



## ROAD TRAFFIC AND SAFETY PROVISIONS

The EU has set itself the goal of creating a European road safety area in the decade spanning 2010-2020. Competence in this field is principally national. The EU is therefore focusing its measures on vehicle conditions, the transport of dangerous goods and the safety of road networks.

### LEGAL BASIS AND OBJECTIVES

Title VI of the Treaty of Lisbon, and in particular Article 91 of the Treaty on the Functioning of the European Union (TFEU), is the legal basis for creating this road safety area, the aim of which is to improve road safety and contribute to sustainable mobility. In 2010, the European Union renewed its commitment to improve road safety by setting a target to reduce road deaths by 50% by 2020, compared with 2010 levels. A 6.7% annual reduction was needed over the 2010-2020 period to reach the EU 2020 target. However, since 2010 road deaths in the EU28 have fallen by 19%, which equates to an average annual reduction of only 3.4%. As a result of this failure to reduce deaths at the pace required, annual reductions of 11.4% are now needed between 2017 and 2020 if the EU is to stay on track. According to the [2018 report](#) from the European Transport Safety Council (ETSC), there were 25 249 deaths on EU roads in 2017 (477 fewer than in 2016, representing a decrease of only 2%).

### ACHIEVEMENTS

#### A. General

In June 2003, the Commission published the third European Road Safety Action Programme 2003-2010 with the aim of halving the number of road deaths in Member States by the end of 2010. Even though it did not manage to meet this target by the deadline set, the programme did succeed in reducing the number of victims of road accidents, as explained in the Commission communication of 20 July 2010 entitled '[Towards a road safety area: policy orientations on road safety 2011-2020](#)' (COM(2010)0389).

In its 2011 White Paper entitled 'Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system' (COM(2011)0144), published on 28 March 2011, the Commission moved the target date for halving the number of road deaths forward to 2020. It also set 2050 as the date for moving closer to the end target of having 'zero fatalities'. In its policy orientations, the Commission also set out seven objectives for which it envisaged national and EU measures being adopted in line with the principles of shared responsibility and subsidiarity. Those



objectives include: improving education and training for road users and stepping up the enforcement of road rules; improving the safety of road infrastructures and vehicle safety; promoting the use of intelligent transport systems (ITS), through the 'eCall' on-board emergency call system for instance; improving emergency and post-injury services; and protecting vulnerable road users such as pedestrians and cyclists.

## **B. Technical condition of vehicles**

In 2014, the EU adopted a new package of legislative measures, referred to as the 'Roadworthiness Package'. The three directives that constitute the roadworthiness package are [Directive 2014/45/EU](#) on periodic roadworthiness tests, [Directive 2014/47/EU](#) on technical roadside inspections for commercial vehicles and [Directive 2014/46/EU](#) on vehicle registration documents.

Regarding the compulsory use of seat belts in vehicles under 3.5 tonnes in weight, [Directive 2003/20/EC](#) of 8 April 2003 stipulates the compulsory use of child restraints and of seat belts for all persons seated in those buses and coaches in which they are fitted (with exemptions for local transport services in urban areas).

[Directive 92/6/EEC](#) of 10 February 1992 established compulsory installation of speed limitation devices in motor vehicles exceeding 3.5 tonnes. [Directive 2002/85/EC](#) of 5 November 2002 extended the requirement to use speed limitation devices to all goods vehicles and passenger vehicles weighing between 3.5 and 12 tonnes with more than eight seats (not including the driver).

Regarding active safety systems, [Regulation \(EC\) No 78/2009](#) of 14 January 2009 on the type-approval of motor vehicles with regard to the protection of pedestrians and other vulnerable road users laid down certain requirements for the construction and functioning of frontal protection systems in the event of a head-on collision with another vehicle. It provided for the possibility that technology which could help avoid collisions with cyclists and pedestrians would not be subject to these requirements. It also laid down that type-approved brake assist systems (BAS) should be fitted.

Lastly, the safety of road users was improved by reducing the 'blind spot'. [Directive 2003/97/EC](#) of 10 November 2003 stipulated that new heavy goods vehicles being driven in the EU should have additional 'blind spot' rear-view mirrors (wide angle, close proximity and forward-view). [Directive 2007/38/EC](#) of 11 July 2007 laid down that existing lorry fleets were also to be fitted with these devices. [Regulation \(EC\) No 661/2009](#) of 13 July 2009 repealing [Directive 2003/97/EC](#) took effect on 1 November 2014, making the same types of rear-view mirrors obligatory for vehicles registered outside the EU. In 2011, the Commission commissioned a study on accidents caused by blind spots and in June 2012 it presented its report on the implementation of [Directive 2007/38/EC](#), which stressed in particular that accidents involving heavy goods vehicles were responsible for more than 1 200 deaths per year and hence work to prevent accidents of this kind needed to continue.

