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**ECONOMIC COMMISSION FOR EUROPE**

INLAND TRANSPORT COMMITTEE

Working Party on Road Traffic Safety  
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agenda item 4 (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**

Mobile phones

Transmitted by Spain

Use of mobile phones and global positioning systems (GPS) while driving a motor vehicle

Spain offers the following for possible future inclusion in the Vienna Convention on Road Traffic of 1968, modified in 1993 (to be given the correct legal wording by the Legal Experts Group):

- a) Whereas the right to communicate and receive information is a basic right for most developed countries.
- b) Whereas in the field of communications and information the mobile phone is a social phenomenon on a worldwide level.
- c) Whereas the technological development of mobile phones is without precedent in the history of communications and there is a danger in legislating a present phenomenon which in a few months time could have already passed.
- d) Whereas modifications of such international legal instruments as the Vienna Conventions are not only obliged to regulate the social present but, if possible, also the medium-term future.

- e) Whereas currently and from the point of view of road safety, the use of mobile phones while driving could be a risk factor which could increase road unsafety and the number of people killed and injured in accidents.
- f) Whereas when it is intended to modify a legal instrument by including new articles, it is necessary to propose the inclusion of today's technological developments. Therefore, GPS (Global Positioning Systems) should also be taken into account.
- g) Whereas it is also possible that in the short term, GPS use will spread and become a social phenomenon of the same importance as mobile phones.
- h) Whereas the use of GPS while driving and from the point of view of road safety could be a more acute risk factor than the use of mobile phones and hence it could increase road unsafety and the number of accidents and victims.

Consequently, it is considered necessary that legal modifications for the near future state the minimum conditions required for the use of mobile phones and GPS. It is for that reason that the following proposal is made:

(From the proposal of the small group 5.6. it is recommended that the proposal to amend the Vienna Convention be worded as follows:

Article 8, para. 5 extended:

- a) While driving, the driver will not engage in any activity which is not essential to the driving task and will devote his full attention to the driving task.
- b) Road owners should create adequate areas enabling drivers to park their vehicle and thus use a mobile phone (regardless of the generation it belongs to), as well as to programme or re-programme the GPS without interfering with the traffic flow and as a consequence with road safety.**
- c) While the above-mentioned areas are being built and during a transition period, mobile phones with voice modulation may be used as long as the microphone and its speaker are built-in or integrated into the vehicle.**
- d) The driver will at all times minimize any activity other than driving, including the operation of on-board equipment or instruments, **with the exception of the case outlined in paragraph c.**

(From the proposal of the small group 5.7. it is recommended that national legislation include laws in line with this proposal as soon as possible, without waiting for the amendment of the Vienna Convention).

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