by 2050 ('Vision Zero'), underlining that the same should be achieved for serious injuries. The Commission also mentions that the EU will pursue new interim targets to reduce the number of road deaths by 50 % between 2020 and 2030 and the number of serious injuries by 50 % in the same period. The proposed road safety framework follows [the safe system approach](#), i.e. it assumes that human beings can and will continue to make mistakes and that it is up to all actors to ensure that road accidents do not lead to serious or fatal injuries (shared responsibility). The safe system approach implies improving the safety of all parts of the system (roads and roadsides, speeds, vehicles and road use), so that other parts will still protect those involved, should one part fail. Within that context, road infrastructure is important in so far as roads that are well-designed and well maintained can reduce the probability of road traffic accidents. The concept of 'forgiving roads'<sup>1</sup> can also reduce the severity of the accidents that happen.

The other legislative proposal, revising the General Safety and Pedestrian Safety Regulations, seeks to improve vehicle safety by adding new safety features, to prevent accidents and protect vulnerable road users.<sup>2</sup> There is a link between the two legislative proposals as both of them deal in part with the connection between vehicle technology and infrastructure.

The revision of the directive on road infrastructure safety management was announced as part of the Regulatory Fitness and Performance Programme (REFIT) in [Annex 2](#) of the Commission's 2017 work programme.

## Context

These proposals aiming to promote safe mobility are presented at a time when – after many years of progress – road safety improvements, notably in terms of fatalities, are stagnating, and new challenges to safety are emerging.

The [number](#) of road deaths in the EU fell by 43 % between 2001 and 2010, and another 19 % between 2010 and 2016. In 2016, 25 620 people died on EU roads, almost 5 900 fewer than in 2010 but only 510 fewer than in 2015. According to preliminary road safety [statistics](#), in 2017, 25 300 people lost their lives on EU roads, i.e. 300 fewer than in 2016.

While some Member States continue to make progress in terms of road safety and although [road fatality rates](#) at EU level show a reduction of around 2 % for the second year in a row, reaching the EU objective of halving road fatalities between 2010 and 2020 may prove difficult.

Furthermore, almost half of road victims are [vulnerable road users](#), and they remain particularly exposed. Of all the people killed on roads 25 % were on two-wheels (14 % motorcyclists, 8 % cyclists and 3 % moped riders) and 21 % were pedestrians. Pedestrian and cyclist fatalities have however decreased in number at a lower rate than other categories (by respectively 15 % and 2 % between 2010 and 2016). The breakdown of fatalities also shows that 8 % occurred on motorways, 37 % in urban areas and 55 % on rural roads.

According to preliminary road safety statistics for 2017, a further 135 000 people were seriously injured last year, including a large proportion of vulnerable users. It is estimated that for every person killed in a traffic accident, about five more suffer [from serious injuries](#) with life-changing consequences.

With 49 road fatalities per one million inhabitants in the EU in 2017, compared with 174 deaths per million globally, European roads nevertheless remain the safest in the world.

The slowdown in fatality reduction of recent years, together with the number of fatalities and serious injuries among pedestrians and cyclists has led road transport actors to reassert their commitment to road safety. In the [Valletta Declaration](#) of March 2017, EU transport ministers stated that Member States would undertake to 'continue and reinforce measures necessary to halve the number of road deaths in the EU by 2020 from the 2010 baseline'; 'to set a target of halving the number of serious injuries in the EU by 2030 from the 2020 baseline ... and in the framework of an overall road safety strategy for this period' and to 'improve the safety of road users by developing safer road infrastructure, bearing in mind the possibility of extending the application of infrastructure safety management principles beyond the trans-European transport network (TEN-T) roads'.

## Existing situation

The existing regulatory [framework](#) for road infrastructure safety management consists of two pieces of legislation: [Directive 2004/54/EC](#) on minimum safety requirements for tunnels in the trans-European road network (the Tunnel Directive) and the directive that is the subject of the current revision, i.e. [Directive 2008/96/EC](#) on road infrastructure safety management (the RISM Directive).

