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Convention on Road Traffic (1968)

Driving Permits

Submitted by the Experts of Belgium, France, Luxembourg, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Fédération Internationale de l'Automobile and International Standards Organizations

1. At the seventy-fifth session of the Global Forum for Road Traffic Safety (WP.1), the secretariat delivered a presentation summarizing the recent discussions of the group of experts, initially comprised of Belgium, Canada, France, Luxembourg, Russian Federation and United Kingdom of Great Britain and Northern Ireland, Fédération Internationale de l'Automobile (FIA) and International Standards Organizations (ISO). Japan, Spain and United States of America are new additions to the informal group.
2. The presentation included a list of six options related to possible future changes to domestic driving permits (“DDPs”) and international driving permits (“IDPs”) pursuant to the 1968 Convention on Road Traffic (“1968 Convention”).
3. WP.1 invited the informal group, supported by the secretariat, to prepare a document for this session, with background and information on options 1, 2 and 6 as well as a preliminary set of principles to accommodate the international driving permits issued by contracting parties to the 1949 Convention on Road Traffic (“1949 Convention”). The intention was to facilitate discussions at this session, and to reach consensus on a preferred option.
4. Between September and December 2017, the informal group of experts made good progress on the drafting of the requested paper. They also met to discuss and agree on the text submitted in this document (which covers the background, description of the options, and a set of principles to accommodate the international driving permits issued by contracting parties to the 1949 Convention).

5. Further meetings in early 2018 are required to reach consensus on a detailed analysis/table comparison of the options in order to complete this proposal to WP.1. The informal group will submit a formal paper covering all of these components for the September 2018 session in order for WP.1 to make a decision.

I. Background and issues

6. The informal group of experts on driving permits, initially comprised of representatives of France, Luxembourg and ISO, began their work at the request of WP.1 during its sixty-fourth session. The initial request by WP.1 was for the group to propose suitable solutions on the mutual recognition of driving permits issued under the 1968 Convention and the EU third Driving Licence Directive. This work successfully and recently concluded with the creation of a brochure, entitled “International Driving Permit Categories”, which is being translated into the six official United Nations languages at the time of writing.

7. Since the sixty-ninth session of WP.1, the group has been considering broader issues related to DDPs and IDPs. These include the following:

(a) Only a small number of contracting parties are fully compliant with the requirements of Annex 7 of the 1968 Convention relating to IDPs;

(b) A number of 1949 contracting parties are incorrectly issuing IDPs. For example, they are issuing IDPs pursuant to the 1968 Convention when that contracting party is party to the 1949 Convention only;

(c) The model IDP (as prescribed in Annex 10 in the 1949 Convention) has not been updated in the same manner as its corresponding Annex 7 in the 1968 Convention – that is, Annex 10 in the 1949 Convention contains only text without any pictograms; and

(d) The specifications for the mandatory languages into which Model 3 left hand page have to be translated differ:

(i) for the 1968 Convention, they are English, French, Russian and Spanish; and

(ii) for the 1949 Convention, they are the official languages of the UN (i.e. English, French, Russian, Spanish, Arabic and Chinese).

(e) Inconsistent standing/status of IDPs depending on whether it is issued under the 1949 or 1968 Convention. For example:

(i) for the 1968 Convention, the IDP must be accompanied by a valid DDP;¹ and

(ii) for the 1949 Convention, the IDP is a standalone document (ie does not need to be accompanied by a valid DDP).²

8. Besides the inconsistencies in the model DDPs and IDPs issued under the 1949 and 1968 Conventions mentioned above, as a rule, when IDPs are issued by non-governmental

¹ Article 41, paras 2(a)(ii) and 5: “2(a) Contracting Parties shall recognize: ... (ii) any international permit conforming to the provisions of Annex 7 to this Convention, on condition that it is presented with the corresponding domestic driving permit... 5. An international driving permit shall be issued only to the holder of a domestic permit for the issue of which the minimum conditions laid down in this Convention have been fulfilled.”

² Article 24, para 2: “A Contracting State may however require that any driver admitted to its territory shall carry an international driving permit conforming to the model contained in Annex 10, especially in the case of a driver coming from a country where a domestic driving permit is not required or where the domestic permit issued to him does not conform to the model contained in Annex 9.”

bodies, IDPs to date (whether they are issued under the 1949 or 1968 Convention) contain the following identical limitations:

(a) The documents contain no security features and can be easily copied or altered. The lack of security features makes it difficult for law enforcement authorities to detect fraudulent permits from genuine permits;

(b) In most cases, there is no central register or directory of national motor vehicle agency contact details (telephone, email or postal addresses) for the enquiry and exchange of information between national traffic police and licensing authorities to verify the validity of a presented IDP; and

(c) The issue of paper style IDPs under both the 1968 and 1949 Conventions makes it difficult to automatically cancel or suspend an IDP when a driver's DDP has been suspended or cancelled. This is mitigated to some extent under the 1968 Convention.

