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SWOV Fact sheet

Road safety policy of the European Union

Summary

The European Union (EU) is important for national road safety policies. The EU has several policy-making instruments, such as binding regulations and directives, and non-binding recommendations. An important element in the EU policy plans on road safety are the non-binding European road safety targets, which aim at halving the number of road crash fatalities in the European Union by 2020 compared to 2010. In previous decades, a number of binding directives were developed with respect to various road safety aspects. Member States are obliged to transpose these directives into national laws. Also, a number of non-binding recommendations on road safety have also been implemented. Furthermore, the EU supports road safety by using financial instruments for research and by disseminating information on road safety to Member States and it encourages them to compare their policy results with each other by means of benchmarking instruments.

Background and content

Nowadays, within the boundaries of the general principle of subsidiarity¹, the European Union (EU) determines a substantial part of policy making concerning many different subjects in individual Member States. The national road safety policies are influenced by EU procedures and decisions. Therefore, to understand road safety policy in the Netherlands, it can be helpful to have a clear understanding of the road safety policy of the European Union. Successively, this fact sheet will describe the working of the EU in general and its policy instruments, recent EU road safety policy plans, the status and function of the EU road safety targets and examples of EU road safety tools. This fact sheet is based, among others, on the more elaborate report on this topic by Bax (2011).

How does the EU work?

The EU decision-making process in general can be described as follows. Regulations of all kinds are usually prepared by the European Commission (EC), the executive body of the European Union, which, in addition to proposing legislation, is also responsible for the implementation of EU decisions and for the general government of the European Union. The Commission consists of 27 Commissioners, one for each Member State, although they represent the interests of the EU as a whole. Road safety is part of the Transport portfolio, which is currently (2013) the responsibility of the Estonian Siim Kallas. On official level, road safety policy is prepared by the Road Safety Unit of the Directorate General for Mobility and Transport (DGMOVE) of the EC.

After submitting the proposed legislation, the proposal is discussed and approved, rejected or amended by the Council of the European Union (also called the Council of Ministers,) and the European Parliament. The Council of the European Union represents the governments of Member States and consists of 27 national ministers. The responsible ministers of the 27 Member States will convene to discuss each individual topic. The ministers of Transport discuss proposals relating to road safety, as put forward by the European Commission. On official level, the High Level Group Road Safety consists of directors for Road Safety from Ministries of the Member States. This High Level Group discusses and negotiates on the content of the proposals of the EC twice a year, while formal approval is given by the Council of Ministers. The European Parliament (EP) is the parliamentary institution of the European Union directly elected by the citizens in the 27 Member States. The Parliament plays an active role in deciding on aspects of road safety. The EP has several times taken initiatives with respect to the topic of road safety. Two recent examples are the European Parliament Own Initiative Report on Road Safety, which is an EP response to the EC Policy Orientations, and the

¹ "Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level " (Source: Treaty on the European Union)

European Parliament Own Initiative Report on the Future of Transport, a pro-active publication before the EC launched the White Paper on Transport (Committee on Transport and Tourism of the European Parliament, 2010; 2011). The EP has good relations with the EC and with research institutes, lobby organisations and NGOs with respect to road safety.

On the average, the decision-making processes in the EU in general and those on road safety in particular often take a long time (sometimes up to 10 years). Furthermore, Member States are sometimes reluctant to accept (binding) EU policy on road safety. Therefore, setting binding road safety targets has been politically unfeasible and developing obligatory road safety measures has often been impossible.

Which are the EU (road safety) policy-making instruments?

The EU distinguishes three types of policy-making instruments, in order of importance: regulations, directives and soft law. Regulations are directly applicable within the Member States. Directives prescribe the desired result to Member States, but have to be transposed by Member States into national laws within a reasonable time span. Member States can use form and methods of their choice to realize the result. Soft law concerns legally non-binding stipulations, which, however, are in practice often followed by Member States. Soft law often takes the shape of (action) programmes, instructions, recommendations, policy goals or targets, conclusions, codes of behaviour, resolutions, guidelines, announcements, statements, Green Books or White Papers. In principle, these three instruments are also available in the field of road safety, although there are only a few regulations concerning road safety.