The [purpose](#) of the existing legislation (RISM) was to ensure that road safety is taken into account in all phases of the planning, design and operation of road infrastructure; to promote a high and consistent level of road infrastructure safety across Member States and to target limited available funds on more efficient road construction and maintenance. The legislation contains several [instruments](#) such as road safety impact assessments, which are 'a strategic comparative analysis of the impact of a new road or a substantial modification to the existing network on the safety performance of the road network'; road safety audits, which are 'an independent detailed systematic and technical safety check relating to the design characteristics of a road infrastructure project and covering all stages from planning to early operation'; regular safety ranking and follow-up at locations upon which a relatively high proportion of fatal accidents have occurred; and safety inspections, which are an ordinary periodical verification of the characteristics and defects that require maintenance work for reasons of safety. The existing directive also refers to guidelines and best practices but did not impose specific technical standards or measures on Member States.

According to ex-post evaluation [findings](#), the directive was successful in promoting and generalising the use of road infrastructure safety management procedures in the Member States, based on a minimum set of compulsory EU rules for TEN-T roads. Such procedures led to the development at national level of a normative and operational process that would not have taken place to such an extent otherwise.

Nevertheless, there are big [differences](#) between Member States as regards the directive's implementation. Some went beyond the directive's requirements while others fell short.

The directive does not seem to have been successful in encouraging the exchange of good practice between Member States, nor did it lead to increased mobility of safety professionals across the EU.

Lastly, the current [scope](#) of the directive is limited to TEN-T roads, even though a majority of Member States voluntarily apply one or more of the road safety management procedures to other parts of their road networks. It is estimated that the TEN-T network comprises 4 % of the overall road network (excluding urban roads), on which 8 % of fatalities occur, owing largely to high traffic volumes given that TEN-T roads are mostly motorways. Motorways and primary roads that are not part of the TEN-T network account for 15 % of the overall network and 39 % of fatalities. Local roads, which cover 58 % of overall network road length, represent only 24 % of fatalities, owing to generally lower traffic flows.

In the problem definition section, the impact assessment further specifies that 'while road user factors are still the leading crash factor, there is converging scientific evidence indicating that road infrastructure and road surroundings are an important crash factor in about 30 % of accidents leading to fatalities. Road conditions can be the single most lethal factor in serious accidents, ahead of speeding, alcohol and non-use of seatbelts' and 40 % of fatalities would still happen even if all road users complied with road rules. The assessment also adds that, although crucial, better enforcement of traffic rules alone cannot prevent all road traffic accidents and that 'positive infrastructure measures can often more effectively influence human behaviour than other measures, such as driver training or police enforcement'. Further on, the assessment also adds that 'Although the overall effects of road infrastructure as a crash cause and as a severity factor taken together have not been studied, for analytical purposes it is reasonable to assume from the above that infrastructure plays a role both in causing accidents and in determining their outcome at a magnitude of around 30 %.'

Another problem identified in the impact assessment is that 'there are considerable regional differences at the level of infrastructure safety of TEN-T roads but current EU legislation does not provide for a common methodology to measure the crash risk of road infrastructure', even though some relevant and comparable data is available from the European Road Assessment Programme (EuroRAP).<sup>3</sup> In addition, only a small percentage of non-TEN-T road is of motorway standard, and many main or national roads that carry high traffic volumes do not possess the road infrastructure safety characteristics of a motorway.

According to [evaluations](#), the current framework did improve the safety management of infrastructure (roads and tunnels) and thus helped to reduce road fatalities, even though some factors prevented the RISM Directive in particular from reaching its full potential.

## Parliament's starting position

The Parliament has adopted numerous resolutions regarding or covering road safety. In its [resolution](#) of 9 September 2015 on the implementation of the 2011 white paper on transport, Parliament called for road safety measures within the upcoming road package and a mid-term review of the Commission's road safety programme 2011-2020. It underlined that the quality of road infrastructure, which has a direct impact on road safety, differs significantly across the EU and that more than 90 % of road accident deaths in the Member States occur on urban and rural roads. The Parliament also highlighted the need to ensure proper maintenance of existing infrastructure, including the secondary road network. Referring to the revision of the RISM Directive, Parliament called for the extension of its four main measures to other parts of the road network, including all parts of motorways, rural and urban roads.

In its [resolution](#) of 14 November 2017 on 'Saving lives: Boosting car safety in the EU', Parliament urged the Commission, bearing in mind the Valletta Declaration of March 2017, to include new targets for halving the number of serious injuries on the roads in the EU in its new road safety strategy for 2020 to 2030. It also called on Member States to significantly improve the state of their road infrastructure by means of regular and effective maintenance, and on the Commission to set up a mechanism to ensure that the European road infrastructure remains in an adequate condition.

