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INLAND TRANSPORT COMMITTEE

Working Party on Road Traffic Safety

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Item 5 of the provisional agenda

This document is submitted by an informal group of experts from France, Germany, the Russian Federation and Spain to ensure a continuous consistency between the 1968 Vienna Convention on Road Traffic and vehicle regulations developed by the World Forum for Harmonization of Vehicle Regulations (WP. 29). To ensure the consistency, the expert group has examined ECE/TRANS/WP.1/2009/2/Rev. 1 and ECE/TRANS/WP.1/2009/2/Rev.1/Corr.1. The present informal document takes into account different opinions laid down in these two documents and suggests solutions.

**Proposal for a modification of the Vienna Convention
regarding inconsistencies between the Convention and
the technical Regulations on vehicles**

This proposal is the result of the small group of experts from France, Germany, the Russian Federation and Spain to ensure a continuous consistency between the Vienna Convention on Road Traffic of 1968 and the vehicle technical regulations developed by the World Forum for Harmonization of Vehicle Regulations (WP. 29). The group has examined the documents ECE/TRANS/WP.1/2009/2/Rev. 1 and ECE/TRANS/WP.1/2009/2/Rev.1/Corr.1. The present document is a compromise which takes into consideration all the different opinions which were laid down in those documents and the comments of experts.

Part 1 of the present document deals with the idea of including a definition of Driver Assistance Systems (DAS) in the Vienna Convention on Road Traffic of 1968 and of describing what kind of DAS are consistent with the relevant principles of the Vienna Convention. The proposed definition underlines the aspect that DAS assist the driver and do not replace him. Moreover it underlines the important aspect that DAS may have a positive effect for the prevention of road accidents. The core element of the amendment is the amendment of Annex 5. It will ensure that in the future there will not be any dispute concerning the question as to whether a DAS which has been type approved complies with the principles of the Convention or not. According to the proposal the rule will be: Once a system has been type approved according to an ECE regulation it is accepted under the Convention as well. At the same time the proposed Art. 13 paragraph 1a will establish criteria which ensure that the driver will have full control over the vehicle. These criteria have to be observed when it comes to establishing rules for the design of a given DAS.

Part 2 of the present document deals with amendments of detailed technical regulations in the Vienna Convention on Road Traffic of 1968 (e.g. braking). Here the inconsistency was obvious.

This document does not deal with the variety of detailed amendments concerning vehicle lighting proposed in the document ECE/TRANS/WP.1/2009/2/Rev. 1. Technical requirements in the above mentioned document concerning vehicle lighting were revised by a working group under WP. 29 and can be found in the document ECE/TRANS/WP.

29/2011/47. This proposal is on the agenda of WP. 29 in March 2011. It is expected that the decisions of WP. 29 will then be forwarded to WP. 1.

Part 1: Inconsistencies in general

Article 1 (Definitions)

A new subparagraph (bb) is added, it has to be read:

“(bb) “Driving assistance system” means a built-in system intended to help the driver in performing his driving task and which have an influence on the way the vehicle is driven, especially aimed at the prevention of road accidents.”

Article 13 (speed and distance between vehicles)

A new paragraph 1a is added; it has to be read:

“1a. Driving assistance systems shall not be considered contrary to the principles mentioned in paragraph 1 of this Article and mentioned in paragraphs 1 and 5 of Article 8 as well, provided that:

- either these systems are overridable at any time or can be switched off,
- or they only optimise at technical level some functions which operating depends only on the driver,
- or they operate in case of emergency when the driver lost or is about to lose the control of the vehicle
- or the intervention of these systems is identical with a usual property of a motor vehicle (e. g. speed limiting device).”.

Annex 5 (Technical provisions regarding vehicles and trailers)

Annex 5 is completed by paragraph 1.a as follows:

« 1a. Vehicles, their systems, parts and equipment that have been type approved in conformity with the 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, including the Amendments, are deemed to be in conformity with the Annex, provided that the above mentioned Regulations are not contrary to the principles defined in paragraph 1a of Article 13 of the Convention».

Part 2: Inconsistencies in detail

Article 1 (Definitions)

Subparagraph (u) is amended as follows:

“Articulated vehicle” means:

- **A combination of vehicles comprising either a motor vehicle and a semi-trailer coupled to the motor vehicle, provided that no transport of persons is operated in the semi-trailer,**
- **or a vehicle which consists of two or more rigid sections which articulate relative to one another; the passenger compartments of each section intercommunicate so that passengers can move freely between them; the rigid sections are permanently connected so that they can only be separated by an operation involving facilities which are normally only found in a workshop.».**

Annex 1 to the Convention

Paragraph 2

- In *subparagraph (a)* the word “indicators” has to be replaced by the word “**monitoring systems**”.
- *Subparagraph (c) is amended as follows:*
 - « (c) **Rear view mirrors / devices for indirect vision** so designed as to yield **backwards** under moderate pressure so that they no longer project beyond the permissible maximum width».

Annex 5 (Technical provisions regarding vehicles and trailers)

Chapter I, Section D

- *In chapter I, D (Braking of motorcycles), paragraph 18, a new subparagraph (b) is added:*
 - (b) as an alternative to the provisions of subparagraph (a) of this paragraph, a motorcycle may be equipped with a brake system that operates the brakes on all wheels, consisting of two or more subsystems actuated by a single control designed so that a single failure in any subsystem (such as a leakage-type failure of a hydraulic subsystem) does not impair the operation of any other subsystem.**

Previous subparagraph (b) becomes subparagraph (c).

Chapter III

- *Chapter III (Other requirements), paragraph 47 is amended as follows:*

47. Every motor vehicle shall be equipped with one or more driving (rear-view) mirrors or other device for indirect vision; the number, dimensions and arrangement of these mirrors shall be such as to enable the driver to see the traffic to the rear of his vehicle.

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