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No. NK- 0451/2025

Regarding Identified Material Deviations from Technical, Safety and EN Standard Requirements in an EU Co-Funded Project

Pursuant to the procurement procedure launched on 31 December 2020 by the Estonian Transport Administration (hereinafter – the Contracting Authority) titled "*Construction of the Kanama–Valingu 2+2 road section of km 29.6–34.2 of the Tallinn ring road No. 11*", Reference No. 231161 (hereinafter – the Procurement), a construction contract was concluded with the successful tenderer AS TREV-2 Grupp (registry code 10047362) for the performance of works at the project site.

Given that, in accordance with Clause 1.3 of the Procurement Documents, the contract concluded under the Procurement is financed from the Cohesion Fund and/or the European Regional Development Fund, the Contracting Authority bears a continuous and legally binding obligation to ensure that the execution of the contract complies with European Union law, the procurement documentation, contractual provisions, and all applicable technical, safety and quality standards.

SIA "TILTS" (hereinafter – TILTS), acting in accordance with the duty of professional care and having assessed the factual situation at the site "*Riigitee nr 11 Tallinna ringtee km 29.6–34.2 Kanama–Valingu 2+2 teelõigu ehitus*", hereby draws the Contracting Authority's attention to material deviations which have a direct impact on road user safety and, furthermore, on the project's compliance with the conditions of EU funding.

TILTS emphasizes that the circumstances described below should not be treated as minor or merely formal non-conformities. They constitute objective and material risks which, if not remedied, may result in an increased risk of road traffic accidents and legal and financial consequences for the Contracting Authority in its capacity as an EU funds beneficiary.

1. **Non-compliance with EN 1317 requirements for road restraint systems**

Procurement Technical specifications HD III:

Clause 6.1 - provides that road restraint systems installed on viaducts (including snow-retention solutions) must be tested in accordance with EN 1317.

For the avoidance of doubt, EN 1317 is the European standard setting out testing and performance classification for road restraint systems, designed to ensure their safety and functionality under vehicle impact conditions. Compliance with EN 1317 is therefore a mandatory technical requirement for the performance of the contract concluded under the Procurement.

The Procurement documentation (bill of quantities and design drawings) indicates the following items (see Figure 1):

Section I		
Type	**Performance**	**Quantity**
Acoustic screen integrated with cocncrete safety barrier;H=3,5m	H2W5	808
Acoustic screen integrated with cocncrete safety barrier;H=3,0m	H2W5	310
Section II		
Type	**Performance**	**Quantity**
Acoustic screen integrated with cocncrete safety barrier;H=3,0m	H2W5	1 065,00

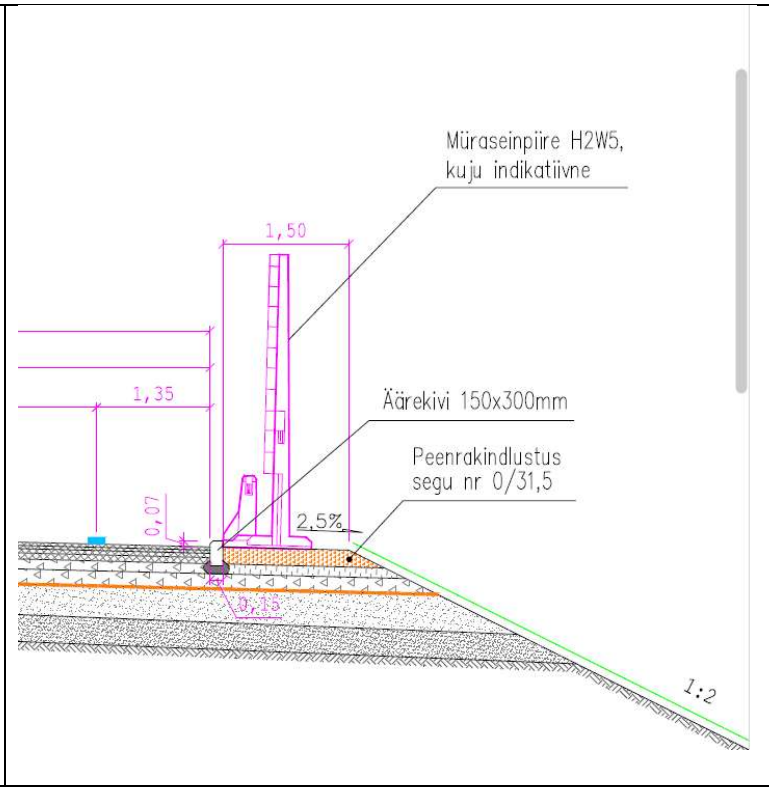

Figure 1

Although the safety barrier systems installed at the Site are declared as compliant with EN 1317, the actual construction solution does not comply with the fundamental principles of the standard, which govern the safe operational performance of such systems. Under EN 1317 testing methodology:

- the working width of a barrier is an integral element of the safety system;
- the working width defines the space required for the barrier to absorb impact energy in a controlled manner, without creating secondary hazards.