In its [resolution](#) of 13 March 2018 on a European strategy on cooperative intelligent transport systems, Parliament stresses the importance of the quality of physical road infrastructure which should gradually be complemented by digital infrastructure and called for the upgrading and maintenance of the future road infrastructure.

## Preparation of the proposal

To prepare the proposal, the Commission used the findings of the ex-post evaluations of the two pieces of legislation relating to the road infrastructure safety management framework: the [Study on the implementation and effects of Directive 2004/54/EC on minimum safety requirements for road tunnels in the trans-European road network](#) and the [Study on the effectiveness and on the improvement of the EU legislative framework on road infrastructure safety management \(Directive 2008/96/EC\)](#). The Commission also used external expertise for a support study to prepare its impact assessment along with other [numerous](#) external studies and sources.<sup>4</sup>

Key [findings](#) of the RISM evaluation were highlighted in a previous section. Furthermore, neither evaluation provided evidence that the integration of the 2008 directive with the Tunnel Directive would further improve the safety of road tunnels on the TEN-T network.

The EPRS implementation appraisal, [Road infrastructure and tunnel safety](#) briefly summarises the studies and reports that are relevant in the context of this revision. The EPRS initial appraisal of the European Commission's impact assessment on [Improving road infrastructure safety management](#) provides an analysis of the impact assessment attached to the proposal.

Information was also gathered through various stakeholder consultation [activities](#): a stakeholder seminar in Valletta organised by the Maltese Presidency with the Commission in March 2017 that brought together road safety experts, stakeholders and policy makers; meetings with key stakeholders;<sup>5</sup> a targeted stakeholder survey and interviews with road authorities, road user organisations, traffic safety experts and NGOs, which attracted only 27 replies out of the 120 entities contacted (carried out by COWI); on open public consultation that was held between 14 June and 10 September 2017 and which attracted 74 replies from 19 Member States, of which 46 were from organisations and 28 from individuals; and meetings of the Road Tunnel Safety Committee and the Road Infrastructure Safety Management Committee, where national administrations were invited to comment on the preliminary results of the impact assessment support study.

## The changes the proposal would bring

The general objective of the proposal, which aims to address the shortcomings of Directive 2008/96/EC, is to reduce both road fatalities and serious injuries by improving the safety performance of road infrastructure.

To achieve this, the proposal seeks to improve follow-up on the findings of road infrastructure safety management procedures; to stimulate both the harmonisation and the exchange of knowledge between Member States on such procedures and requirements; to protect vulnerable road users; to strengthen the deployment of new technologies and to move towards a consistently high level of road safety across the EU while using limited financial resources efficiently. The proposal thus introduces a series of important changes to the existing legislation.

In order to improve **transparency of and follow-up to the findings of road infrastructure safety management procedures**, the proposal introduces a provision on the follow-up of procedures for roads in operation, which will notably require that each decision on whether or not to follow up a recommendation from a road safety inspection is justified and properly substantiated. A new article on reporting requires Member States to report to the Commission on the percentage of the road network assessed in a network-wide road assessment in the preceding three years, and the safety rating of the road sections assessed by category of road user. These reporting requirements should

help with measuring the built-in safety of the road network, informing road users and promoting a trend of convergence in road safety performance across the EU.

The proposal replaces the existing provision on the reactive 'safety ranking and management of the road network in operation' with a new risk-based and pro-active '**network-wide road assessment**' procedure. Such assessments shall be carried out on the entire road network covered by the directive and comprise, according to the proposal, a visual inspection, an analysis of traffic volumes and historic accident data and an assessment of crash and impact severity risk. The first assessment is to be carried out by 2025 at the latest by Member States and then every five years at least. According to the assessment results, Member States shall classify the road network in no less than three categories according to their in-built safety. The purpose of such assessments is to evaluate and compare the in-built or inherent safety of the existing road infrastructure in order to identify priority areas for further inspection and intervention and to strengthen the infrastructure component of the safe system approach (see above), taking into account historic accident data and high accident concentration sections already identified. The new procedure will also be conducive to following up on findings and stimulate the targeting of investment in the highest risk areas. The proposal also links the identification of the road sections for road safety inspections to the findings of the network-wide road assessment.

