



Notification Number: 2012/159/F

Order establishing the regulations applicable to the qualification of engine immobiliser systems which are activated by electronic breathalyser units and to their installation requirements for motor vehicles.

Date received : 13/03/2012

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Message

Message 002

Communication from the Commission - SG(2012) D/5698

Directive 98/34/EC

Translation of the message 001

Notification: 2012/0159/F

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201200698.EN)

1. Structured Information Line

MSG 002 IND 2012 0159 F EN 13-03-2012 F NOTIF

2. Member State

F

3. Department Responsible

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3. Originating Department

Ministère de l'écologie, du développement durable, du transport et du logement



Délégation à la sécurité et à la circulation routières
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4. Notification Number

2012/0159/F - X00M

5. Title

Order establishing the regulations applicable to the qualification of engine immobiliser systems which are activated by electronic breathalyser units and to their installation requirements for motor vehicles.

6. Products Concerned

Electronic breath alcohol ignition interlock devices as referred to in article L 234-17 of the Highway Code.

7. Notification Under Another Act

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8. Main Content

Order adopting:

- technical specifications establishing the regulations applicable to the qualification of electronic breath alcohol ignition interlock devices as referred to in article L 234-17 of the highway code
- conditions for the qualification of professionals who are responsible for installing and inspecting these electronic breath alcohol ignition interlock devices

9. Brief Statement of Grounds

In 2010 (most recent data available), 30.8% of people who were killed in a road accident were killed in an accident which involved alcohol. This rate, which concerns the role of alcohol in road fatalities, has hardly changed since 2000, when it was exactly the same.

More than three people die each day in road accidents which involve alcohol. Alcohol is always the primary offending cause of road fatalities.

In real absolute value, this of course constitutes a decrease: the rate went from 30.8% out of 8170 people killed in 2000 to 30.8% out of 3992 people killed in 2010, which means the rate diminished by half. The progress observed with regard to fatalities which involved alcohol therefore remained strictly proportional to the overall progress observed in road fatalities.

For 10 years, road safety has therefore mainly improved in terms of behaviour associated with other safety factors, mainly speed, and not in terms of the specific progress in drink driving. This is why the fight against drink driving is one of the Government's priorities.

The electronic breath alcohol ignition interlock device, which was invented in the 1960s, is a technically sound system and is widely used in North America. It has, above all, been used in Quebec for many years and was introduced much more recently in northern Europe.

In France, the recent development in the use of the electronic breath alcohol ignition interlock device (BAIID) is part of a worldwide fight against drink driving: it is, above all, a tool which is suitable for drivers who have been sentenced for driving when under the influence of alcohol.

Law no.2011-467 of 14 March 2011 on the framework and planning for the performance of domestic security



(LOPPSI) provides that a sentence for the withdrawal of a driving licence for driving under the influence of alcohol may be combined with a subsequent ban on driving a vehicle which is not equipped with a BAIID. The same system was created within the framework of a criminal settlement as an alternative to the withdrawal of a licence. The Decree of 9 September 2011 set down the conditions for legal enforcement. This measure is a recommendation from the European Parliament which figured in its recent resolution of 27 September 2011. It must be possible to apply this system widely:

- 150,000 people are sentenced each year for driving under the influence of alcohol (this figure has remained stable since 2006)
- by way of comparison, 9000 drivers in Quebec have an EAD in their vehicle, which would be proportionally equal to 85,000 people in France.

It is important to encourage the use of a simple and robust system which, in light of this fact, should indeed be widely enforced by magistrates and should stop drunk drivers from starting their cars.

Decree no.2011-1661 of 28 November 2011 stipulates, within this framework, the certification requirements for electronic breath alcohol ignition interlock devices as well as the accreditation requirements for the professionals responsible for installing these systems. The Order entrusts the task of accrediting these professionals to the prefect and imposes conditions as to good repute. The Decree provides for the accreditation of each establishment which may be used by the installer, after obtaining a qualification from an organisation which has been appointed by the Minister for Transport. Furthermore, the Order institutes an annual procedure for inspecting the conformity of the electronic breath alcohol ignition interlock devices.

The present draft Order, on the basis of articles 5 and 6 of Decree 2011-1661, establishes the qualification requirements for the installers and inspectors of these electronic breath alcohol ignition interlock devices and designates the organisations which are responsible for this qualification and inspection.

10. Reference Documents - Basic Texts

Reference texts: - Highway Code: articles L234-2, L 234-17 and R 311-1
- Decree 2011-1661 on electronic breath alcohol ignition interlock devices

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

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16. TBT and SPS aspects



TBT

NO - The draft law does not have a significant impact on international trade.

SPS

No - The project is not a sanitary or phytosanitary measure.

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Commission européenne

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