

COMMISSION OF THE EUROPEAN COMMUNITIES

COM (88) 707 final

Brussels, 5 December 1988

**PROPOSAL FOR A COUNCIL DIRECTIVE RELATING
TO THE MAXIMUM PERMITTED BLOOD ALCOHOL
CONCENTRATION FOR VEHICLE DRIVERS**

(presented by the Commission)

com 707f.

EXPLANATORY MEMORANDUM

General Comments

1. One of the objectives of the common transport policy is to contribute effectively to the reduction of traffic accidents and resulting casualties, and to the improvement of traffic conditions. One of the initiatives through which a common policy on road safety can be progressively achieved is, the Commission believes, a Directive to establish a single maximum blood alcohol concentration for all drivers in the Community.

2. A Parliamentary Resolution of 13 March 1984 (1), on the introduction of a programme of Community measures to promote road safety, recalled the duty of the Community to make every effort to improve road safety and specified that among those measures to which immediate priority should be given was the establishment of a single maximum permissible blood alcohol concentration of 0,80 milligram per milliliter of blood for all drivers. This was repeated in a further Resolution of 18 February 1986 on common measures to reduce accidents (2).

(1) O.J. No C 104, 16.04.1984, P. 38

(2) O.J. No C 68, 24.03.1986, P. 35

3. In its draft resolution on the implementation of a Community road safety programme, submitted to the Council on 20 March 1984 (1), the Commission recommended a number of measures to be taken in this context, including one concerning effects of alcohol and drugs. The Council Resolution of 19 December 1984 (2) welcomed the Commission's initiative, affirmed the need to provide for Community action on road safety and invited the Commission to submit proposals, undertaking at the same time to ensure their rapid adoption.

4. Despite measures to combat drink/driving, alcohol continues to play a significant role in increasing the risks of road accidents. According to a recent OECD study, the percentage of drivers killed with an alcohol level in excess of 0,80 mg per ml of blood varies in member countries from 15 % to 45 %. Moreover, in cases of fatal accidents involving adults, between one third and one half of drivers have been found to have a significant (even if legal) level of alcohol in the blood. (See example Annex I).

5. Research findings indicate that drivers' reaction times increase, and their ability to process information decreases, where their blood alcohol concentration is as little as 0,50 mg/ml. From 0,50 mg/ml to 0,80 mg/ml the risk of an accident therefore increases; over 0,80 mg/ml is the principal factor governing an accident, while with over 1,00 mg/ml all drivers run a high risk of having an accident (see Annex II).

(1) O.J. No C 95, 06.04.1984, p. 2

(2) O.J. No C 341, 21.12.1984, p. 1

These problems are even more in evidence in those drivers most susceptible to alcohol, for example young people and infrequent drinkers.

6. Community Member States have differing laws concerning the maximum permitted level of alcohol in a driver's blood (see Annex III). In the light of the above considerations and in order to establish clear and strict legislation on this important issue and facilitate enforcement it is desirable that Member States' legislation in this field should be approximated. As reflected in Annex III, at present national legislations set either a limit of 0,50 mg or one of 0,80 mg of alcohol per ml of blood (or the breath or urine equivalents). Current Statistics on drink driving demonstrate that the major task facing Member States is to ensure respect for current legislation, which in the majority of Member State is based on 0,80 mg/ml.

7. However, a Community limit of 0,50 mg/ml is the Commission's preferred option. It would address the fact that young drivers or infrequent drinkers can be severely impaired even at this level, while even for more experienced drinkers, impairment starts at this level. A decision taken now to introduce a Community-Wide alcohol limit of 0,50 mg/ml of blood on 1.1.1993 would not immediately affect the status quo in Member States but would establish the direction of future legislation and provide sufficient time to ensure proper enforcement once the limits enter into force.

8. Therefore, the Commission is proposing that the maximum permitted level shall be 0,50 mg/ml as from 1st January 1993.

9. The Commission accepts that the approximation of Member States' legal blood alcohol limits will not, in itself, solve the problem of drink/driving in the Community. A multi-faceted approach by Member States is likely to be the most effective. Preventive measures now being carried out by some of them include

- co-ordination of national publicity, information and enforcement practice
- production and dissemination of better information on alcohol and its effects on driving
- broadening of traffic education in schools
- development of counselling procedures for drink/drive offenders.

Contents of the Proposal

1. Article 1 specifies the categories of vehicles for which drivers are subject to this Directive.

2. Article 2 provides for the single maximum permitted blood alcohol concentration for the whole Community of 0,50 mg/ml on 1st January 1993.

3. Article 3 and 4 are the necessary administrative provisions for implementation of this Directive on national legislation.

**Distribution of blood alcohol concentration (BAC) for different
road users killed in accidents in Great Britain in 1984**

