



**Economic and Social
Council**

Distr.
GENERAL

TRANS/WP.1/2001/20
25 January 2001

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on Road Traffic Safety
(Thirty-sixth session, 3-6 April 2001,
agenda item 3 (b)(ii))

**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

Transmitted by the small group

Documentation: TRANS/WP.1/2000/21; TRANS/WP.1/2000/42; TRANS/WP.1/74, paras.21-22;
TRANS/WP.1/2001/4

1. **BACKGROUND**

- 1.1 The mobile telephone, a relatively new invention, has now become a world wide instrument, whose popularity is virtually unsurpassed among electronic communication devices. Its versatility and convenience have made it an everyday device for large portions of populations all over the world.
- 1.2 The use of mobile phones (MPs) in vehicles, and particularly by drivers while driving, is a normal extension of the high utility and convenience of MPs. However, it creates new problems, mainly those of distraction and loss of attention, which bear a traffic safety implication that cannot be ignored or brushed off.

2. WORK DONE SO FAR BY WP.1

- 2.1 The Working Party took note of the issue at its thirty-fourth and thirty-fifth sessions (April and October 2000). Verbal information was received from delegations at both sessions and two summary documents (TRANS/WP.1/2000/21 and /42) were issued.
- 2.2 The secretariat contacted the European Commission and was informed that no provisions exist at the Commission level. The European Conference of Ministers of Transport (ECMT) also informed the secretariat that, since this was one of the issues transferred to ECE from ECMT, no further work had been done on this subject.
- 2.3 The Working Party was informed that ECMT intended to work on this issue but probably not before 2003. The Working Party therefore decided to establish a small group (Germany, Israel, Romania, Spain, under the chairmanship of Israel) to prepare a document for its next session outlining the problem and proposing how it could be addressed. It also decided to confine this work for the time being to mobile phones and not expand it to other telematic devices.
- 2.4 This document details the background of the subject of use of MPs while driving and in vehicles, and lists the specific problems associated with this use. Next, it lists and explains the steps taken so far by Governments concerning this issue. Next, the potential steps to be taken are listed and finally, it lists questions to be answered by WP.1.
- 2.5 The subject is on the agenda of the Working Party at its thirty-sixth meeting, 3-6 April 2001.

3. THE PROBLEMS

Eight types of traffic -safety-related problems arise from the use of MPs while driving:

- 3.1 One hand may be occupied while holding a hand-held MP. This loss may be detrimental to traffic safety.
- 3.2 Driver distraction is an undisputed fact. The loss of attention by the driver while engaged in a MP conversation may create hazardous situations.
- 3.3 Being interactive in nature, MP use may lead the user (driver) to other, **SIMULTANEOUS**, activities (reading, writing, searching, etc.), a combination detrimental to traffic safety.
- 3.4 The actual quantitative damage (of the use of MPs) to the performance of driving is difficult to assess.
- 3.5 It is relatively easy to detect and identify the use of a **HAND-HELD** MP by the driver. Conversely, in most cases it is next to impossible to determine with certainty the actual use of hands-free MPs. Even lip movements of the driver are no proof of any wrongdoing.
- 3.6 Convictions in court of **HANDS-FREE** use of MPs are expected to be extremely difficult and consequently, the rate of acquittals is expected to be high.
- 3.7 Technological innovations are currently developing at a pace so rapid, that it makes specific legislation against specific devices obsolete and ineffective within a short time. On the other

hand, general statements of “being able to fully control the vehicle at all times” are clearly insufficient for prosecution and conviction and are easily circumvented, creating long court discussions.

- 3.8 At this point, it is difficult to clearly associate the use of an MP by a driver to his involvement in a crash, unless there is valid and credible evidence from witnesses of such use. Even then, the direct effect of such possible use as to the ability of the driver to control the car and avoid involvement in the crash, is difficult to prove in court.

4. STEPS TO BE TAKEN

- 4.1 In the above-mentioned documents, 25 countries have responded and detailed the current legal status of MP use while driving. The interim results of this survey are listed below.

4.2 Indirect Regulation

All countries imply that indirect regulation of MP use is currently included in national legislations. It is compulsory for the driver “to pay full attention to the road and traffic and exercise full vehicle movement at all times”. This general wording does not by itself prohibit MP use. In 13 of the 25 countries, MPs are not specifically mentioned (Armenia, Bulgaria, Finland, France, Georgia, Luxembourg, Malta, Netherlands, Russia, Spain, Sweden, United Kingdom and Ukraine).

4.3 Ban on MP Use, except “Hands-Free”

Ten countries have specifically banned MP use while driving, unless the use is “hands-free” (Austria, Belgium, Czech Republic, Denmark, Germany, Hungary, Latvia, Norway, Portugal, Switzerland).

4.4 Stricter Limitations

One country (Israel) permits MP use only if it is done “using a microphone installed in the car”. This resulted from bad experience with prior versions of the law.

4.5 Total Ban

One country (Slovakia) seemingly prohibits altogether MP use while driving.

5. STEPS TO BE TAKEN BY WP.1

The following are options that WP.1 may consider regarding the topic of driver use of MPs while driving.

5.1 Not Addressing the Issue

WP.1 may decide not to address the issue as yet, since the quantitative support for its necessity is insufficient. Another reason for a temporary refrain from action is that in the next few years it is anticipated that the driver will be confronted with other distracting communication and navigation instruments in the vehicle. It might be advisable to address the general issue of

information devices on board, which interfere with the driving task, rather than tackle each of them individually.

5.2 General Provision

WP.1 may adopt a decision to prohibit the use by the driver of an MP unless done without the use of hands (except for turning it on or off). This is the common spirit of legislation used by countries that specifically address the issue of MP use.

5.3 Specific Provision

WP.1 may adopt a more restrictive resolution prohibiting the use of MPs unless they are installed in the car. This way it is clearly illegal to hold an MP between the head and shoulder and likewise the use of headsets of any type is banned.

5.4 Total Ban on use of MPs

WP.1 may wish to courageously recognize the fact that it is not the loss of one hand on the steering wheel that is the true problem. Rather it is the unquestionable distraction and loss of attention on the part of the driver while using an MP that is the real threat to traffic safety.

Under these circumstances WP.1 may adopt a resolution banning the use of MPs while driving altogether.

Courageous or not, one has to realize that enforcement of a total ban is next to impossible and may depend on support of a witness inside a vehicle, an extremely infrequent circumstance as well.

5.5 Amending 1968 Convention or Consolidated Resolution (R.E.1)?

This question is to be resolved during the discussion of the subject by WP.1 at its thirty-sixth session.