Another key change to the existing legislation is the **extension of the scope of the directive beyond the trans-European transport network (TEN-T)** to motorways and primary roads outside the network as well as road infrastructure projects outside urban areas that are completed using EU funds in whole or in part. The revised article mentions that the directive 'shall apply to roads which are part of the trans-European network, to motorways and to primary roads, whether they are at the design stage, under construction or in operation' and that it shall also apply to roads and to road infrastructure projects not covered in the previous paragraph, 'which are situated outside urban areas and are completed using Union funding in whole or in part'. The purpose of such changes extending the mandatory application of the directive, is to specifically target the busy roads that connect major cities and regions and to ensure, for any road infrastructure project outside urban areas completed using EU funding, that these funds are not used to build potentially unsafe roads.

The proposal also establishes **general performance requirements for road markings and road signs** in order to facilitate the development of cooperative, connected and automated mobility systems. It also makes it mandatory to take **vulnerable road users** into account in all road safety management procedures.

Furthermore, the proposal requires joint road safety inspections of the transition areas between the roads covered by this directive and the road tunnels covered by Directive 2004/54/EC, notably to ensure better cooperation between the entities responsible for road safety and tunnel safety because these areas are generally identified as the areas of road tunnels where accidents are most likely to occur.

## Advisory committees

Consultation of the European Economic and Social Committee (EESC) is mandatory. The EESC, in its [opinion](#) of 17 October 2018 on road infrastructure safety management (rapporteur: Brian Curtis, Workers – Group II, UK), pointed out that while the EU focuses mainly on the financing of new infrastructure, it should also allocate adequate funds to the maintenance and upgrading of existing roads. The EESC also supported the new performance requirements for road markings and signs to help develop cooperative, connected and automated mobility.

The European Committee of the Regions (CoR) in its [opinion](#) on Road safety and automated mobility (rapporteur: József Ribányi, EPP, Hungary) of 6 February 2019 recalled that the extension of the scope of the directive beyond the TEN-T must involve local and regional stakeholders, who should determine which roads are covered by its provisions.

## National parliaments

The deadline for submitting a reasoned opinion on the grounds of [subsidiarity](#) was 19 July 2018. The chambers of several national parliaments considered the proposal and the Swedish Parliament (Riksdag) submitted a [reasoned opinion](#). In this opinion, the Swedish Parliament in particular underlined its concerns regarding the extension of the scope of the directive to cover other roads than those in TEN-T and considered that, in this respect, the proposal is not compatible with the principle of subsidiarity. The Czech Republic submitted comments for political dialogue.

## Stakeholders' views<sup>6</sup>

As mentioned above, there were several consultations on the proposal. Overall, the vast majority of [stakeholders](#) considered that the current legislation addressed road safety but they highlighted issues such as a lack of harmonisation and information sharing, and the limited scope of the existing framework. Nearly all stakeholders were of the view that improvements were necessary for the maintenance and repair of existing roads, upgrading their safety features and improving the protection of vulnerable road users. They also largely considered that there should be common EU performance requirements for the visibility of road markings and road signs, and the open public consultation showed wide support for comparable methodologies to be used to measure road infrastructure safety. At the March 2017 stakeholders' conference in Malta, stakeholders recommended that the directive should focus more on measured outputs and less on inputs.

There were more divided views for instance on whether to adapt the physical infrastructure to the needs of vehicles with a high degree of automation or whether this should be the opposite, vehicles adapting to the infrastructure. Stakeholders also underlined the difficulty of prescribing individual measures for certain categories of vulnerable road users.

The issue of the possible extension of the scope of the directive beyond the TEN-T network gave rise to diverging opinions. Private companies and NGOs were most in favour of extending the scope to all roads or all main and national roads while some respondents to the targeted stakeholder survey referred to the difficulty Member States would have accepting such an extension on the grounds of subsidiarity. Respondents, however, recognised the potential of such an extension in terms of fatality reduction, given that most fatal accidents occurred outside the TEN-T network. The Commission concluded that limited extension could cover a larger number of fatalities without being disproportionate in terms of costs and workload for Member States.

## Legislative process

The legislative proposal has been assigned to the Parliament's Committee on Transport and Tourism (TRAN), which has designated Daniela Aiuto (EFDD, Italy) as rapporteur.

The [Austrian Presidency](#) stated that progress on this proposal, and more generally on road safety, would be one of its priorities, and discussions have begun within the Council Working Party on Land Transport.