9. Discussion within the group of the amendment proposals at the seventy-third session relating to DDPs and IDPs in ECE/TRANS/WP.1/2016/2³ and ECE/TRANS/WP.1/2016/3⁴ has raised a further question: are the contracting parties to the 1968 Convention obliged to issue DDPs and IDPs in conformity with Annexes 6⁵ (model DDP) and 7 (model IDP)?

10. While all members of the informal group share the view that an IDP must comply with Annex 7, there is a difference of opinion within the group regarding DDPs. Belgium, Luxembourg and FIA are of the view that contracting parties are not obliged to issue at national level a DDP which complies with Annex 6, while France, the Russian Federation and ISO are of the view that they are obliged to do so. The latter view is shared by the secretariat.⁶

II. Options for the way forward for driving permits under the 1968 Convention

11. The three options described below set out the legal and other practical implications of change for each of those options. A comparison of the wider advantages and disadvantages of each option is contained in a later section.

12. Annex I contains the articles and annexes of the 1968 Convention related to DDPs and IDPs.

Option (a) One driving permit for international and domestic travel

13. Under this option, only one type of driving permit, a DDP compliant with Annex 6, would be issued and used by Contracting Parties to the 1968 Convention. As the 1968 Convention already/currently provides, a DDP would be valid for both domestic and international travel.

³ Prepared by France, Luxembourg and ISO.

⁴ Prepared by FIA.

⁵ Article 43 "Transitional provisions", para 1: "Contracting Parties shall issue domestic driving permits in accordance with the new provisions of Annex 6 at the latest five years after their entry into force...".

⁶ The secretariat's analysis is contained in its presentation on "Driving Permits" at the seventy-fifth session (www.unece.org/fileadmin/DAM/trans/doc/2017/wp1/ECE-TRANS-WP1-SEPT-2017-Presentation-1e.pdf).

14. However, amendments to paragraph 2(a) of article 41, and paragraph 2 of article 43, to delete the references to IDPs would be required. In addition, Annex 7 which contains the model IDP, would be deleted.

15. At the same time, it would be opportune to review the current format of the Annex 6 DDP, and propose such amendments as may be appropriate for modern driving permits.

Option (b) Two alternative forms of driving permits for international and domestic travel: (1) DDPs compliant with Annex 6 and (2) IDPs accompanied by DDPs compliant with Annex 6

16. As is the case with option (a) above, it would be opportune for WP.1 to review the current format of the Annex 6 DDP and the Annex 7 IDP, and to propose such amendments as may be appropriate for modern driving permits.

Option (c) IDPs valid as a standalone document for international travel, with a system of (1) DDPs compliant with Annex 6 valid for international and domestic travel and (2) DDPs (not necessarily compliant with Annex 6) for domestic use only (i.e. three types of driving permits for international and domestic travel, international travel only and domestic travel only)

17. Under this option, there would be three types of driving permits: (1) a DDP compliant with Annex 6 that would be valid for both domestic and international travel; (2) a DDP for domestic use only which would not have to be compliant with Annex 6; and (3) a standalone IDP that is compliant with Annex 7, and which is valid for international travel (i.e. it does not have to be accompanied by a valid DDP).

18. Amendments to paragraph 2 of article 41 to reflect the new status of the IDP (that is, not having to be accompanied by a valid DDP) would be required. As with options (a) and (b) outlined above, it would be opportune to review the current format of the Annex 6 DDP and the Annex 7 IDP, and to propose such amendments as may be appropriate for modern driving permits.

III. Comparison of the options

19. The group of experts recommends the following considerations as potential guiding principles to making a decision on the best option/system for the future:

A. Harmonization

20. In 2006, subparagraph (a) of then paragraph 2 of article 41, which permitted the recognition of “any domestic permit drawn up in their national language or in one of their national languages, or, if not drawn up in such a language, accompanied by a certified translation”, was deleted to simplify/reduce the number of driving permits that could be accepted for international travel.

21. The explanatory memorandum⁷ explained that this was to “favour the implementation of harmonized procedures for the international recognition of permits” and “to reinforce the rules relating to the presentation of the international driving permit, in view of the increasing evidence that international permits are more and more frequently fraudulently issued, particularly by means of the Internet”.

⁷ TRANS/WP.1/2003/1/Rev.4 of 23 April 2004.

22. Given that the security limitations concerning IDPs (that existed in 2006) still exist, harmonization through documents or processes (or both) remains a valid motivation.

B. Fraud prevention/security

23. The prevention of fraud was also mentioned in the Explanatory Memorandum behind the 2006 amendments to the 1968 Convention, and remains a factor which would carry weight in deciding between options.

24. That said, this document does not explicitly offer suggestions on which security features of DDPs and IDPs should be included. Suggestions on this would be provided at the next step of an appropriate amendment proposal based on the option selected by WP.1. This may include options of security features to prevent the fraudulent production and circulation appropriate for modern driving permits.

