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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on Road Traffic Safety

(Forty-seventh session, 12-15 September 2005,
agenda item 4)

**AMENDMENTS TO AND IMPLEMENTATION OF THE 1968 CONVENTIONS
ON ROAD TRAFFIC AND ON ROAD SIGNS AND SIGNALS AND THE
1971 EUROPEAN AGREEMENTS SUPPLEMENTING THEM
OTHER BUSINESS**

Report on the Meeting of Legal Experts (2-3 May 2005)

Note by the secretariat

I. Participation

1. The WP.1 Ad hoc Group of Legal Experts met on 2-3 May 2005 in Geneva under the chairmanship of Mr. G. Hoel (Norway). Mr. P. Päßgen (Germany), Mr. B. Périsset (Switzerland and Chairman of WP.1), Mr. N. Rogers (IMMA) and the secretariat participated. Mr. G. Heintz (Luxembourg), Mr. A.Y. Yakimov (Russian Federation) and Mr. P. Friedli (Switzerland) were unable to attend.

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.

3. The proposed new systems are the automatic activation of the hazard warning signal and indication of emergency braking, and vehicle degradation systems (VDS), which, after activation, prevent or restrict a vehicle being driven away.

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.

b) Vehicle degradation systems (VDS)

8. A member of the secretariat of WP.29 explained that the proposed vehicle degradation system (VDS) was primarily to improve the security of transport and should only be activated and deactivated by the police. It could also be used as an anti-theft device. Common application of the system would have to be discussed by an international police organization such as Interpol or on a national basis. Once activated, the system is operative once the vehicle has been stopped and the ignition switched off for a number of minutes (10 minutes has been proposed). The degraded vehicle may then only be operated at a maximum speed of 20 km/h (proposed) and there would be a visual warning signal consisting of the simultaneous flashing of all direction-indicator lamps.

9. Allowing the possibility to operate the vehicle at a low speed of 20 km/h after the VDS has been activated is so that the vehicle can be moved if it is obstructing road traffic or posing a danger for road safety. The Group of Legal Experts questioned whether 20 km/h was sufficient to ensure compliance with the provisions of Articles 8 and 13 of the Vienna Convention. One expert argued that choice of speed was essential for true control of a vehicle

while others felt that speed was an element of performance and not control. The questions of minimum speed limits on motorways as well as the safety implications of the activation of VDS on sensitive infrastructures such as tunnels and bridges were also raised.

10. Comments on document TRANS/WP.1/2005/11 transmitted by the Legal Expert from the Russian Federation were only received during the meeting and time did not allow them to be considered. They are annexed to the present report in Annex 2.

c) Conclusion

11. In so far as the driver may, despite the restricted speed, still exercise control over key functions of the vehicle such as braking and turning, a majority of the Group of Legal Experts considered that there was not a legal problem with the proposal. Independently of this question, the Group of Legal Experts agreed that WP.1 should also discuss the safety implications of the proposed system. It was also important to know about the proposed administrative procedures by the police for activation/deactivation of VDS before approving it.

III. Transport of dangerous goods in tunnels

12. At its 46th session, the Working Party examined a proposal made by the United Kingdom concerning signs for the transport of dangerous goods through tunnels (TRANS/WP.1/2005/10). It requested the Legal Group to discuss the proposal and in particular its consistency with the Vienna Convention on Road Signs and Signals and the European Agreement supplementing it and the Consolidated Resolution on Road Signs and Signals (R.E.2) and to report back to the 47th session of WP.1.

13. The secretariat of WP.15 explained that the first part of the proposal involved the use of an additional panel with the letters B, C or D with sign C,3h (No Entry for Vehicles Carrying Dangerous Goods for which Special Sign Plating is Prescribed). Because the proposed amendments by WP.15 had not been ready in time for the recent package of amendments to the Vienna Convention on Road Signs and Signals, it was proposed that they be added to R.E.2 while awaiting the next package of amendments to the Conventions.

14. It was important for WP.15 to know the opinion of WP.1 because the intention was to add the new classification (A, B, C, D, E) of dangerous goods for tunnels to the next version of the ADR to be issued in 2007. If WP.1 did not agree to make this system obligatory by eventually adding it to the Convention, the work of WP.15 would be in vain. The new interpretation of sign C, 3n which appeared in TRANS/WP.1/2005/10 was withdrawn.

15. It was pointed out that the existing provisions in R.E.2 concerning sign C, 3h are no longer correct since they were written at a time when the ADR only applied to international transport and not domestic transport of dangerous goods.

16. The Group of Legal Experts recommended that WP.1 adopt the text which appears in the Annex to this document for inclusion in R.E.2 pending the next series of amendments to

the Vienna Conventions and European Agreements. Comments on the Russian text received from Mr. Yakimov would be forwarded to the translators.¹

IV. 1949 driving permits

17. At its 46th session, the Russian Federation presented on behalf of the small group on 1949 Convention driving permits (Portugal, Spain, Russian Federation, IMMA, under the chairmanship of the Russian Federation) proposals for modifications to the 1949 Convention (TRANS/WP.1/2005/5). WP.1 agreed that because of the non-availability of the document and time constraints it would be useful for the Legal Group to discuss this issue.