At the site, SoundIntegra 300 (Kee srl) barrier systems have been installed with the following declared parameters:

- working width W5 = 1.7 m (EN 1317 test result);
- physical width of the barrier: 1.25 m.

Accordingly, safe and certification-consistent operation requires a minimum clear verge of 0.45 m behind the barrier, as also follows from publicly available manufacturer information **SoundIntegra - Kee srl** (Figure 2)

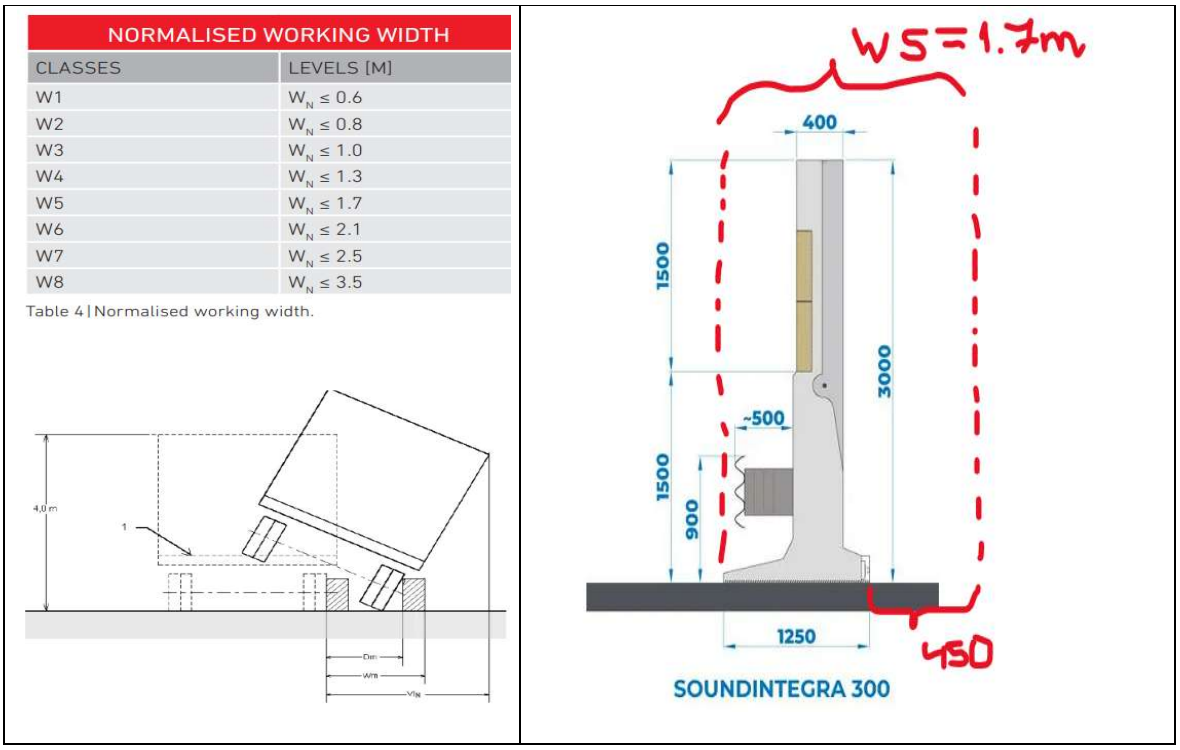

Figure 2

However, in the actual construction (see attached site photographs Nos. 1, 2 and 6):

- the system is declared as W5 (1.7 m working width),
- the shoulder terminates at the outer edge of the barrier and the required free space behind the barrier is not provided,
- a slope/ditch is located immediately behind the barrier and erosion of the sub-base has been identified in several sections,
- in the event of an impact, a vehicle together with the barrier may be deflected into the ditch.

This means that, in the event of a collision, the barrier may fail to perform under the tested EN 1317 conditions, leading instead to uncontrolled vehicle redirection, materially increasing the probability of severe consequences. From a legal and technical compliance perspective, it must be emphasized that EN 1317 compliance cannot be asserted selectively—i.e., by reference to the system type alone—while disregarding mandatory installation conditions, including the working width clearance.

Accordingly, we request the Contracting Authority to provide a written position confirming whether the operation of a road restraint system is considered permissible where the system does not meet the EN 1317 working width requirements and creates a road safety risk.