The general foundation for EU road safety policy making is laid down in the 1992 Maastricht treaty and is reconfirmed in the 2007 Lisbon Treaty (European Parliament, 2011). In general, the EU promotes free movement of persons and goods within the EU to remove trade barriers between Member States; road safety plays only a limited role. Therefore, the tasks of the EU in relation with road safety are somewhat restricted. Furthermore, the EU has to take into account the subsidiarity principle, which also applies for road safety. Mastenbroek (2007, p. 17) describes this principle as follows: "the subsidiarity principle of the EU [...] says that issues should be solved at the lowest possible governmental level. This principle, codified in the Treaty of Maastricht, is to be regarded as a political principle, expressing the concern of the Member States about the increasing activity of the EC and the loss of national sovereignty." The subsidiarity principle applies to regulations and directives that are binding/obligatory for all Member States, except for soft law, which Member States are free to accept or reject. Below, several policy instruments are described which are used in the EU road safety policies.

Which are the recent road safety policy plans in the EU?

As mentioned in the previous chapter, policy plans are soft law and consist of non-binding stipulations. Four important policy plans were published in previous years. In 2001, the *White paper European transport policy for 2010: time to decide* (European Commission, 2001) set guidelines for road safety policy. It proposed a target of halving the number of fatalities by 2010. In 2003, the European Road Safety Action Programme entitled *Halving the number of road crash victims in the European Union by 2010: A shared responsibility* (Commission of the European Communities, 2003) was published. The paper described the number of crashes and injuries in the European Union and their direct and indirect costs and drew the conclusion that "the situation is still unacceptable". It also mentioned that, despite the existing road safety targets, Member States are reluctant to develop road safety measures at Community level. The paper sketched an outline of the responsibilities of all actors involved in road safety and proposed the development of a European Road Safety Charter². The EC also listed several main areas of action, such as road user behaviour, vehicle safety, road infrastructure, safe transport of goods and passengers, (emergency) care for road fatalities and crash data collection. Several, more detailed, measures were proposed, although the proposals for actual realisation and implementation were often vague.

In 2010, the EU issued an update of the Action Programme entitled *Towards a European road safety area: policy orientations on road safety 2011-2020* (European Commission, 2010b). The paper presents a governance framework and a road safety target to halve the overall number of road

² The [European Road Safety Charter](#) is a European participatory platform made up of enterprises, associations, research institutions and public authorities. These actors undertake to carry out concrete actions and share their good practices in order to resolve the road safety problems that they encounter in their day-to-day environments.

fatalities in the EU by 2020 compared to 2010. This target is not mandatory for Member States: they are "encouraged to contribute". Few concrete actions are mentioned, but several intentions for new projects are described. The emphasis is not so much on developing new directives and other forms of EU law, but on the enforcement of the existing EU laws, on structuring the cooperation between Member States and the EC, on new research and on the distribution of best practices and crash data.

The 2011 update of the EU *White Paper on Transport* (European Commission, 2011) elaborates on the same issues as the previous white paper, but launches a long-term objective/vision on road safety in addition to the mid-term goal of the Action Programme: moving close to zero fatalities in road transport by 2050. Its ambition is to be a world leader in transport safety in all modes of transport. Concrete actions mentioned are in line with the Road Safety Action Programme 2010. Targets have not been set for seriously injured, but the paper aims at a common definition of serious and minor injuries laid down for all EU countries.

What is the status and function of the EU road safety targets?

As indicated in the previous paragraph, road safety targets play an important role in the European White Papers and Action Programmes. They are meant as an instrument for Member States to keep road safety on the national agenda and to motivate Member States to take effective actions so that road safety developments do not lag behind those of other Member States. The current EU road safety target is halving the number of road fatalities in 2020 compared to 2011. This target is the same as the target for the period 2001-2011, which, with a reduction of 43%, was almost met (see the SWOV Fact sheet [Dutch road safety in international perspective](#)). The European road safety targets are not binding but several countries have actually adopted them or integrated them in their national targets. This is especially (but not only) applicable for the relatively new Member States in Middle and Eastern Europe, but also for France, Spain and Portugal, who included national road safety targets in their road safety plans, based on the EU targets (see for their plans, Bax, 2011). Other countries, such as the Netherlands, did not include the EU targets in their national road safety policy plan, but opted for their own targets.

