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Convention on Road Traffic (1949)

### **Consistency between the Convention on Road Traffic (1949) and Vehicle Technical Regulations**

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

1. This document proposes amendments (indicated in bold text) to the 1949 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 1968 Convention on Road Traffic and to the Annex of the 1971 European Supplement to the 1968 Convention on Road Traffic.

## I. Convention on Road Traffic of 19 September 1949

### Article 8

1. Every vehicle or combination of vehicles proceeding as a unit shall have a driver.
2. Draught, pack or saddle animals shall have a driver, and cattle shall be accompanied, except in special areas which shall be marked at the points of entry.
3. Convoys of vehicles and animals shall have the number of drivers prescribed by domestic regulations.
4. Convoys shall, if necessary, be divided into sections of moderate length, and be sufficiently spaced out for the convenience of traffic. This provision does not apply to regions where migration of nomads occurs.
5. Drivers shall at all times be able to control their vehicle or guide their animals. When approaching other road users, they shall take such precautions as may be required for the safety of the latter.
  - (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 10, 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>1</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 10, when such systems can be overridden or switched off by the driver.**

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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.

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

1. Drivers' 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 their 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.
  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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