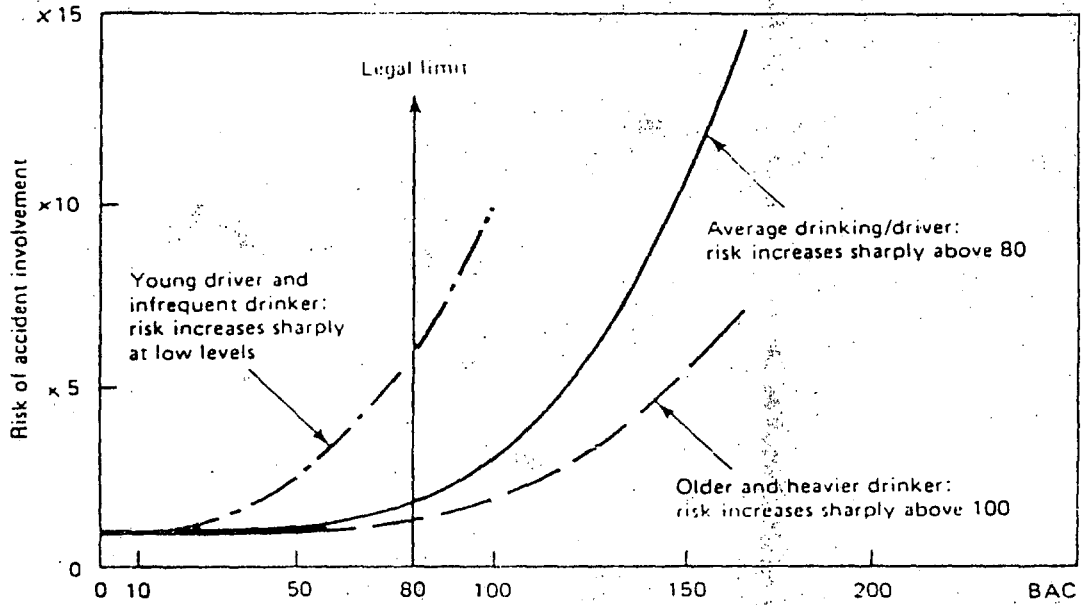
	Percentage of <u>Fatalities</u> with BAC exceeding						NUMBER IN SAMPLE
	0.09 mg/ml	0.50 mg/ml	0.80 mg/ml	1.00 mg/ml	1.50 mg/ml	2.00 mg/ml	
Motor Vehicle Drivers	35	<u>29</u>	26	25	16	8	728
Motorcycle Riders *	39	31	27	23	14	7	499

Example : 29% of the Motor Vehicle Drivers who were killed in an accident had more than 0.5 mg/ml BAC.

* Includes all two wheel motor vehicles riders.

ANNEX II

RISK AND ALCOHOL LEVELS



Alcohol content: blood - BAC (mg/100 ml)

Accident risk and blood/breath alcohol levels

ANNEX III

Maximum permitted blood alcohol concentration
for drivers in the Member States
(mg alcohol per ml blood)

Belgium	0,80	
Federal Republic	0,80	(0,30 if there are other indications of impairment such as an accident)
Denmark	0,80	
Spain	0,80	(0,50 for drivers of vehicles transporting dangerous goods)
France	0,80	
Greece	0,80	(0,50 if there are other indications of impairment)
Ireland	0,80	
Italy	0,80	
Luxemburg	0,80	
Netherlands	0,50	
Portugal	0,50	
United Kingdom	0,80	

**Proposal for a Council Directive relating to the
maximum permitted blood alcohol concentration for drivers**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Article 75 thereof;

Having regard to the proposal from the Commission;

Having regard to the opinion of the European Parliament;

Having regard to the opinion of the Economic and Social Committee;

Whereas one of the objectives of the common transport policy is to lay down common rules applicable to international transport within the Community, in particular with regard to safety conditions applying to road users in the Member States;

Whereas the growth of road traffic and the resulting increase in danger present all Member States with safety problems of a similar nature and seriousness;

Whereas the resolution of 19 December 1984 adopted by the Council and the representatives of the Governments of the Member States of the European Communities, meeting within the Council (1), undertook to ensure the rapid adoption of road safety measures, and invited the Commission to submit proposals;

(1) OJ N° C 341 21.12.1984 p.1

Whereas drinking and driving is estimated to be a contributory factor in one third or more of the 50.000 road deaths per year in the Community;

Whereas the Resolution of 13 March 1984 of the European Parliament on Road Safety (2) recommended that the Commission submit as soon as possible proposals to establish a single maximum permissible blood alcohol concentration of 0,80 mg/ml for all drivers; and whereas the Resolution of 18 February 1986 (3) reiterated this recommendation;

Whereas the Member States have differing laws concerning the maximum permitted level of alcohol in a driver's blood; whereas intra-Community road traffic is substantial and whereas therefore it is desirable to approximate laws concerning the maximum permitted alcohol level in the blood of drivers;

Whereas laboratory tests have shown that drivers' reaction time increases greatly, while their ability to process information decreases greatly, where their blood alcohol concentration exceeds 0,80 and whereas tests have also shown that, above this level alcohol is the principal factor governing the risk of an accident;

Whereas it is proven that driving ability can be severely impaired even at blood alcohol concentration of 0,50 and that the risk of accident involvement in that case is more than one and a half times as high as in the case of sober drivers-

HAS ADOPTED THIS DIRECTIVE :

(2) OJ No. C 104 16.04.1984, p. 38.

(3) OJ No. C 68 24.3.1986, p. 35.

Article 1

For the purposes of this Directive "driver of a vehicle" means any driver of a power driven vehicle with 3 or more wheels and any rider on a power driven two wheel vehicle.

Article 2

The maximum permitted blood alcohol concentration for drivers of vehicles shall be : no more than 0,50 mg alcohol per ml of blood as from 1 January 1993

Article 3

1. Member States shall, after consulting the Commission, bring into force the laws, regulations and administrative provisions which are necessary in order to comply with this Directive within 12 months of its notification. They shall forthwith inform the Commission thereof.
2. Member States shall ensure that the texts of the main provisions of national law which they adopt in the field covered by this Directive are communicated to the Commission.

Article 4

This Directive is addressed to the Member States.

Done at

For the Council

COMPETITIVENESS AND IMPACT STATEMENT

This proposal aims at harmonizing the maximum permitted blood alcohol concentration for vehicle drivers at the level of 0,5 mg alcohol per ml blood.

At present all Member States have a legal limit which varies from 0,5 mg/ml to 0,8 mg/ml.

This proposal has no impact on small and medium enterprises.