18. The Group of Legal Experts considered possibilities for addressing the problems created by the different provisions for driving permits, both domestic and international, in the 1949 and 1968 Road Traffic Conventions. The problems included, *inter alia*, the fraudulent issuance of IDPs, the lack of mutual recognition of 1949 and 1968 domestic permits, the fact that the 1949 Convention does not even require a domestic permit and the different definitions of categories of vehicles in the two Conventions.

19. The Group of Legal Experts agreed that it was important to find solutions so that at the least 1949 Contracting Parties would all require drivers to hold a domestic driving permit, that 1949 IDPs only be accepted when presented with a domestic permit and that the authorities of 1949 Contracting Parties recognise 1968 permits and vice versa.

20. A number of means to achieve this were considered. One possibility was to amend the 1949 Convention as proposed in TRANS/WP.1/2005/5 so that it is fully aligned with the permit provisions of the 1968 Convention. A second possibility is to introduce a few small amendments into the 1949 Convention which would require the presentation of a domestic permit at the same time as an IDP and the recognition of 1968 permits. A third possibility might be to amend the 1968 Convention to allow Contracting Parties to require the presentation of a domestic driving permit at the same time as an IDP issued on the basis of the 1949 Convention. It was pointed out, however, that this would not be legally binding for Parties to the 1949 Convention.

21. A fourth possibility would be for WP.1 to adopt a resolution calling for Contracting Parties to the two Conventions to recognise each others' permits and recommending that 1949 Contracting Parties require the presentation of a domestic permit at the same time as an IDP. This might subsequently be adopted by the Inland Transport Committee and perhaps also by a higher body in the UN hierarchy since it is not a problem restricted to the UNECE region. It could also be added to R.E.1 which is to be disseminated throughout the world as a good practice guide in the area of road safety.

22. The Group of Legal Experts agreed that before deciding on one of the courses of action identified above, this matter should be further discussed by WP.1. It recommended that the secretariat awaits further replies to the questionnaire sent to Contracting Parties to the 1949 Convention in August 2004 (a reminder was sent through the other regional commissions

¹ Following the meeting of the Group of Legal Experts, the secretariat was informed that WP.15 intends to modify its proposal as concerns the classification for tunnels. Therefore, it is recommended that any further discussion awaits the new proposal.

earlier this year). In addition, it recommended that a very specific questionnaire be drawn up to ask 1949 Contracting Parties which option they would prefer. The questionnaire should include a question on acceptance of 1968 permits by Parties to the 1949 Convention.

V. Definitions of mopeds and motorcycles

23. The Group of Legal Experts recalled the earlier work of WP.1 aimed at bringing the definitions used in the Vienna Convention and the European Agreement closer to those used in Directive 92/61/EEC (later replaced by Directive 2002/24/EC) as amended by the European Union and at adding definitions of tricycles and quadricycles. The Group was informed that discussions are underway in the EU on whether to realign its vehicle definitions to a certain extent with the definitions provided in the Convention.

24. The Group of Legal Experts found it necessary to consider the definitions independently of the results of the EU's contemplations. It also decided that the issue of definitions still required further work by the Group before WP.1 could be asked to take it up. It accepted the offer of Dr. Rogers of IMMA to prepare new draft definitions in light of the discussions by the Group and decided to also consider the document on consequential changes to the Conventions at its next meeting.

VI. Other issues

25. The Legal Group examined the questionnaire on overtaking prepared by the small group on overtaking (TRANS/WP.1/2005/3) and proposed some revisions to the text, which appear in the version sent to members of WP.1.26. The Legal Group also reviewed Rule 1 on "Participation" in the draft Rules of Procedure of WP.1 contained in document TRANS/WP.1/2004/8/Rev.1 in light of the decision by the Economic Commission for Europe at its 68th session in February 2005, which encourages non-UNECE member countries that are Contracting Parties to the Vienna Conventions to participate in WP.1 but does not agree to give them voting rights. The secretariat will prepare a new version of the document for the 47th session of WP.1 taking into account the ECE's position and reflecting the changes proposed by the Group of Legal Experts.

Annex 1

Road signs for the carriage of dangerous goods particularly in tunnels

For sign C, 3^h



C, 3^h

“NO ENTRY FOR VEHICLES CARRYING DANGEROUS GOODS FOR WHICH SPECIAL SIGN PLATING IS PRESCRIBED”

This sign ~~should~~ may be used without an additional panel to prohibit the entry of **all** vehicles defined in Article 1 (a) of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) carrying dangerous goods defined in Article 1 (b) of ADR for which orange-coloured plates according to section 5.3.2 of Annex B of ADR for marking of vehicles are required on the vehicles.

