



**Economic and Social
Council**

Distr.
GENERAL

TRANS/WP.1/2000/21
25 July 2000

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on Road Traffic Safety
(Thirty-fifth session, 3-6 October 2000,
agenda item 2 (c))

**AMENDMENTS TO AND IMPLEMENTATION OF THE
1968 CONVENTIONS ON ROAD TRAFFIC AND ON ROAD SIGNS AND SIGNALS
AND THE 1971 EUROPEAN AGREEMENTS SUPPLEMENTING THEM**

Use of mobile phones in vehicles

Note by the secretariat

1. At its thirty-fourth session (4-7 April 2000), the Working Party on Road Traffic Safety (WP.1) noted the importance of addressing the issue of the use of phones in cars and noted verbal information in this regard provided by the delegates of Israel, Romania, Spain and Switzerland. The Working Party decided that before proceeding with this issue it had to have information on the progress made by other organizations in this field. It was recommended that this issue be taken up at the Working Party's thirty-fifth session.
2. The secretariat contacted the European Commission and was informed that no provisions exist at the Commission level. The ECMT also informed the secretariat that since this was one of the issues transferred to ECE from ECMT, no further work has been done on this subject in Paris. The secretariat therefore contacted members of the Working Party to ascertain what provisions exist at the national level.
3. The recently revised WHO fact sheet No. 193 "Electromagnetic fields and public health" finds that "In moving vehicles there is a well established increase in the risk of traffic accidents while the driver is using a mobile phone, either a conventional handset or one fitted

with a "hands free" device. Motorists should be strongly discouraged from using mobile phones while driving".

4. It is noted that Article 13, paragraph 1 of the Vienna Convention on Road Traffic provides that "Every driver of a vehicle shall in all circumstances have his vehicle under control so as to be able to exercise due and proper care and to be at all times in a position to perform all manoeuvres required of him". Many countries consider that the use of a non hands-free mobile phone while driving goes against that provision.

* * *

ARMENIA

There is no limitation on the use of mobile phones in vehicles.

BELGIUM

Use of mobile phones while driving has been regulated and restricted until now on the basis of one of the following provisions of the general road traffic rule:

8.3 Every driver must be in a state to drive, present the required physical qualities and possess the necessary knowledge and skills.

He must be at all times in a position to undertake all the manoeuvres required and must be at all times able to control his vehicle or to guide his animals.

(see also article 8.3 and 8.5 of the Vienna Convention on Road Traffic).

After long discussions, Belgian law has just been supplemented by the following provision which entered into force on 1 July:

8.4 Unless the vehicle is stopped or parked, the driver may not use a hand-held mobile phone.

BULGARIA

Bulgarian legislation does not forbid the use of mobile phones in cars and other vehicles.

FRANCE

There is no special legislation on the use of telephones while driving. See attached, an information note sent by the Ministère de l'Équipement, des Transports et du Logement to all prefectures.

To: The Prefects

The Chief of Police
Information note of 30 December 1999 concerning
the use of a mobile phone while driving a vehicle

Mobile or handheld telephones, of which there were more than 10 million in France at 1 January 1999, have become a social phenomenon.

The increasingly frequent use of mobile phones everywhere and at any time, and particularly in moving vehicles, needs to be brought under control, and, if necessary, punished when the behaviour of drivers compromises their own safety and that of other road users.

On 2 December 1999, following an inter-ministerial consultation which I had been requested to undertake, the Minister of Justice sent a circular to the procurators-general of the appeal courts and the government procurators of the courts of major jurisdiction entitled "Road safety and the use of mobile telephones", reminding the members of the prosecution service that while current criminal law does not specifically incriminate the fact of using a mobile phone while driving a motor vehicle, article R.3-1 of the Highway Code requires all drivers to be in a condition and in a position in which they can comfortably and without delay perform all necessary manoeuvres. This general provision thus addresses all behaviour liable to affect the alertness of drivers and concerns in particular the use of a mobile phone while driving.

