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INLAND TRANSPORT COMMITTEE

Working Party on Road Traffic Safety
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**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 – Note by the secretariat

At its thirty-eighth session (19-22 May 2002), the Working Party agreed to add provisions regarding the use of mobile phones while driving to the 1968 Vienna Convention on Road Traffic. Three possible texts were presented and delegates were asked to choose between them.

The three texts appear below. In a circular letter, members were asked to review the texts and inform the secretariat by 14 June 2002 which they prefer and whether they have any concrete drafting proposals to improve them.

A

While driving a vehicle, a driver will at all times minimize any activity other than driving. It is therefore forbidden for a driver of any vehicle to use a hand-held (or otherwise held) mobile- or car-phone while driving.

B

It is forbidden for a driver of any vehicle to use a mobile- or car-phone, while driving, unless the telephone is not hand-held or otherwise held by the driver.

C

It is recommended that domestic legislation should clearly state that mobile or car phones may be used by drivers of vehicles only if this use has no negative bearing on traffic safety. In any case, legislation should prohibit the use by the driver of a mobile- or car-phone that is to be taken up, hand-held or wedged between head and shoulder.

The following responses were received:

Armenia	A
Belarus	B
Denmark	B
Estonia	B
Finland	A
France	A
Germany	C
Hungary	A
Ireland	C
Luxembourg	A
Netherlands	A
Portugal	A
Slovakia	C
Spain	B
Switzerland	A
Turkey	A
Yugoslavia	C

9 countries prefer A, 4 countries prefer B and 4 countries prefer C.

The following additional comments were received:

Belarus

Belarus suggests the following revision of B: "It is forbidden for a driver of any vehicle to use a mobile telephone in the vehicle while driving unless the telephone is not hand-held."

Finland

It is important to state first that while driving, a driver should minimize any activity other than driving and then specifically forbid the use of a hand-held mobile phone while driving.

In Finnish legislation there is a new regulation concerning the use of mobile phones. The law will enter into force from the beginning of next year. There are two parts of the regulation: It is forbidden for drivers of any vehicle to use communication equipment which might disturb their driving. In addition, it is forbidden for a driver of a motor-driven vehicle to use a hand-held mobile phone while driving.

France

A study carried out by INRETS in this field shows that a telephone conversation with someone who is not in the vehicle and because of that cannot see the situation on the road differs from communication with a passenger in the vehicle, who, although in a passive role, is likely to respect the concentration of the driver required in particularly intense traffic conditions. In addition, this concentration is undeniably affected by conditions linked to hearing which are rarely ideal. In all cases it is the mental overload which is the major cause of insecurity.

Luxembourg

Luxembourg suggests the following adaptation of text A:

"While driving a vehicle, a driver will at all times minimize any activity other than driving. It is therefore forbidden for a driver of any vehicle to use a mobile- or car-phone while driving, unless this phone is firmly fixed in the vehicle or in the helmet, in case of a motorcyclist, and equipped with a hands-free system."

Switzerland

Switzerland believes that if it is decided to add one of the texts to Article 8.5 it should be in addition to the existing text and not replacing it.

Turkey

Turkey supports text A but to state the requirements more clearly proposes to combine texts A and C as follows: "While driving a vehicle, the driver will at all times minimize any activity other than driving. It is therefore forbidden for the driver to use a mobile- or car-phone that is to be taken up, hand-held or wedged between head and shoulder."

United Kingdom

The United Kingdom already has a range of legislative measures which the police can use to deal with those who use mobile phones while driving. The police can use their judgement in dealing with mobile phones and with other things that might distract a driver whilst driving, such as smoking or using a navigation device.

The United Kingdom is reviewing the need for new legislation on the use of mobile phones whilst driving. However, it is suggested, for the purposes of the Convention, that, rather than include a specific prohibition, it should be for individual administrations to deal with in-car distractions of all descriptions in a manner that fits in best with their own legal system.

United States of America

The United States suggests the following alternative text: “The driver's primary concern and first responsibility at all times is the safe operation of the vehicle. This requires undivided attention and focus on the driving task. Use of mobile phones while driving can be a distraction, thereby increasing the driver's crash risk. Drivers, therefore, should not use these devices, whether hand-held or hands-free, while driving, except in an emergency.”

Additional implementing guidance (not suggested in the text) might include how to move to a place where placing or receiving a call is safe, as well as asking passengers to receive/place calls; and, the suggestion to use the phone's voice mailbox feature so incoming calls may be returned later.
