



# Conflicting traffic legislation for cyclists in Europe:

Impact on the equity, social inclusion,  
free movement and cycle tourism

Radu Mititean Roxana Cleja



## TRAFFIC LEGISLATION FOR CYCLISTS - INSUFFICIENT HARMONIZATION

Road legislation has a limited degree of international harmonization.

There is only partial uniformity at European level and even within the EU.

Such differences are found also in rules regarding cycling.



## TRAFFIC LEGISLATION FOR CYCLISTS - INSUFFICIENT HARMONIZATION (2)

Vienna Conventions of November 8th 1968 on Road Traffic and on Road Signs and Signals legislation are ratified by most countries but are half a century old and regulate very few aspects of cycling.



## TRAFFIC LEGISLATION FOR CYCLISTS - INSUFFICIENT HARMONIZATION (3)



EU legislation has no provisions regarding traffic regulation.

Therefore, almost all rules regarding cyclists are issued at national level (few exceptions - ex. pedelecs).

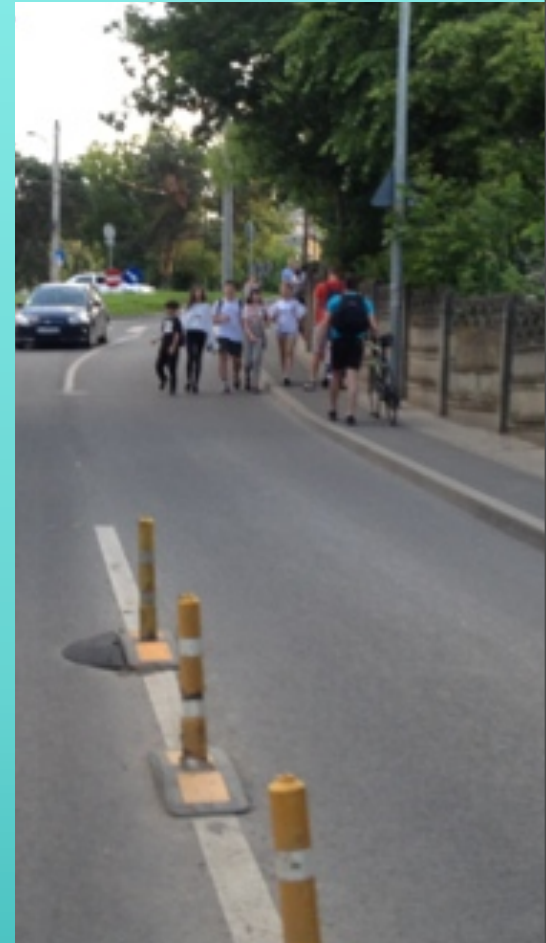


## TRAFFIC LEGISLATION FOR CYCLISTS - **INSUFFICIENT HARMONIZATION** (4)

The consequence - diverging regulation

reasons:

- some legislations did not evolve in the past 50 years
- others evolved in favor of bicycles (most of them) but at very different moments and speed
- there were countries that made changes detrimental to cycling.



## TRAFFIC LEGISLATION FOR CYCLISTS - INSUFFICIENT HARMONIZATION (5)

These differences between national legislations lead to situations that are flagrantly contradictory to the generally accepted policy objectives of:

- granting access to sustainable mobility for all,
- facilitating cross-border tourism
- enabling the free movement of citizens and goods in the European Economic Area.



## TYPICAL DIFFERENCIES - AGE CONDITIONS

Minimum age condition vary and can be extremely restrictive, effectively banning cycling even for teenagers under 14.

Such age discrimination is not objectively justified and excludes children from access to healthy and affordable mobility choice, sometimes affecting even the school attendance.



## TYPICAL DIFFERENCIES - AGE CONDITIONS (2)

Furthermore, relocation to another country for study purposes, professional activities or family reunion is also discouraged by these differences that would force an everyday cyclist to stop using his / her bike, with all the consequences on the quality of life.

Also, these legislative differences are a barrier to the development of international bicycle tourism at any level, including the use of the EuroVelo network.