What about road safety directives?

In the past decade, the EU adopted several directives directly or indirectly related to road safety (European Union, 2009). A directive describes the desired result to the Member States. The Member States must implement the directive within a given timeframe, but can use the form and method of their own choice. The directives describe the minimum requirements; Member States are free to set more severe requirements in their national law. Directives are adopted with respect to various subjects, such as driving license, cross-border enforcement, road infrastructure, alcohol, drugs and medicine, vehicle requirements and transport-related issues (see for an overview http://ec.europa.eu/transport/road_safety/specialist/policy/index_en.htm). In addition to the legally binding directives, there are a number of non-binding (and therefore considered soft-law) recommendations on road safety, such as the recommendation on enforcement in the field of road safety (2004/345/EC).

Other road safety activities of the EU

Research funding and information distribution

In the last 10 to 20 years, the EU has funded a vast number of research projects (European Commission, 2010a; Helmreich, 2010). Because funding is divided among various departments of the EC (for example DG Move and DG Research), and statistics on funding for road safety research are not registered separately, it is not possible to give an overview of the amount of money spent on road safety research in the European Union. One of the previously-mentioned papers gives a non-quite itemized figure of a total of 500 million Euros since 1994 (Helmreich, 2010, p. 6). Two important initiatives in information distribution are the CARE database, a EU database with detailed data on individual road crashes, and the ERSO website, a EU-financed website with a vast amount of European road safety data, knowledge and links. Furthermore, the EU regularly publishes best-practice reports on road safety policy in general or on specific road safety topics (Schagen & Machata, 2010). To share commitment, the European Road Safety Charter was established in 2005. It is a European participatory road safety platform whose members include enterprises, associations, research institutes, public authorities and civil society. The members commit themselves to carrying out concrete actions and sharing their results to improve road safety in their daily environment. Members have made commitments to actions in user behaviour, vehicle safety, infrastructure,

professional transport and accidentology. The Charter currently has more than 2,000 member organisations.

Benchmarking

The EU makes available several tools to enable the Member States to compare their achievements in road safety with those of other Member States. EU publications, such as the Road Safety Quick Indicator, the Statistical pocketbook, the Annual leaflets, but also the ETSC PIN reports and PIN awards of the ETSC, all compare the achievements of Member States with each other.

Financial support

In addition to funding research projects, the EU financially supports a number of specific activities and organisations with respect to road safety. One example, not previously mentioned, is Euro NCAP, an organization that assesses popular, new car models in crash tests. Furthermore, the EU uses financial-policy instruments in granting funds for new infrastructure to Member States, for example, through the Cohesion Fund and the European Regional Development Fund (ERDF). To make use of these funds, Member States have to follow communitarian legislation, among which, the directives on infrastructure safety.

Conclusion

The European Union (EU) is important for national policies, and road safety policies are no exception. Within the boundaries of the subsidiarity principle, the EU has a large **repertory** of binding and non-binding policy-making instruments at its disposal and applies these extensively. The decision-making processes often take a long time, in particular for binding legislation (regulations and directives). Member States are often reluctant to accept binding EU policy on road safety.

Firstly, various EU-policy plans and action programmes specify the areas of importance and measures to be taken at European level. Important elements in this respect are the non-binding European road safety targets, which aim at halving the number of road crash fatalities in the European Union by 2020 compared to 2010. In addition, the EU aims at moving close to zero fatalities in road transport by 2050 and being a world leader in transport safety in all modes of transport. Secondly, a large number of binding directives were developed during the previous decades, which defined regulation on several road safety aspects, and which Member States are obliged to transpose into national laws. In addition to the legally binding directives, there are a number of non-binding (and therefore considered soft-law) recommendations on road safety.

Last, but not least, the EU uses financial instruments to support road safety organization and to enable research into road safety. Information on road safety is disseminated to Member States and Member States are encouraged to compare their policy results with each other through benchmarking instruments.

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