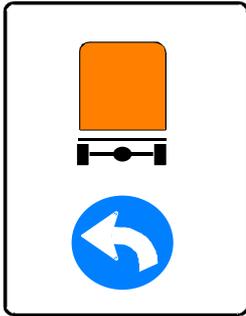
For prohibitions related to specific dangerous goods, prohibitions restricted to certain periods (e.g. peak hours) or those restricted to transit, the sign should be used with an additional panel specifying the prohibition.

In tunnels, prohibitions of specific dangerous goods should be indicated as follows:
~~For prohibitions restricting the carriage of dangerous goods in tunnels, the sign should be used as follows:-~~

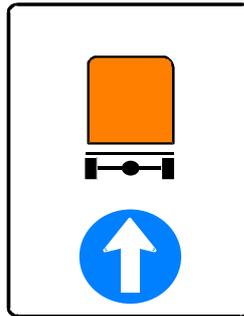
- **Sign C, 3^h** with an additional panel bearing letter B: No entry for vehicles carrying dangerous goods presenting a very large explosion risk (Grouping B, tunnel codes B, B1000 or B1 according to 2.4 of Annex A of ADR), for which the orange-coloured plate marking according to 5.3.2 of Annex B of ADR is required;
- **Sign C, 3^h** with an additional panel bearing letter C: No entry for vehicles carrying dangerous goods presenting a very large or large explosion risk or a risk of large toxic release (Groupings B and C, tunnel codes B, B1000, B1, C, C5000 or C1 according to 2.4 of Annex A of ADR), for which the orange-coloured plate marking according to 5.3.2 of Annex B of ADR is required;
- **Sign C, 3^h** with an additional panel bearing letter D: No entry for vehicles carrying dangerous goods presenting a very large or large explosion risk, or a risk of large toxic release or a large fire risk (Groupings B, C and D, tunnel codes B, B1000, B1, C, C5000, C1, D or D1 according to 2.4 of Annex A of ADR), for which the orange-coloured plate marking according to 5.3.2 of Annex B of ADR is required;

- **Sign C, 3h** with no additional panel: No entry for vehicles carrying any type of dangerous goods, except class 6.2, UN No 3291, for which the orange-coloured plate marking according to 5.3.2 of Annex B of ADR is required.

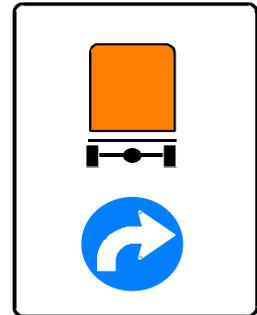
For signs D, 10^a, b and c



D,10^a



D,10^b



D,10^c

“DIRECTIONS IN WHICH VEHICLES CARRYING DANGEROUS GOODS SHALL PROCEED”

This sign should ~~may~~ be used without an additional panel to **indicate** ~~prescribe~~ a **mandatory** direction for **all** vehicles defined in Article 1(a) of ADR carrying dangerous goods defined in Article 1(b) of ADR for which orange-coloured plates according to section 5.3.2 of Annex B of ADR are required on the vehicle.

For **mandatory** ~~compulsory~~ directions related to specific dangerous goods, or during certain periods (e.g. peak hours), or for transit, the sign should be used with an additional panel specifying the obligation in the same manner as prohibitions are specified when sign C, 3 h is used.

Annex 2

Remarks and proposals regarding document TRANS/WP.1/2005/11 transmitted to the Group of Legal Experts by the Expert from the Russian Federation

Ad item 1.2 Emergency braking indication

The proposal of WP.29 to use the emergency stop signal in the form of the stop lamps activated under certain conditions (the vehicle speed is higher than 50 km/h, deceleration of the vehicle speed is more than 7 m/s² or ABC is activated) may be supported in general. But it seems desirable to test this system experimentally and to make a final decision based on the results of such tests.

In case of a positive decision it would be necessary to amend Annex 5, chapter II, para. 42 of the Convention on Road Traffic accordingly.

Ad item 1.3 Hazard warning signal

This proposal provides conditions for the automated activation of the hazard warning signal. But it is unclear what is meant by "... the conditions for the activation of the emergency stop signal have been achieved". It is necessary to specify what those conditions are.

At the same time, para. 13 of Article 32 of the Convention on Road Traffic should define the conditions when the warning signal "may be activated".

Ad item 2. Vehicle Degradation System (VDS)

The proposals may be supported but this measure may be considered as a facultative one in the framework of UN ECE Rule 97.

It is recommended to make the provisions of item 2 more concrete (concerning vehicles with different engine types). Realization of the provisions for vehicles with a carburetor engine would be problematic.

At the same time it would seem desirable to discuss the possibility of amending Article 8, para. 5 of the Convention on Road Traffic by excluding the general rule, which this paragraph contains now.
