

Transmitted by the secretariat

**WP.1 REQUEST FOR JUSTIFICATION CONCERNING THE ROAD SAFETY BENEFITS
DUE TO THE ACTIVATION OF EMERGENCY STOP SIGNAL (ESS)**

At its November 2004 session WP.29 officially requested the opinion of WP.1 (see TRANS/WP.29/1037, para. 41) on the compatibility of the automatic activation of emergency stop flashing signals with the existing provisions of the Vienna Convention on Road Traffic and the European Agreement supplementing it. The proposal was transmitted to WP.1 by means of document TRANS/WP.29/2005/11.

The WP.1 Legal Group considered this issue at its meeting of 2-3 May 2005. The relevant parts of the report (TRANS/WP.1/2005/13) of the session are reproduced below:

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II. Advice requested by WP.29

2. In document TRANS/WP.1/2005/11, the World Forum for the Harmonization of Vehicle Regulations (WP.29) requested the advice of WP.1 on the compatibility of proposed new vehicle systems with the Vienna Convention on Road Traffic. Since time did not allow WP.1 to examine these issues at its 46th session, it was agreed that the Legal Group should discuss them and report to WP.1 at its 47th session.

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a) Automatic activation of the hazard warning signal and indication of emergency braking

4. The Group of Legal Experts considered the proposals in the light of Article 8 of the Vienna Convention which states in paragraph 5 that "Every driver shall at all times be able to control his vehicle " and Article 13, paragraph 1 which states that "Every driver of a vehicle shall in all circumstances have his vehicle under control so as to be able to exercise due and proper control and to be at all times in a position to perform all necessary manoeuvres required of him ".

5. As concerns the proposal for emergency braking, if indicated by flashing stop lamps, the Group of Legal Experts found that it was in contradiction with paragraph 42 of Annex V of the Vienna Convention on Road Traffic (Technical Conditions concerning Motor Vehicles and Trailers) which states that "No lamps, other than direction-indicator lamps and special warning lamps, shall emit a winking or flashing light ".

6. The Group of Legal Experts found that the proposal offered the potential of safety benefits but agreed that WP.1 would have to decide whether to amend the Convention to allow the flashing of brake lights. The Group of Legal Experts was informed by a member of the WP.29 secretariat that the WP.29 Group of Experts on Lighting and Light Signalling (GRE) was divided on whether to indicate emergency braking using the stop lamps or the hazard warning lamps, or both in a combined manner.

7. The Group of Legal Experts expressed some concerns about the automatic activation of the hazard warning signal which, it was proposed could be activated at speeds of less than 30 km/h when under normal circumstances this signal is only activated when a vehicle is at a stop.

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WP.1, when considering this issue at its 47th and 48th sessions requested WP.29 to provide WP.1 with detailed information about studies that demonstrate the increase of Road Safety applying these new prescriptions on emergency stop signal. These studies should be provided to WP.1 before it would take the decision of amending the Vienna Convention in order to eliminate the contradiction between the WP.29 proposals and the current prescription of paragraph 42 of Annex V to the Vienna Convention on Road Traffic (Technical Conditions concerning Motor Vehicles and Trailers) which states that "No lamps, other than direction-indicator lamps and special warning lamps, shall emit a winking or flashing light "

GRE should provide the requested justification in due time to allow the secretariat its transmission to WP.1 at its November 2006 session.
