

Motorcycle Helmets' Reflective Stickers in France

Headlines Up Front

1. When riding a motorcycle or moped in France, foreign (ie non-French nationality) Riders and Pillions are not required to retroactively fit reflective stickers to their helmets¹.
2. All motorcycle or moped riders, whether driver or passenger, are required by law to wear a helmet that conforms to ECE 22.05 or ECE 22.06.

Background

France has adopted into law the requirement to have reflective markings on all motor cycle and moped helmets, those reflective marking conforming to specific requirements as detailed in Clause 6.16 Conspicuity marking of Regulation 22 of Article 3 of the UNECE Agreement.

To date and to my best endeavours to confirm, France is the only Member State to bring Clause 6.16 into national law.

Regulation 22

Regulation 22 is an Annex of Article 3 of the UNECE (United Nations Economic Commission for Europe) – 1958 Agreement – one of the three agreements administered by the UN World Forum for Harmonization of Vehicle Regulations (WP.29) whose objective is establishing uniform standards for vehicles and their components relating to safety, environment, energy and anti-theft requirement entitled "UNIFORM PROVISIONS CONCERNING THE APPROVAL OF PROTECTIVE HELMETS AND THEIR VISORS FOR DRIVERS AND PASSENGERS OF MOTOR CYCLES AND MOPEDS", first introduced in 1972, now with amendments.

Clause 6.16 of Regulation 22 covers "Conspicuity marking".

¹ This recommendation is given without liability based upon open research available. Individuals, whether Motorcycle Driver or Passenger, are advised to seek independent advice before making their own decision on the issue.

Clause 6.16.1. General, states, "In order to comply with national requirements for use, the helmet may be required by individual Contracting Parties [Member States who have signed up to this Regulation] to contribute to the conspicuity of the user both during the daytime and at night: from the front; from the rear, from the right; from the left by means of parts made of reflective materials which conform to the specifications laid down in paragraphs 6.16.2. to 6.16.6. of this Regulation. The reflective parts shall not be removable without damage to the helmet".

Clause 6.16.1. further states, "Note: The mandating of conspicuity marks is left to the discretion of individual Contracting Parties. Article 3 of the Agreement to which this Regulation is annexed shall not prevent the Contracting Parties from prohibiting the use of helmets not meeting the conspicuity requirements.

Clause 6.16.2 details the minimum dimensions of all such reflective marking to the front, left, right and rear side of the helmet, "in each surface area of minimum 18cm² it shall be possible to mark: either a circle of 40mm diameter; or a rectangle of at least 12.5cm² in surface area and at least 20mm in width."

French Law and UK Law

France has adopted Clause 6.16. into national law. However; Clause 6.16.1. states that "In order to comply with national requirements for use, the helmet **may** be required by individual Contracting Parties [Member States who have signed up to this Regulation] to contribute to the conspicuity of the user both during the daytime and at night". Note the use of the word **may** here.

In the UK, The Road Vehicles (Registration and Licensing) (Amendment) Regulations 2017 covers the reciprocal sharing of information to make available the identity of the Registered Keeper of a vehicle to enable the investigation of a road safety related traffic offence investigation. The offence related to non-compliance of wearing reflective marking on a helmet does NOT appear to be within this agreement, although failing to wear a safety helmet (as laid out in Regulation 22) is within the agreement. The UK has not included Clause 6.16. into national law.

In France all Motor Cycle and Moped Helmets sold must be sold fitted with reflective markings in place that conform to Clause 6.16. Non-compliance may be met with a fine of €135 plus points from their licence for French licence holders.

Clarification sought in the European Commission

The text in regulation was questioned as to its meaning to the European Commission in a written question [https://www.europarl.europa.eu/doceo/document/E-7-2013-008668_EN.html?redirect] in the European Parliament by the then Liberal Democrat UK MEP Sir Graham Watson.

Sir Graham Watson asked:

“The United Nations Economic Commission for Europe’s Regulation No 22 stipulates, in paragraph 6.16.1, that motor cycle crash helmets should have conspicuity markings. This requirement includes the need for helmets to have four reflective stickers: one on the front, one at the rear and one on each side, with the surface of each sticker being 18 cm².

The UN’s Vienna Convention on Road Traffic only mentions in Annex 1(5) that contracting parties may refuse to admit onto their territories motor cyclists without protective helmets. France has recently introduced a national provision requiring all motorcyclists, including those transiting through from other EU Member States, to comply with the rules governing conspicuity markings on crash helmets.

Notwithstanding a note within paragraph 6.16.1 of Regulation 22 suggesting that signatory states can prohibit the use of helmets not meeting the conspicuity requirements, is the Commission satisfied that the requirement in place in France is compliant with Union law?”

Mr Antonio Tajani replied on behalf of the European Commission:

“The use of helmets incorporating reflective stickers for motorcyclists is not regulated under EC law.

The Commission considers that in the absence of EU legislation, Member State authorities are entitled to adopt measures aiming at enhancing road safety provided that these measures do not constitute a disproportionate limitation to the freedom of movement.

The European Union has notified the United Nations that it is applying Regulation No 22 mentioned by the Honourable Member, which means that Member States must accept helmets certified under this regulation without being allowed to impose additional requirements to the ones set out in Regulation No 22.

Regulation No 22 leaves the mandating of conspicuity marks to the discretion of individual Contracting Parties, allowing them to prohibit the use of helmets not meeting the conspicuity requirements. However, it is the Commission’s understanding that the

obligation contained in the French legislation cannot apply retroactively to helmets already in use. As a consequence, foreign motorcycle riders carrying a helmet not containing these reflective markings cannot be obliged to bring their helmets in conformity retroactively. Only new helmet types placed on the French market must comply with the new requirements and bear this reflective material.

The Commission will assess whether the French law is in line with the provisions of the Treaty concerning the free movement of goods.”

Conclusion

Without liability, my understanding of the requirement to have reflective markings fitted to your Motorcycle Helmet is taken from the Mr Tajani’s answer to the question given on behalf of the European Commission, which is;

“Foreign motorcycle riders carrying a helmet not containing these reflective markings cannot be obliged to bring their helmets in conformity retroactively. Only new helmet types placed on the French market must comply with the new requirements and bear this reflective material”.

It is my recommendation without liability that all Riders and Pillion whose Driving Licence and Nationality is from outside France (thereby meeting the definition of foreigner) must wear a helmet that conforms to ECE 22.05 or ECE 22.06 safety standards but that their helmet does not require reflective marking to be fitted when riding in France.