Under the provisions of article R.233-1° of the Highway Code, this offence is punished by a fixed-rate second class fine of 230 francs.

The procurators-general and the government procurators are therefore invited to draw the attention of the police officers who levy the fines to the matter in the context of their authority to direct and monitor the activity of the judicial police with regard to combating lack of safety on the roads.

It would be appropriate if you could associate yourselves with this measure under the authority invested in you and give particular attention to publicizing it locally.

Isabelle MASSIN

HUNGARY

In cars, drivers may use only "hands-free" mobile phones.

LATVIA

Mobile phone use when driving is banned.

LUXEMBOURG

As regards the use of mobile phones in cars Luxembourg has for the time being a general provision in legislation saying that the driver must at all times have the vehicle he is driving under control, which of course is not the case when he is holding a phone. However, it is planned to change the legislation in the near future so that only hands-free mobile phones may be used while driving a car.

NETHERLANDS

In the Netherlands, there is no special legislation regarding the use of mobile phones. In our legislation, there are general provisions with regard to the behaviour of the driver of a vehicle. The gist of these provisions are that the driver should keep his attention focused on his main task, that is driving and thus also on the traffic on the road.

Recently the Ministry of Justice prosecuted a driver who caused a fatal accident with a motorcyclist when she was looking for a telephone number when driving a car, thus violating the general provisions of paying attention to the traffic. The outcome is not yet known, but possibly something more can be said at the time of the next WP.1 session.

Last year the Ministry did organize a public campaign with the main message to discourage drivers from using hand-held phones when driving. This campaign will be repeated in June 2000. The results of this campaign will be evaluated. As such it is not excluded that this could lead to a specific prohibition of using hand-held phones when driving.

NORWAY

As of 15 March 2000, it is forbidden in Norway to use mobile phones while driving a motor vehicle, unless it is a hands-free set situated in the immediate vicinity of the steering wheel and as close as possible to the driver's ordinary field of vision while driving.

The prohibition is applied when the vehicle is in motion. It covers communication through public networks.

A violator is liable to a simplified fixed-rate optional penalty of 500 NOK (Appr. 60 EURO).

SLOVAKIA

According to Article 4, par 2 g) of the Act No.315/1996 Coll. on road traffic - "A driver is not allowed to: operate a telephone device or carry out any similar activity, which is not linked with driving". This provision is understood as enabling drivers to use hands-free mobile phones when driving.

SPAIN

In the opinion of our delegation, in order to avoid any need for a driver to use his mobile phone while driving, in other words, to ensure that he does not drive in unsafe conditions, parking on the hard shoulder should be permitted if:

1. The vehicle is indispensably stopped for the length of time needed to make an urgent call;
2. The driver does not leave the vehicle; he must indicate his presence by day or by night by turning on his hazard warning lights as well as his sidelights when necessary;
3. There is no parking place visible to the driver.

Exceptionally, this case is legally covered by article 17.1 of the General Traffic Regulations; the fact that the driver of a vehicle is telephoning prevents him from being able to control his vehicle at all times, thus infringing article 18.2 of the Regulations, since he is using a telephone. Given the reasons of road safety referred to above, this is why there is no need to book drivers if they stop on the hard shoulder, provided that they stop for the purpose indicated and conform to the required conditions.

A driver must be booked for using a mobile as an alleged breach of article 18.2 of the General Traffic Regulations, and be required to pay the 10,000 peseta fine for which it provides; the person in question will further be booked for an alleged breach of article 94.1 (g) of the above-mentioned General Traffic Regulations if he continues driving and fails to conform to the above required conditions.

SWEDEN

There is no legislation in Sweden concerning the use of mobile phones in vehicles. Accordingly it is lawful to use a mobile phone while driving a vehicle.

UKRAINE

Whether and how mobile telephones can be used by vehicle drivers and the need for appropriate amendments to the Highway Code are being studied.
