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Item 4 (a) of the provisional agenda

**Convention on Road Traffic (1968):**

**Consistency between the Convention on Road Traffic (1968) and  
Vehicle Technical Regulations**

### **Consistency between the Convention on Road Traffic (1968) and Vehicle Technical Regulations**

**Submitted by the Governments of Austria, Belgium, France, Germany  
and Italy**

1. This document proposes amendments (indicated in bold text) to Article 8 and Annex V of the 1968 Convention on Road Traffic to include systems which influence the way vehicles are driven and to take account of recent technical developments.
2. Separate documents introduce the equivalent amendment proposals to the 1949 Convention on Road Traffic and to the Annex of the 1971 European Supplement to the 1968 Convention on Road Traffic.

## Article 8

### Drivers

1. Every moving vehicle or combination of vehicles shall have a driver.
2. It is recommended that domestic legislation should provide that pack, draught or saddle animals, and, except in such special areas as may be marked at the entry, cattle, singly or in herds, or flocks, shall have a driver<sup>8</sup>.
3. Every driver shall possess the necessary physical and mental ability and be in a fit physical and mental condition to drive
4. Every driver of a power-driven vehicle shall possess the knowledge and skill necessary for driving the vehicle; however, this requirement shall not be a bar to driving practice by learner drivers in conformity with domestic legislation.
5. Every driver shall at all times be able to control his vehicle or to guide his animals<sup>9</sup>.  
<sup>10</sup> *See footnote.*
  - (a) **Vehicle systems which influence the way vehicles are driven shall be deemed to be in conformity with the first sentence of this paragraph and with paragraph 1 of Article 13, when they are in conformity with the conditions of construction, fitting and utilization according to international legal instruments concerning wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles<sup>11</sup>.**
  - (b) **Vehicle systems which influence the way vehicles are driven and are not in conformity with the aforementioned conditions of construction, fitting and utilization, shall be deemed to be in conformity with the first sentence of this paragraph and with paragraph 1 of Article 13, when such systems can be overridden or switched off by the driver.**
6. A driver of a vehicle shall at all times minimize any activity other than driving. Domestic legislation should lay down rules on the use of phones by drivers of vehicles. In any case, legislation shall prohibit the use by a driver of a motor vehicle or moped of a hand-held phone while the vehicle is in motion.

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<sup>8</sup> See also Point 7 of the Annex of the European Agreement.

<sup>9</sup> See also Point 7 of the Annex of the European Agreement.

<sup>10</sup> Additional paragraph introduced in the Annex of the European Agreement (see Point 7).

<sup>11</sup> The UN Regulations annexed to the "Agreement concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions" done at Geneva on 20 March 1958.

The UN Global Technical Regulations developed in the framework of the "Agreement concerning the establishing of global technical regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles" done at Geneva on 25 June 1998.

## Annex 5

### I. Technical conditions concerning motor vehicles and trailers

1. Without prejudice to the provisions of Article 3, paragraph 2 (a) and Article 39, paragraph 1 of this Convention any Contracting Party may, with respect to motor vehicles which it registers and to trailers which it allows on the road under its domestic legislation, lay down rules which supplement, or are stricter than, the provisions of this Annex. All vehicles in international traffic must meet the technical requirements in force in their country of registration when they first entered into service.

**2. Vehicles may be fitted with systems, parts and equipment that are in conformity with the conditions of construction, fitting and utilization according to international legal instruments concerning wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles<sup>1</sup>. Vehicles that are in conformity with the aforementioned conditions are deemed to be in conformity with this Annex.**

2.3. For the purposes of this Annex, the term "trailer" applies only to a trailer designed to be coupled to a motor vehicle.

3.4. Contracting Parties which, in conformity with Article 1, subparagraph (n), of this Convention, have declared that they wish to treat as motorcycles three-wheeled vehicles the unladen mass of which does not exceed 400 kg, shall make such vehicles subject to the rules laid down in this Annex either for motorcycles or for other motor vehicles.

### II. Justification by the Governments of Austria, Belgium, France, Germany and Italy

1. Driver's skills vary substantially; human failure is by far the predominant cause of traffic accidents.

2. Vehicle systems such as Driver Assistance Systems support the driver in his driving task. They also may take influence on the way vehicles are driven. Thereby, they have the potential to take immediate beneficiary influence on road safety or to do the same by reducing drivers' workload.

3. Yet, in the recent past, technical developments have given rise to doubt and uncertainties whether all vehicle systems available today are in concordance / consistent with traffic regulations. The suggested amendment resolves this concern.

4. Keeping the driver in a superior role is a guiding principle of road traffic regulations. Therefore, overrideability as well as the possibility for the driver to switch systems off ensure that the driver's will is put forth.

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<sup>1</sup> The UN Regulations annexed to the "Agreement concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions" done at Geneva on 20 March 1958.

The UN Global Technical Regulations developed in the framework of the "Agreement concerning the establishing of global technical regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles" done at Geneva on 25 June 1998.

5. Nevertheless there may be such vehicle systems which do – temporarily or constantly – not allow for overriding their interventions at any time or for switching them off completely, e.g. brake assist, a system which supports the driver in an emergency brake situation by applying – in case of an emergency braking manoeuvre – the maximum braking deceleration. Such system design may be rooted in the fact that a driver might not show appropriate actions or reactions in a potentially dangerous driving situation leading to the effect that the vehicle system would be prevented from deploying its full benefit for road traffic safety. Moreover, dangerous driving situations are imaginable which the driver might even aggravate by trying to override a vehicle system's intervention (e.g. by overriding / aborting an emergency braking intervention or by overriding / aborting an emergency swerving intervention). Such vehicle systems – even though they may possibly be not overrideable at any time or even though they may not be switched off completely – may help the driver to maintain his vehicle under control in dangerous driving situations. Therefore vehicle systems shall be deemed to be in conformity with the principles mentioned in Art. 8 [paragraphs 1 and] 5 and Art. 13 paragraph 1 of the Vienna Convention on Road Traffic (1968) if they are in conformity with the conditions of construction, fitting and utilization according to international legal instruments concerning wheeled vehicles, equipment and parts, in particular the regulations annexed to the Geneva Agreements of 1958 and 1998.

6. The driver's obligation to monitor and control any kind of action taken by a vehicle system is addressed by the guiding principle underlying all road traffic rules. The systems are not designed to overrule decisions taken by sane, accountable drivers.

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