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**ECONOMIC COMMISSION FOR EUROPE**

**INLAND TRANSPORT COMMITTEE**

Working Party on Road Traffic Safety

Forty-ninth session  
Geneva, 27-30 June 2006

**REPORT OF THE GROUP OF LEGAL EXPERTS OF THE WORKING PARTY ON  
ROAD TRAFFIC SAFETY (WP.1) ON THE MEETING HELD ON 16-17 JANUARY 2006**

**I. Participation**

1. The WP.1 Group of Legal Experts met on 16 and 17 January 2006 in Geneva under the chairmanship of Mr. G. Hoel (Norway). Mr. G. Heintz (Luxembourg), Mr. N. Rogers (IMMA) and the secretariat participated. Mr. A.Y. Yakimov (Russian Federation) and Mr. P. Friedli (Switzerland) were unable to attend. Manfred Kohler of the European Commission participated for the discussion on flashing brake lights.

**II. Advice requested by WP.29**

2. The Group of Legal Experts considered the implications of proposed amendments to ECE Regulation No. 48 (to the 1958 Agreement) which seek to introduce new provisions for the automatic activation of the hazard warning signal and indication of emergency braking. These amendments are currently under discussion by the Working Party on Lighting and Light Signalling (GRE). Flashing brake lights are currently incompatible with the Vienna Convention on Road Traffic (Annex 5, para. 42).

3. The representative of the European Commission explained that the Commission was concerned that Annex 5 to the Vienna Convention might pose an obstacle to the incorporation of technological advances being made in the motor vehicle industry into the regulations annexed to

the 1958 Agreement. Flashing brake lights was an example but there might well be others in the future, for example regarding braking.

4. The Group of Legal Experts agreed to propose to WP.1 that the following sentence be added as paragraph 1 bis to Annex 5:

“1 bis. The provisions of this Annex shall be considered fulfilled, if, for the specific item concerned, the vehicle meets the requirements of the relevant regulation annexed to the 1958 Agreement concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted and/or used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions.”

5. Concern was expressed that, while the above sentence would allow Annex 5 to evolve with technological progress, it would still be necessary to remove provisions from Annex 5 if they became universally obsolete and in contradiction with the vehicle regulations.

6. In addition, it was questioned when the proposed sentence could be added to Annex 5 since Contracting Parties to the Vienna Convention had stated that they only wished to consider the adoption of new amendments to the Convention every 5-10 years and the last package of amendments would only enter into force in March 2006.

### **III. Transport of dangerous goods in tunnels**

7. The Secretary of WP.15, Mr. O. Kervella, informed the Group that a special session of WP.15 would be held on 26-27 January to decide on the follow-up to be given regarding the proposals on the transport of dangerous goods in tunnels.

8. The Group examined the content of the annex of document INF.11 prepared for the WP.15 session in November 2005. This document proposed additional modifications to the text of TRANS/WP.1/2005/10/Rev.1 submitted to WP.1 in September 2005.

9. The Group agreed with the modifications proposed for R.E.2. The group also noted that the new provisions of ADR concerning the passage of dangerous goods through road tunnels, if adopted by WP.15 and accepted by ADR Contracting Parties, would enter into force on 1 January 2007 but would be accompanied by transitional measures which would allow Contracting Parties to continue to restrict the passage of dangerous goods through road tunnels in accordance with the existing provisions of their national law for a certain period which had not yet been decided. Therefore the Group recommended that a footnote be added to the modifications proposed for R.E.2, explaining that situation once the transitional period has been agreed upon.\*

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\* Note by the secretariat: WP.15 adopted the new provisions at its 79<sup>th</sup> resumed session (26-27 January 2006), with a transitional period for implementation until 1 January 2010. Three countries (France, Italy, Switzerland) expressed a reservation on this deadline for implementation since they wanted a longer transitional period for assessing risks in road tunnels (see also TRANS/WP.15/185/Add.3).

10. Moreover, it recommended that the word “particularly” in the title be deleted.

### **III. 1949 driving permits**

11. The Group of Legal Experts examined the questionnaire elaborated by the Russian Federation and IMMA. It considered that a sentence should be added as follows:

“If you wish to expand on the reasons for your choice concerning questions 1 or 2, please use a separate sheet of paper.”

12. The Group also considered that it would be necessary to add a question concerning the recognition of 1949 driving permits within the framework of the 1968 Convention.

13. Concerning the problem of recognition of permits, the Group had questions regarding issues of interpretation. Mr. Rogers offered to contact Mr. Yakimov on this point.

14. The secretariat informed the Group that it had found old documents in the archives dealing with the same problem of recognition between the 1926 and 1949 Conventions. It offered to make these documents available to WP.1. The Group asked the secretariat to send the Russian versions of the documents in question to Mr. Yakimov before the 48th session of WP.1.

### **IV. Definitions of motorcycles/mopeds**

15. The Group of Legal Experts examined a document prepared by Mr. Rogers consolidating all the comments received on the definitions issue from members of the Group. The working document, annotated in red with a summary of the discussions of the Group of Legal Experts on each point raised, could be added to at future meetings of the Group.

16. The Group felt that now that the EU has proposed a permit for mopeds, it might be a good time to ask members of WP.1 if they were ready to withdraw the possibility to treat mopeds as motorcycles for the purpose of the Convention, as is currently allowed by Article 54.2. Such a decision would simplify the Group’s future work on definitions.

### **V. Other issues**

17. Concerning the problem raised regarding Article 42.1 (a) of the Vienna Convention on Road Traffic (driving permit not returned by authorities before the holder left the territory where the document was withdrawn), it was pointed out that the problem, which had occurred in Italy, could also happen in other countries. The Legal Group considered that the current provisions of Article 42.1 (a) may not be realistic. One observation was that Contracting Parties should have the right to withdraw the “right to drive” but not the permit itself. Another was that the permit may be retained but should then be returned to the issuing authority.

18. The Group of Legal Experts found that it did not have a mandate from WP.1 on this issue. The delegate of Luxembourg offered to prepare a proposal on this subject for consideration by WP.1 at a future session.

**VI. Next meeting**

19. It was proposed that the next meeting of the Group of Legal Experts be held in Geneva on Friday 24 March 2006 following the 48<sup>th</sup> session of WP.1.

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