## **C. Transport of dangerous goods**

[Directive 94/55/EC](#) of 21 November 1994 extended the rules laid down in the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) to the area of domestic transport. It was repealed by [Directive 2008/68/EC](#) of



24 September 2008, which set up a common regime covering all aspects of the inland transport of dangerous goods in the EU, by rail and inland waterway as well as by road. Commission [Directive 2012/45/EU](#) of 3 December 2012 brought this into line with the latest version of the ADR Agreement, which is updated every two years. The ADR was recently amended by Council [Decision 2018/1485/EU](#).

#### D. Intelligent transport systems (ITS) and the eSafety initiative

On 16 December 2008, the Commission launched an Action Plan for the deployment of ITS in road transport. This Action Plan was based on a series of initiatives (for example the eSafety initiative launched in 2006) and established priority actions. Working along the same lines, [Directive 2010/40/EU](#) of 7 July 2010 on ITS in road transport aims to ensure the coordinated and consistent deployment of interoperable ITS services in the European Union. ITS include, for example, automatic speed adjusters, devices to prevent involuntary lane departures, collision warning devices and automatic emergency call systems in the event of an accident. The eSafety Forum, created by the Commission in 2003 and known since 2011 as iMobility, is a joint platform for all road safety stakeholders to encourage and monitor respect for the recommendations on eSafety and to support the deployment and use of car safety systems.

Following [Decision No 585/2014/EU](#) of the European Parliament and the Council on the deployment of the interoperable EU-wide eCall service, Member States were obliged to have established the infrastructure of the Public Safety Answering Points (PSAP) required to handle eCalls by 1 October 2017 at the latest.

In November 2016 the Commission published a communication entitled 'A European strategy on Cooperative Intelligent Transport Systems, a milestone towards cooperative, connected and automated mobility' ([COM\(2016\)0766](#)). Parliament's Committee on Transport and Tourism (TRAN) responded by undertaking an [own-initiative report](#) on the topic, which was adopted in plenary on 13 March 2018. In March 2019, the Commission presented a delegated regulation supplementing Directive 2010/40/EU ([C\(2019\)1789](#)). A month later, a Parliament resolution objecting to the regulation was rejected. The decision process is ongoing ([2019/2651\(DEA\)](#)).

#### E. Safety of road infrastructure

[Directive 2004/54/EC](#) of 29 April 2004 laid down minimum safety requirements for tunnels in the trans-European road network. The directive stipulates that all tunnels longer than 500 metres, whether in service, under construction or at the design stage, should be subject to harmonised safety rules. These rules cover the organisational, structural, technical and operational aspects of operating those tunnels, having regard to the kinds of accidents that occur most frequently, such as fire. [Directive 2008/96/EC](#) of 19 November 2008 on road infrastructure safety management aims to ensure that road safety is taken into account, through impact assessments, at all stages of the construction, operation or substantial alteration of roads. To this end, the directive has established systematic safety audits for road infrastructure projects. It has also laid down provisions for safety inspections on roads in operation and identification of road sections where a high number of accidents occur. In 2018 the Commission presented its proposal ([COM\(2018\)0274](#)) to amend the directive with a view to reducing road



fatalities and serious injuries on EU road networks by improving the safety performance of road infrastructure. Parliament adopted its position at first reading in April 2019 and the co-decision process is ongoing ([2018/0129\(COD\)](#)).

#### F. Drink-driving accident statistics and prevention

In view of [Council Decision 93/704/EC](#), the CARE database on road accidents resulting in death or injury was created in order to compile data based on national statistics and to circulate them via the European Road Safety Observatory (ERSO). As part of the EU's policy on improving driving behaviour, the Commission stipulates that Member States must adopt random breath testing and has imposed levels for maximum permitted blood alcohol content. Persons suspected of drink-driving are subjected to random breathalyser tests ([Commission Recommendations 2001/115](#) of 17 January 2001 and [2004/345/EC](#) of 17 April 2004). With a view to improving road safety, the Commission has established a harmonised code governing alcohol ignition interlock devices which has been adopted by a number of Member States (see [Directive \(EU\) 2015/653](#) of 24 April 2015 amending [Directive 2006/126/EC](#) on driving licences).

