

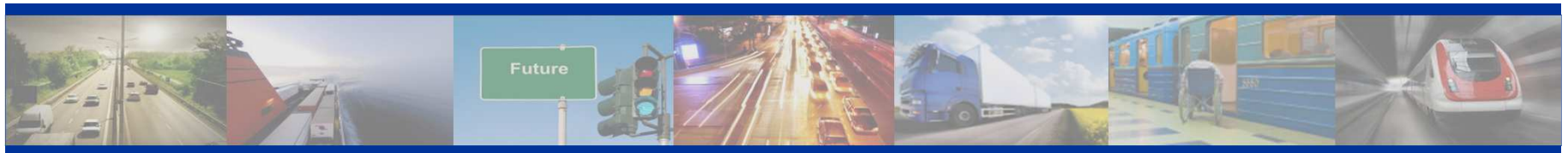


United Nations Economic Commission for Europe

Transport Division

Consistency between the 1968 Convention on Road Traffic and Vehicle Technical Regulations ECE/TRANS/WP.1/2014/1: some issues to be considered

Prepared by the secretariat
24 March 2014, Geneva





UNITED NATIONS

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 driver⁸.
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 animals⁹.

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 vehicles¹¹.

(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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⁸ See also Point 7 of the Annex of the European Agreement.

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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.

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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 vehicles¹. Vehicles that are in conformity with the aforementioned conditions are deemed to be in conformity with this Annex.

3.3. 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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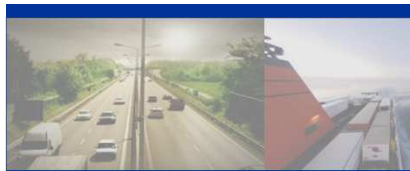
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1958 Vehicle Regulations Agreement

- **48 Contracting Parties**
- **Obligation for mutual recognition of type approvals**
- **International Whole Vehicle Type Approval (as of March 2016)**

- **Regulations annexed to the 1958 Agreement**
- **132 Regulations**
- **No obligation to apply Regulations**
- **Decisions by two-thirds (proposal: majority)**

- **72 CPs (1968) and 95 CPs (1949)**





UNITED NATIONS

ECE/TRANS/WP.1/2014/1: some issues

- Proposal does involve an intergovernmental agreement, but not all 1968 Convention CPs (no participation in decision making, no notifications)
- Allows the 1958 Agreement to automatically integrate any new technology (eg., hands off, feet off or those that require no monitoring) into the 1968 Convention (except driverless)
- No apparent intention to place the limit on «driver's monitoring with instantaneous taking back control»
- When «1958 regulations» for high autonomy vehicles capable of operating autonomously for portions of the trip (driver warned to take the control back) and full autonomy vehicles (no human intervention, but switch on/off) are developed...
- The 1968 Convention likely untenable, unusable (eg., driver behaviour provisions)





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1998 Vehicle Regulations Agreement

- **33 Contracting Parties**
- **Does not contain provisions for mutual recognition of type approvals**
- **14 Global Technical Regulations**
- **A GTR must be introduced in the national legislation of Contracting Parties to apply**
- **Decisions: consensus of present and voting, 50% quorum**





ECE/TRANS/WP.1/2014/1: some issues

- **Similar impacts as in 1958 Agreement**
- **International law: no involvement by all 1968 Convention CPs (no participation in decision making, no notifications)**
- **An open-ended provision: allows for any new technology developed under the 1998 Agreement (except driverless) to be automatically transposed in the 1968 Convention**
- **Will likely make the 1968 Convention untenable/ineffective**





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Admission into international traffic (1968 Convention)

- **Article 39: ...shall satisfy the provisions of Annex 5**
- **Annex 5: sets minimum technical conditions**
- **Annex 5: vehicles in international traffic must meet the technical requirements in the country of first registration (mutual recognition)**
- **Proposed new para 2, Annex 5: explicit, open-ended expansion of Annex 5 by regulations of 1958 and 1998 Agreements**
- **Outcome: 1968 CPs not applying the 1958/1998 regulations obliged to admit the vehicles which are so equipped (incl. acceptance of the resulting driver behaviour)**





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Proposed Article 8 para 5

(b)

- Does not involve any intergovernmental agreement; developed solely by a vehicle manufacturer?
- An open-ended provision; High autonomy vehicles (driver warned to take the control back) and full autonomy vehicles (no human intervention) – capable of being overridden and switched off
- Negative impact on the 1968 Convention
- Internal consistency of the proposal:
- Proposed new para 2, Annex 5: expansion of Annex 5 by regulations under 1958 and 1998 Agreements
- Article 8, 5(b) vehicles not to be admitted in international traffic?