2. Installation method inconsistent with the manufacturer's tested configuration

In addition to the above, TILTS has established that the safety barriers have been installed on a crushed aggregate base (see attached site photographs Nos. 1, 2 and 6), whereas the SoundIntegra 300 technical documentation clearly indicates that the system has been tested and certified on concrete or asphalt surfaces. This deviation is critical because:

- the type of foundation directly affects the deformation and energy absorption behaviour of the barrier;
- EN 1317 does not provide for automatic applicability of test results to different installation conditions;

- any deviation from the tested configuration means that the applicability of the certification to the actual solution has not been demonstrated.

Consequently, the as-built solution cannot be regarded as compliant with EN 1317 requirements, irrespective of the existence of a formal certificate for a different installation configuration.

Accordingly, we request the Contracting Authority to provide a written position confirming whether installation of such barrier systems is considered permissible on a base that does not correspond to the manufacturer's tested and certified configuration

3. Potential acoustic non-conformity of noise barriers and non-implementation of anti-graffiti protection

According to the Technical Specification of the Procurement:

> 9.12. Noise Barriers
>
> 9.12.2. Material Requirements.
>
> Add the following requirement:
>
> - The panels must have a CE certificate in accordance with the EVS-EN 14388 standard.
> - Dynamic snow-clearing load: 15 kN (test according to EVS-EN 1794-1 on a 2 m × 2 m reference surface, provided that the snow-removal vehicle speed does not exceed 50 km/h).
> - To prevent the noise barrier from being damaged by graffiti, an **anti-graffiti protective** coating must be applied to the structural elements of the wall.
> - In case of inconsistencies between the project and the above-mentioned description, the special conditions shall prevail.
>
> Immediately after the construction of the noise barrier and before its **acceptance, control noise measurements must be carried out to verify that the constructed noise barrier complies with the project design**. The measurements must be performed in accordance with NT ACOU 056, referenced in the Regulation No. 71 of the Minister of the Environment of 16.12.2016, "Limit values for environmental noise and methods for measuring, determining and assessing noise levels."
>
> The measurement points shall be agreed with the Client, and the measurements must be performed under normal traffic conditions without traffic restrictions.

The technical requirements therefore foresee that noise barriers must function as an acoustically continuous barrier consistent with EVS-EN 14388 and EVS-EN 1794-1.

In practice, TILTS has identified:

- structural openings at panel connection points (see attached site photographs No. 3 and 4);
- solutions allowing sound to propagate freely into the protected area.

These are not merely aesthetic defects; they affect the core functional purpose of the noise barrier. Until proper post-installation measurements are carried out and actual compliance with the project requirements is demonstrated, there is no objective basis to conclude that the noise barriers have been constructed in conformity with the specifications.

In addition, it has been observed that the metal barrier elements are manufactured from thin metal and coated with zinc. Zinc coating is subject to gradual wear; its effective service life is typically approximately 15–20 years, after which corrosion protection decreases and replacement may be required to maintain functionality and EN 1317 compliance (see attached site photographs No.5).

Furthermore, the technical specification requires mandatory anti-graffiti coating on visible barrier and structural surfaces. Site observations show that:

- graffiti is present and remains visible (see attached site photograph No. 1);
- the protective coating has not been applied or is not functional.

This constitutes a direct failure to implement the technical requirements and impacts not only appearance but also lifecycle costs and durability.

Accordingly, we request the Contracting Authority to provide a written position confirming:
whether a noise barrier with structural openings is considered acceptable where its acoustic performance has not been verified by measurements; and
how compliance of the metal barrier system with EN 1317 is ensured throughout the operational life, taking into account the limited service life of the zinc coating.

EU funding compliance implications

TILTS also draws attention to the fact that, under Regulation (EU) No 1303/2013, including Article 72 and Article 125(4), the Contracting Authority, as the responsible body and beneficiary, must maintain an effective management and control system and ensure that the works are actually performed, the scope and quality of the performed works comply with the contract and technical specifications, and only eligible, justified and lawful expenditure is financed from EU funds. Under Article 2(36) of the same Regulation, any breach of Union or national law, contractual terms or technical requirements which affects or may affect the EU budget constitutes an irregularity. Article 143 further provides for the application of financial corrections, excluding irregular expenditure from EU co-financing.

Accordingly, the Contracting Authority cannot rely on the formal completion or acceptance of the contract as grounds for waiving its obligation to assess actual compliance with EU requirements. Works that are non-compliant but paid, even if identified after completion, create a direct risk of ineligible use of EU funds, potentially resulting in financial corrections and recovery of funds.

Attachments:
Site photograph No.1
Site photograph No.2
Site photograph No.3
Site photograph No.4
Site photograph No.5
Site photograph No.6

Respectfully,
SIA “TILTS”
A.Gridnev /Member of the Board/

Photograph Nr.1

Photograph No.2

Photograph No.3

Photograph No.4

Photograph No.5

Photograph No.6