C. Acceptability and feasibility to contracting parties

25. The acceptability and feasibility of the options for the contracting parties may include considerations such as the resources that have already been invested/expended in establishing the current system of driving permits. It also includes the conceptual issue of the acceptability or desirability of the different forms of driving permits. For example, most of the contracting parties to the 1968 Convention have issued IDPs in addition to DDPs as the former was traditionally requested by drivers wishing to travel in foreign territories.

26. Despite the appeal of a simple one driving permit system (which has existed since 1968), political persuasion will be needed to reform the largely two driving permit system (i.e. IDP accompanied by DDP) still in existence in many contracting parties.

27. Conversely, the introduction of a standalone permit identified in option (c) is also likely to require political persuasion given the current requirement for an IDP to be accompanied by a DDP under the 1968 Convention. It is worth noting that, under the 1949 Convention, an IDP does not legally require a DDP to be presented. However, contracting parties often advise their drivers to have their IDPs accompanied by their DDPs. These contracting parties understand that there is no legal requirement but their aim is to avoid their citizens from facing any difficulties from enforcement authorities when crossing international borders from any lack of understanding of the law.

IV. Set of principles concerning the IDPs issued under the 1949 Convention on Road Traffic

28. As mentioned in the “Background and issues” section, a number of contracting parties to the 1949 Convention have been issuing IDPs pursuant to the 1968 Convention despite being a contracting party to the 1949 Convention only.

29. Strictly speaking, this is not the correct legal approach for contracting parties to the 1949 Convention. The correct approach for them is to issue DDPs and IDPs based on Annexes 9 and 10 respectively of the 1949 Convention.

30. For clarity, the table below summarizes the prevailing Convention (be it the 1949 or 1968 Convention) for the issue/use of DDPs and IDPs for drivers from a country which is a contracting party to the 1949 Convention who are driving in a country which is a contracting party to the 1968 Convention, and vice-versa.

	<i>Driving in a country which is a contracting party to the 1949 Convention only</i>	<i>Driving in a country which is a contracting party to the 1968 Convention only</i>	<i>Driving in a country which is a contracting party to both the 1949 and 1968 Conventions</i>	<i>Driving in a country which is neither a contracting party to the 1949 nor the 1968 Convention</i>
Driver from a country which is a contracting party to the 1949 Convention only who is...	1949 Convention prevails.	Neither Convention prevails. A bilateral agreement between the governments of the countries is required for the mutual recognition of DDPs and IDPs.	1949 Convention prevails.	1949 Convention is not applicable. A bilateral agreement between the governments of the countries is required for the recognition of DDPs or IDPs issued by the 1949 contracting party.
Driver from a country which is a contracting party to the 1968 Convention only who is...	Neither Convention prevails. A bilateral agreement between the governments of the countries is required for the mutual recognition of DDPs and IDPs.	1968 Convention prevails.	1968 Convention prevails.	1968 Convention is not applicable. A bilateral agreement between the governments of the countries is required for the recognition of DDPs or IDPs issued by the 1968 contracting party.
Driver from a country which is a contracting party to both of the 1949 and 1968 Conventions who is...	1949 Convention prevails.	1968 Convention prevails.	1968 Convention prevails.	Neither of the 1949 nor the 1968 Convention is applicable. A bilateral agreement between the governments of the countries is required for the recognition of DDPs or IDPs issued by the

	<i>Driving in a country which is a contracting party to the 1949 Convention only</i>	<i>Driving in a country which is a contracting party to the 1968 Convention only</i>	<i>Driving in a country which is a contracting party to both the 1949 and 1968 Conventions</i>	<i>Driving in a country which is neither a contracting party to the 1949 nor the 1968 Convention</i>
				1949 and 1968 contracting party.
Driver from a country which is neither a contracting party to the 1949 nor the 1968 Convention who is...	Neither of the 1949 nor the 1968 Convention is applicable. This country is <u>not</u> bound to be issuing DDPs or IDPs based on either Convention.			
	This country should be encouraged to accede to either Convention, or preferably the 1968 Convention.			
	After accession, the new contracting party should issue the appropriate DDP and IDP based on the prevailing Convention.			

31. It is more complex to amend the 1949 Convention, or to update Annexes 9 and 10 (so that they are consistent with Annexes 6 and 7 respectively of the 1968 Convention), due to the requirements of the 1949 Convention in relation to amendment proposals.

32. Given the complexities in amending the 1949 Convention, the informal group proposes that the following set of principles (which may be the basis of a future amendment proposal to the 1968 Convention) be adopted by contracting parties to the 1968 Convention:

(a) To accept as valid for international travel DDPs issued by contracting parties to the 1949 Convention based on the DDP requirements of the 1968 Convention (i.e. Annex 6).

(b) To accept as valid for international travel IDPs issued by contracting parties to the 1949 Convention based on the IDP requirements of the 1968 Convention (i.e. Annex 7).