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CONVENTION ON ROAD TRAFFIC, 1968

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

Transmitted by the Governments of France and Germany

1. The Working Party on Road Traffic Safety (WP.1) at its fifty-eighth session had a long debate on the consistency between the Convention on Road Traffic, 1968, and the vehicle technical regulations.
2. WP.1 requested delegates to offer assistance to the secretariat to find an appropriate definition that would amend Article 3.3 of the Convention, and to send relevant additional documents on this subject for consideration by the next session of WP.1 (ECE/TRANS/WP.1/125, paras. 43 and 44).
3. The delegations of France and Germany have subsequently transmitted the present position paper, on document ECE/TRANS/WP.1/2009/2 concerning the correlation between the Vienna Convention on Road Traffic (1968) and the vehicle technical regulations on the basis of the Agreement of 20 March 1958 concerning the Adoption of Uniform Conditions of Approval and Reciprocal Recognition of Approval for Motor Vehicle Equipment and Parts which is submitted with a minimum of editing. The Working Party is expected to consider it and possibly decide on the next steps towards ensuring consistency between the Convention on Road Traffic, 1968, and the vehicle technical regulations.

Introduction

1. The purpose of this position paper is to suggest a proposal on how to ensure the consistency between the Convention on road traffic, 1968, and the vehicle technical regulations (ECE-regulations). As discussed during the last WP. 1 meeting in Geneva in September 2009 and laid down in document ECE/TRANS/WP.1/2009/2, there are some inconsistencies between technical regulations adopted by WP. 29 and the Convention of Vienna on Road Traffic managed by WP 1.
2. During the last WP. 1 meeting, mainly two proposals were discussed to solve this problem:
 - (a) Text passages of the Convention on Road Traffic, which no longer comply with the UNECE regulations, should be adapted as regards their contents;
 - (b) For the future, an automatic adjustment clause was proposed. According to document ECE/TRANS/WP.1/2009/2, it was suggested to amend Article 3 of the Convention. The amendment should lay down that vehicles that have been type-approved in conformity with the Regulations of 20 March 1958 shall be deemed to be in conformity with the object of the Vienna Convention on Road Traffic.
3. All delegations supported proposal (a) but concerning proposal (b) some delegations (Germany and France namely) raised concerns that such a general rule (automatic adjustment clause) will go too far and therefore was not acceptable because it contravenes the principles of Article 8 of the Convention: “Every moving vehicle or combination of vehicles shall have a driver”, also “Every driver shall at all times be able to control his vehicle”.
4. The approval of such a general rule proposed during the WP. 1 meeting could have led to abnormal situations like the following one: if driver assistance systems are type-approved by the World Forum for Harmonization of Vehicle Regulations (WP. 29) and if those systems override the driver in control of the vehicle, they would have been nevertheless considered in conformity with the Vienna Convention, which is unacceptable.

I. Driver assistance systems and controllability of the vehicle by the driver

5. As a consequence of Articles 8 and 13 of the Convention on Road Traffic, Driver Assistance Systems (DAS) shall be designed in a way that allows the driver to fully control the vehicle. There are different ways to ensure the controllability:
 - (a) Some systems have only the task to optimize the functional processes, but the process itself is initiated by the driver (e.g. Automatic emergency brake system (ABS));
 - (b) Some systems only inform the driver visually for instance and then it is up to him to exploit this information in handling the vehicle in accordance with the information (e.g. in-vehicle information about dangers, speed alert);

- (c) Some systems intervene in driving, but the intervention can be overridden anytime by the driver (even with the option of switching off the system, e.g. cruise-control, lane departure warning);
- (d) Some systems cannot be overridden, but some of them do not question the controllability of the vehicle by the driver, at least not more than the functional limits of the vehicle engine (e.g. speed limiting device);
- (e) Some systems really intervene and can be understood as overriding the action of the driver, e.g. Electronic stability control (ESC) and Automatic emergency brake system (ABS). The purpose of these systems is to control the vehicle in emergency conditions when the driver is no longer in a condition to fulfil his duty because very rapid adequate actions are needed. These systems may be accepted provided that:
 - (i) They are in line with the wish of the driver;
 - (ii) They intervene as a last moment option, when the driver is no longer in capacity to fulfil his duty.

6. In cases (a) and (b), the driver fully controls the vehicle. In cases (c) and (d), the systems can be overridden by the driver or can be compared to the functional limits of the vehicle itself; they do not significantly diminish the principle of controllability of the vehicle by the driver. In case (e), some systems can hinder the driver from controlling his vehicle if designed to intervene in a too early stage.

II. Conclusions

7. Today all DAS which are part of a type approval respect the principle of controllability. Moreover only rare driver assistance systems at all in the future seem to be questionable regarding the controllability of the vehicle by the driver. It is estimated that nearly all future technical regulations that become the subject of UNECE technical regulations do not contravene the principles of the Vienna Convention dealing with the controllability of the vehicle by the driver.

8. Nevertheless a few of them may raise the question and need to be known by WP. 1 and assessed in relation to Articles 8 and 13 of the Vienna Convention.

9. This process supposes that the knowledge of the existence of new DAS should be shared between WP. 29 and WP. 1 as soon as possible, that means at the beginning of the discussions during WP. 29 sessions and not at the end, when the systems have already been adopted as new technical UNECE-Regulations.

10. Finally, it is up to the members of WP. 1 to advise WP. 29 on a case-by-case basis on the conditions necessary to ensure that the principle of controllability is observed. As long as there is no objection in principle, it is suggested that the Vienna Convention be amended as frequently as needed based on the evolution of the technical regulations.

III. Suggestions

11. Text passages of the Convention on Road Traffic, which no longer comply with the UNECE regulations, should be adapted as regards their contents (as proposed in document ECE/TRANS/WP.1/2009/2, added by WP. 29).

12. Regular update of detailed technical provisions (especially annex V) of the Convention on Road Traffic if there appears a contradiction to a new or amended UNECE-regulation.

13. Close cooperation between WP. 1 and WP .29 in case if WP. 29 starts discussions about a system which may raise the question of controllability of the vehicle (especially intervening DAS) at an early stage.

14. No amendment of Art. 3 of the Convention on Road Traffic as proposed in document ECE/TRANS/WP.1/2009/2.