The TRAN committee adopted the [report](#) on 10 January 2019, by 39 votes in favour, 6 against and no abstention. It supported the extension of the scope of the directive, and proposed to include parts of roads on bridges or that pass through tunnels. It proposed that road safety inspections cover parking areas on roads falling within the scope of the directive, and the integration of electronic and digital assessment tools. It suggested that the Commission establishes common European standards for road markings and road signs by 2020, and methodological guidelines for network-wide road assessments and inspections of high risk sections. It would also make it possible for road users to voluntarily report on their road safety concerns, to ease the identification of potential hazards to road safety. On 16 January 2019, Parliament's plenary confirmed the decision to enter interinstitutional (trilogue) negotiations.

The proposal was discussed in the Council Working Party on Land Transport and on 3 December 2018, the Council agreed on a [general approach](#). While endorsing the extension of the scope of the directive beyond the TEN-T, the Council specified that each Member State designate the primary roads within its territory to the Commission, at the latest within 24 months from the entry into force of the directive. The Council redrafted annexes relating to elements of road safety impact assessments, audits, inspections and network-wide road assessments in order to give them an indicative nature. It removed the possibility for the Commission to adopt an implementing act in order to develop general performance requirements to facilitate the recognition of road markings and road signs, proposing, instead, the preparation of a report by the Commission.

Interinstitutional (trilogue) negotiations resulted in a [provisional agreement](#) on 21 February 2019. The revision will extend the scope of the current rules to motorways and other primary roads beyond the TEN-T, including roads outside urban areas that are built using EU funding. It will become mandatory to take systematic account of pedestrians, cyclists and other vulnerable road users in road safety management procedures. The provisional agreement was endorsed by Coreper on 27 February 2019 and the TRAN committee on 4 March 2019. The text is due to be the subject of a vote of adoption in the Parliament's plenary in April, and by the Council thereafter.

## EP SUPPORTING ANALYSIS

Schrefler L. and Dinu A., [Road infrastructure and tunnel safety](#), Implementation Appraisal, EPRS, European Parliament, January 2018.

Remáč M., [Improving road infrastructure safety management](#), Initial appraisal of a European Commission impact assessment, EPRS, European Parliament, July 2018.

Debyser A., [Road safety in the EU](#), EPRS, European Parliament, November 2016.

Pillath S., [Automated vehicles in the EU](#), EPRS, European Parliament, January 2016.

Šajn N., [General safety of vehicles and protection of vulnerable road users](#), EU Legislation in progress briefing, EPRS, European Parliament, EPRS, September 2018.

## OTHER SOURCES

[Road infrastructure safety management: improving the safety performance of road infrastructure](#), Legislative Observatory (OeIL), European Parliament.

## ENDNOTES

- <sup>1</sup> The Commission impact assessment accompanying the Commission's proposal defines the concept of forgiving roads as an approach that aims 'not only to prevent accidents, but also to lay out the road in an intelligent way such that unintentional driving errors do not result in serious injuries or fatalities'.
- <sup>2</sup> Vulnerable road users are principally the users of powered two-wheelers (motorcycles) and non-motorised roads users (pedestrians and cyclists).
- <sup>3</sup> The European Road Assessment Programme (EuroRAP) is an international non-profit organisation of automobile clubs, road authorities and researchers. EuroRAP has conducted road assessment programmes across the EU in order to provide evidence-based safety ratings of the assessed roads.
- <sup>4</sup> Study launched in September 2016 with a consortium led by Ecorys with experts from COWI and SWOV.
- <sup>5</sup> Such as Abertis (manager of toll roads in a number of European countries), ACEM (Association des Constructeurs Européens de Motocycles), ASECAP (Association Européenne des Concessionnaires d'Autoroutes et d'Ouvrages à Péage), the Task Force on Road Infrastructure Safety of the CCE (Conseil de Coopération Economique, an advisory board under the patronage of the Spanish, French, Italian and Portuguese governments), the CEDR (Conference of European Directors of Roads), the ECF (European Cyclists' Federation), the ETSC (European Transport Safety Council), Michelin, and 3M (manufacturer of road markings and road signs), as well as with national authorities notably through the high level group on road safety (expert group), the Road Infrastructure Safety Management Committee and the Road Tunnel Safety Committee.
- <sup>6</sup> This section aims to provide a flavour of the debate and is not intended to be an exhaustive account of all different views on the proposal. Additional information can be found in related publications listed under 'EP supporting analysis'.

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