#### G. Cross-border enforcement in respect of road traffic offences

[Directive \(EU\) 2015/413](#) of 11 March 2015 facilitating cross-border exchange of information on road safety-related traffic offences was adopted on the basis of Article 91(1)(c) TFEU (Title VI, Transport). This directive replaces [Directive 2011/82/EU](#) (annulled by the Court of Justice of the European Union in its judgment of 6 May 2014). The aim remains the same: ending the right to anonymity for non-resident drivers and enabling prosecution for offences committed in a Member State other than that in which the vehicle is registered. Member States may access each other's national vehicle registration data using an information exchange procedure between national points of contact. In practice, it would be up to the Member State where the offence was committed whether or not to proceed with a prosecution. The suspected offender could thus be informed by a standard letter containing details of the offence, the amount of the fine to be paid, payment options and appeal procedures. While personal data is protected, the directive does ensure that non-resident drivers are consistently penalised for serious road safety offences.

## ROLE OF THE EUROPEAN PARLIAMENT

Parliament has adopted numerous resolutions emphasising the importance of road safety. When it endorsed the Commission's third action programme (2003-2010) in 2005, it was already calling for a long-term plan to be developed going beyond 2010, which would set out measures intended to prevent all road deaths ('Vision Zero') ([P6\\_TA\(2005\)0366](#)). In its resolution on European road safety 2011-2020 ([P7\\_TA\(2011\)0408](#)), Parliament once again called on the Commission to make the prevention of all road deaths a long-term objective, but it linked this to the systematic use of technology in road vehicles and the development of good-quality ITS networks. Furthermore, in its resolution on a sustainable future for transport ([P7\\_TA\(2010\)0260](#)), Parliament asked the Commission to present a study on best practices in the Member States concerning the impact of speed limiters, and expressed its concerns over the safety of workers in the transport sector. Parliament also advocated having a uniform



definition of road safety terms in order to improve research on accidents by ensuring that findings are comparable. The Commission's working document on road injuries, published on 19 March 2013, is a partial response to Parliament's call for the scope of the strategy on road accidents to be broadened. It sets out the objective of reducing at EU level the total number of people seriously injured (2015-2020), pointing out that a system to define serious injuries has been operational throughout the EU since 2012. The Committee on Transport and Tourism, together with the Committee on the Internal Market and Consumer Protection, put forward an own-initiative report on 'Saving lives: boosting car safety in the EU', which was later adopted as a resolution of Parliament on 14 November 2017. It was based on the Commission report ([COM\(2016\)0787](#)).

On 11 March 2014, Parliament adopted a position at first reading on the minimum common standards for periodic roadworthiness tests for vehicles, vehicle registration documents and roadside inspections of commercial vehicles. The final text ([Directive 2014/45/EU](#)) helped to improve road safety and cross-border recognition of valid roadworthiness certificates. On 27 February 2017, the TRAN Committee scrutinised the Commission on the roadworthiness of motor vehicles, and on 20 June 2017 discussed the Commission report ([COM\(2017\)0099](#)) on the application of [Directive 2000/30/EC](#) on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community (reporting period 2013-2014). The TRAN Committee discussions focused on tachograph fraud and the manipulation of odometer readings, as being a huge risk for safety and consumer rights. The Commission indicated that it was assessing the options for odometer registration, criminal law and cross-border exchange of information. In the meantime, on 31 May 2018 Parliament adopted a legislative initiative report entitled '[Odometer manipulation in motor vehicles: revision of the EU legal framework](#)'. The relevant policy department of Parliament also commissioned a study on the same topic entitled '[Odometer tampering: measures to prevent it](#)', which was published in November 2017. As part of its legislative agenda 'Europe on the Move', the Commission is seeking to amend [Regulation \(EU\) No 165/2014](#) by means of the proposal published on 31 May 2017 entitled 'Proposal for a regulation of the European Parliament and of the Council amending [Regulation \(EC\) No 561/2006](#) as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) 165/2014 as regards positioning by means of tachographs' ([COM\(2017\)0277](#)). Parliament adopted its position at first reading in April 2019 and the co-decision process is ongoing ([2017/0122\(COD\)](#)).

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