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Convention on Road Traffic (1968):

Consistency between the Convention on Road Traffic (1968) and Vehicle Technical Regulations

Convention on Road Traffic (1968)

Consistency between the Convention on Road Traffic (1968) and Vehicle Technical Regulations

Submitted by the Governments of Belgium, France, Germany, Italy, Russian Federation and Sweden

1. This document proposes amendments (indicated in bold text) to Article 8 and Annex V of the 1968 Convention on Road Traffic to include systems which influence the way vehicles are driven, including driver assistance systems and vehicle automation. It should be noted that there is a parallel and alternative amendment proposal to Annex V for a new paragraph 1bis in ECE/TRANS/WP.1/2011/4/Rev.3.

2. Appendices 1 and 2 introduce similar amendment proposals to the 1949 Convention on Road Traffic and to the Annex of the 1971 European Supplement to the 1968 Convention on Road Traffic. If instructed by WP.1, the secretariat will prepare separate amendment proposals to facilitate discussions on these at a future session of WP.1.

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.

¹⁰

(a) Vehicle systems which influence the way vehicles are driven shall be deemed to be in conformity with paragraph 1 of this Article and with the first sentence of this paragraph and with paragraph 1 of Article 13, when

(i) they are in conformity with the UN 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;

or

(ii) they are in conformity with the UN Global Technical Regulations developed in the framework of the "Agreement concerning the establishing of global technical regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles" done at Geneva on 25 June 1998.

(b) Vehicle systems which influence the way vehicles are driven and are not in conformity with the UN regulations referred to in i) or ii) of this paragraph, shall be deemed to be in conformity with paragraph 1 of this Article and with the first sentence of this paragraph and with paragraph 1 of Article 13, when such systems can be overridden or switched off.

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.

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

⁹ See also Point 7 of the Annex of the European Agreement.

¹⁰ Additional paragraph introduced in the Annex of the European Agreement (see Point 7).

Annex 5

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.

2. Vehicles may be fitted with systems, parts and equipment that are 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 thereto as well as with systems, parts and equipment that are in conformity with the regulations of the “Agreement Concerning the Establishing of Global Technical Regulations for Wheeled Vehicles, Equipment and Parts which can be Fitted and/or be Used on Wheeled Vehicles”, done at Geneva on 25 June 1998. Vehicles that are in conformity with the aforementioned regulations are deemed to be in conformity with this Annex.

3. For the purposes of this Annex, the term “trailer” applies only to a trailer designed to be coupled to a motor vehicle.

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.

Appendix 1

Annex of the European Agreement supplementing the 1968 Convention on Road Traffic

Ad Article 8 of the Convention (Drivers)

Paragraph 2

This paragraph shall be read as follows:

“Domestic legislation must provide that pack, draught or saddle animals, and, except in such special areas as may be marked at their entrances, cattle, singly or in herds, or flocks, shall have a driver able to guide the animals at all times.”

Paragraph 5

This paragraph shall be read as follows:

“Every driver shall have his vehicle under control so as to be able to exercise due and proper care at all times. He shall be acquainted with the road traffic and safety regulations, and be aware of the factors which may affect his behaviour such as fatigue, taking of medication and driving under the influence of alcohol and drugs.”

(a) Vehicle systems which influence the way vehicles are driven shall be deemed to be in conformity with paragraph 1 of this Article and with the first sentence of this paragraph and with paragraph 1 of Article 13, when

(i) they are in conformity with the UN 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;

or

(ii) they are in conformity with the UN Global Technical Regulations developed in the framework of the "Agreement concerning the establishing of global technical regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles" done at Geneva on 25 June 1998.

(b) Vehicle systems which influence the way vehicles are driven and are not in conformity with the UN regulations referred to in i) or ii) of this paragraph, shall be deemed to be in conformity with paragraph 1 of this Article and with the first sentence of this paragraph and with paragraph 1 of Article 13, when such systems can be overridden or switched off.

Additional paragraph to be inserted immediately after paragraph 5 of this Article

This paragraph shall be read as follows:

“Domestic legislation shall establish specific provisions concerning driving under the influence of alcohol and determine a legal blood-alcohol level and, if appropriate, a legal breath-alcohol level, incompatible with driving a vehicle. Under domestic legislation, the maximum alcohol level shall in no case exceed 0.50 g per litre of pure alcohol in the blood or 0.25 mg per litre in the air expelled.”

Appendix 2

Convention on Road Traffic of 19 September 1949

Article 8

1. Every vehicle or combination of vehicles proceeding as a unit shall have a driver.
2. Draught, pack or saddle animals shall have a driver, and cattle shall be accompanied, except in special areas which shall be marked at the points of entry.
3. Convoys of vehicles and animals shall have the number of drivers prescribed by domestic regulations.
4. Convoys shall, if necessary, be divided into sections of moderate length, and be sufficiently spaced out for the convenience of traffic. This provision does not apply to regions where migration of nomads occurs.
5. Drivers shall at all time be able to control their vehicle or guide their animals. When approaching other road users, they shall take such precautions as may be required for the safety of the latter.

(a) Vehicle systems which influence the way vehicles are driven shall be deemed to be in conformity with paragraph 1 of this Article and with the first sentence of this paragraph and with Article 10, when

(i) they are in conformity with the UN 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;

Or

(ii) they are in conformity with the UN Global Technical Regulations developed in the framework of the "Agreement concerning the establishing of global technical regulations for wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles" done at Geneva on 25 June 1998.

(b) Vehicle systems which influence the way vehicles are driven and are not in conformity with the UN regulations referred to in i) or ii) of this paragraph, shall be deemed to be in conformity with paragraph 1 of this Article and with the first sentence of this paragraph and with Article 10, when such systems can be overridden or switched off.