## CASE STUDY: ROMANIA

The Romanian traffic legislation - article 70 paragraph (2) of the Emergency Ordinance no.195 / 2002 as modified in 2006 bans any person aged **less than 14** years from cycling on any "public road" defined in a very broad mode, as any terrestrial way other than those equipped with tracks, that is built or equipped for the movement of vehicles or pedestrians.



## CASE STUDY: ROMANIA (2)

Therefore the ban include any road, street, paved alley in a park or between buildings, sidewalk, paved shoulder, bicycle lane / track / path etc. No exceptions are provided - the ban applies even to low traffic and even to car-free ways, to organised groups, to children who would train for a bicycle race under the supervision of a trainer or escorted by a car etc.



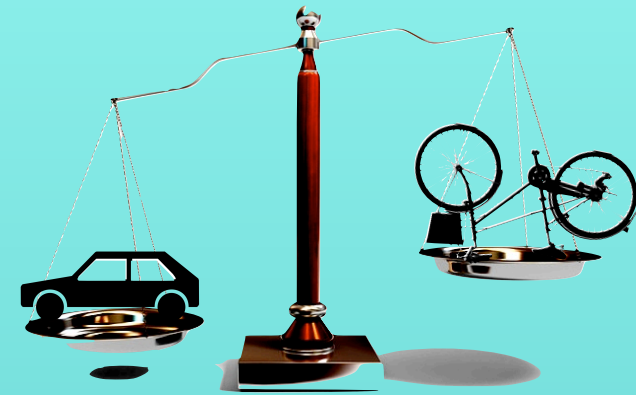


Illegal in Romania

## IMPACT OF THIS CYCLING BAN IN ROMANIA

### 1. impact on equity and social inclusion

The fact that children are allowed to cycle under very restrictive condition or are not allowed to cycle at all could be seen as an infringement of the principle of protecting the superior interest of the child.



## IMPACT OF THIS CYCLING BAN IN ROMANIA (2)

### 1. impact on equity and social inclusion (2)



This opinion is based on the provisions of the United Nations Convention on the Rights of the Child adopted in 1992 and ratified by most states in Europe, since total or almost total cycling bans are a totally disproportionate measure regarding the declared goals of the restrictions (protecting children from the risk of accidents).



## IMPACT OF THIS CYCLING BAN IN ROMANIA (3)

### 1. impact on equity and social inclusion (3)



Children who have to commute significant number of kilometers to school and having technically or economically no access to motorised transport (public transport, transport by car ex. "mama-taxi") are sometimes faced with the risk of not attending school at all because of the mobility issues, while cycling would have been a feasible solution if there would be no cycling ban for children.



## IMPACT OF THIS CYCLING BAN IN ROMANIA (4)

### 2. impact on free mobility of workers in the EU / EEA

ex. relocating to another country as posted worker forces you to completely change your daily mobility routines since the national legislation prohibit your children to cycle to school and your hobbies since it is banning your children to cycle with you for recreational or sports purposes in weekend or in the afternoon / evening



## IMPACT OF THIS CYCLING BAN IN ROMANIA (5)

3. impact on cross-border bicycle tourism or cycle touring in a foreign country using your own bicycle

- forced to find, study and understand specific national traffic legislation often unavailable in international languages except basic rules for motorists and / or hard to understand without knowing case-law or customary law





## IMPACT OF THIS CYCLING BAN IN ROMANIA (6)

3. impact on cross-border bicycle tourism or cycle touring in a foreign country using your own bicycle (2)

- exposed to the risk of getting fines despite significant efforts to comply



## IMPACT OF THIS CYCLING BAN IN ROMANIA (6)

### 3. impact on cross-border bicycle tourism or cycle touring in a foreign country using your own bicycle (2)

- forced to buy additional cycling gear or accessories, sometimes hardly available outside that country and most of the times not available at the border
- finding yourself in the situation of not being allowed to cycle at all - you or a member of your group ex. a child



## OTHER DIFFERENCIES:

Unharmonized regulations regarding mandatory bike configuration, accessories and documents like:

- mandatory registration of all bikes
- mandatory helmet use for some categories of cyclists (like existing legislation in Spain, Slovakia, Sweden)
- mandatory dynamo (as it existed in Germany)
- mandatory big surface rear reflector



Thank you!

office@ccn.ro

contact@biciclisti.ro

