

1968 Vienna Convention on Road Traffic

OICA proposal for WP.1 and WP.29 consideration

I. Proposal

Article 8, Paragraph 5, amend to read:

- “5. Every driver shall at all times be able to control his vehicle or to guide his animals.
The use of driver assistance systems which may influence the way the vehicle is driven shall not be considered contrary to the principles mentioned in paragraph 1 and 5 of this Article and paragraph 1 of Article 13, when:
- a) **they operate in case of emergency when the driver has lost or is about to lose control of the vehicle,**
 - b) **or whenever the intervention of these systems is consistent with the operations of the motor vehicle as expected by the driver,**
 - c) **or whenever these systems can be overridden or switched off,**
 - d) **or whenever these systems are certified in accordance with national or international legislation.”**

II. Justification

As specified by the title and the preamble of the 1968 Vienna Convention on Road Traffic, done at Vienna on 8 November 1968, the goal is to facilitate international road traffic and to increase road safety through the adoption of uniform traffic rules.

The requirement that "every driver shall at all times be able to control his vehicle" (and even "to guide his animals") has recently given rise to discussions regarding the compatibility with the Convention of modern driver assistance systems increasingly present in modern technology road vehicles.

OICA has always understood the Vienna Convention as being the cornerstone for internationally harmonized road traffic rules, but without the ambition to regulate vehicle technology (except for some minimum technical rules to be respected by vehicles in use e.g. in cross-border traffic). OICA believes that the requirements in Article 8, and particularly its paragraph 5, have to be seen in this context. This view is also shared by eminent lawyers, such as Prof. Dr. iur. B. Kempen, lawyer and professor of constitutional law, international law and international public law at the university of Cologne and president of the Association of German Universities ("Deutscher Hochschulverband"). In a 2007 presentation, Prof. Kempen pointed out that Articles 8 and 13 are part of Chapter II on "Rules of the Road", i.e. the rules to be respected by road users. Conditions for the admission of motor vehicles and trailers to international traffic are contained in the separate Chapter III and in Annex 5.

OICA consequently is and remains convinced that the presence and use of modern driver assistance systems in no way contradict the requirements of the 1968 Vienna Convention. OICA however understands that the advent of new technologies may create some questions and agrees that some clarification may be necessary. OICA therefore offers the above proposal which is expected to preserve the spirit of the Convention, without hindering technical progress towards improved road safety, environment protection and driver comfort.

The OICA proposal clearly focuses on the use of driver assistance systems under certain conditions, rather than on the detailed technical details of these systems. In this respect, it should be stressed that many safety and driver assistance systems are fitted since quite some time, and have been fitted well before the technical specifications were regulated at national or international level. Examples are Anti-lock Braking Systems or Electronic Stability Control systems, with which many vehicles are equipped since many years. These systems can be considered as performing tasks outside the driver control (e.g. ESC brakes single wheels, a task that is not possible for a human driver; ESC therefore goes beyond the standard driver operations). The safety benefits that such systems have brought since their widespread introduction in the different markets are undisputable.

In many countries world-wide, public policies call for further clear improvements of road safety and reductions of the fatalities and injuries in road accidents. OICA fully shares this goal and is convinced that new technologies systems can largely contribute to that goal by reducing the severity of accidents and even in some cases eliminate road accidents.

All efforts should therefore be made to facilitate the widespread availability of new technologies which are aimed at improving road safety, increasing driver comfort, and reducing environmental impact of road traffic. In this respect, all measures that could result in preventing or at least hindering technical progress should be avoided.

The OICA proposal is consequently focused on some basic considerations, i.e.:

- 1) The goals of the Vienna 1968 Convention on Road Traffic need to be respected, i.e. facilitate international road traffic and adopt uniform traffic rules to increase road safety
- 2) Article 8 of the Vienna Convention consequently should remain focused on the user/driver and not on the minimum technical specifications of the vehicles in cross-border traffic, which are the subject of Annex 5.
- 3) Some safeguards may need to be included, recognizing that, for the use of driver assistance systems to be allowed, at least one of the following minimum conditions has to be respected, i.e.:
 - a. The system operates in emergency situations, or
 - b. The system operates in a manner that does not unduly surprise the driver, or
 - c. The driver can regain full control whenever needed (by overriding or switching off the system), or
 - d. The system is certified in accordance of existing legislation.

OICA is firmly convinced that the above proposal paves the way towards further improvements in road safety and will enable the further spread of life-saving technologies.