



Notification Number: 1995/37/F

## **Draft Order amending the Order of 21 March 1983 relating to the approval of devices for detecting alcoholic impregnation by exhaled air (or breathalysers).**

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### Message

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TELEX 002  
COMMUNICATION FROM THE COMMISSION - SG (95) D/50224/2  
DIRECTIVES 83/189/EEC AND 88/182/EEC



TRANSLATION OF TELEX 001  
NOTIFICATION 95/0037/F

- 3B1 : 9500224.EN

**1. Structured Information Line**

TLX 002 IND- 95 0037 F-- EN ----- 950131 --- ---

**2. Member State**

France

**3. Department Responsible**

Commissariat à la Normalisation

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F-75017 PARIS

Secrétariat Général du Comité Interministériel pour les  
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**3. Originating Department**

Ministère des Affaires Sociales, de la Santé et de la Ville

Ministère délégué à la Santé.

**4. Notification Number**

95/0037/F

**5. Title**

Draft Order amending the Order of 21 March 1983 relating to  
the approval of devices for detecting alcoholic impregnation  
by exhaled air (or breathalysers).

**6. Products Concerned**

Devices for detecting alcoholic impregnation by exhaled air,  
namely: chemical devices usable once only (category-A  
breathalysers) and cell-type electrical devices usable  
several times (type-B breathalysers).

**7. Notification Under Another Act**

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**8. Main Content**

In application of Article L.1 of the Highway Code, devices  
for detecting alcoholic impregnation by exhaled air used by  
the forces of law and order must be approved in accordance  
with the provisions designed to guarantee the hygiene and  
reliability of the equipment and provided for in the amended  
Order of 21 March 1983. The Order includes one schedule of  
conditions relating to category-A breathalysers and one  
relating to type-B breathalysers, which contain the  
specifications required for each type of device and the tests



which the latter must undergo with a view to being approved.

### 9. Brief Statement of Grounds

In France, driving a vehicle under the influence of alcohol, i.e. with 0.80 g/l of alcohol in the blood and 0.40 mg/l in exhaled air, constitutes an offence. Given that drink-driving is a major problem, representing, together with speeding, the main cause of road accidents, the authorities have decided to intensify the fight against drink-driving by taking steps to lower the alcohol-level limit in the Highway Code. In line with this decision, a Decree dated 11 July 1994 laid down a maximum level of 1.7 g/l in the blood and 0.35 mg/l in exhaled air. As of summer 1995 the intention is to continue to lower these levels, which should be fixed at 0.25 mg/l in exhaled air and 0.50 g/l in the blood.

The implementation of these measures is subject to breathalysers being available to the forces of law and order enabling them to estimate the concentration of alcohol in relation to the new limits. Consequently, the Order of 21 March 1983 needs to be amended in order to adapt the required specifications to the new statutory requirements.

### 10. Reference Documents - Basic Texts

#### HIGHWAY CODE

Article L.1 prohibits the driving of a vehicle under the influence of alcohol, characterized by the presence in the blood of a level of pure alcohol equal to or greater than 0.80 g per thousand and in exhaled air of 0.40 mg per litre of exhaled air. Such offences are detected either by means of blood tests or by the use of approved breathalysers.

Article R.233-5 (Decree no. 94-570 of 11 July 1994) provides for a maximum alcohol level of 0.70 g/l in the blood and 0.35 mg/l in exhaled air.

Article R. 295 stipulates that breathalysers must be approved using methods defined by order of the Minister responsible for health.

THE ORDER OF 21 MARCH 1983, amended by the Order of 6 August 1984 relating to the approval of devices for detecting alcoholic impregnation by exhaled air.

### 11. Invocation of the Emergency Procedure

YES

### 12. Grounds for the Emergency

The emergency procedure is invoked because:  
of the need to make available as soon as possible to the forces of law and order reliable means of detection adapted



to the new alcohol limits approved by the Highway Code, namely 0.35 mg/l already in force since July 1994 and 0.25 mg/l envisaged for July 1995 in order to curb the effects of excessive alcohol consumption, which is responsible for almost 40 per cent of fatal road accidents.

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COMEUR  
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