

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

(Draft Version 1.2: Suggestion for discussion and coordination in the “Consistency Small Group”)

- 1. The World Forum for Harmonization of Vehicle Regulations (WP.29) had noted that provisions of the Vienna Convention on Road Traffic (1968) were no longer in line with the more recent and technically updated prescriptions of the vehicle regulations adopted in the framework of the 1958 and 1998 Agreements on the construction of vehicles.**
- 2. At the seventy-first session, the Inland Transport Committee has dealt with this issue and decided to request WP.1 to deal as a priority with identifying a solution to ensure a continuous concordance/consistency between the Vienna Convention on Road Traffic (1968) and the regulations developed by WP.29 (ECE/TRANS/204/Add.1).**
- 3. WP.1 decided to create a small (virtual) group of experts to jointly prepare a proposal of amendment to the Convention. The small group has also been expected to define a clarification of the articles 8 and 13 of the Convention (ECE/TRANS/WP.1/128). This latter task has been necessitated by uncertainties in respect of the permissibility of electronic systems that assist the driver (Driver Assistance Systems). The seemingly simple amendment to the Convention has turned out a demanding task of extremely high complexity requiring specialised awareness of the different legal nature of the underlying provisions in the technical framework of the 1958 and 1998 Agreements and the Convention on Road Traffic (1968).**
- 4. The present document is a German proposal to be discussed in the “Consistency Small Group” of WP.1. After consensus in the small group it will be submitted for consideration by WP.1 during its 66th session on 23-25 September 2013.**

Part I: Inconsistencies in general:

The suggested amendment is printed in bold letters.

Article 8 (Drivers)

Paragraphs 1, 2, 3 and 4 without any changes.

Paragraph 5 to be modified as follows:

“5. Every driver shall at all times be able to control his vehicle or to guide his animals.

Vehicle systems which influence the way vehicles are driven are deemed to be in conformity with the principles mentioned in paragraph 1 of this Article and sentence 1 of this paragraph and paragraph 1 of Article 13, if they comply with the provisions in Annex 5.

Vehicle systems which do not comply with the provisions in Annex 5 are deemed to be in conformity with the aforementioned principles if they can be overridden at any time or can be switched off.

”

Annex 5 (Technical provisions regarding vehicles and trailers)

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

“1a. Vehicles, their systems, parts and equipment that conform to 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 vehicles, their systems, equipment and parts that conform to 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, including the amendments thereto are deemed to be in conformity with this Annex.

Justification

Vehicle systems support the driver in his driving task. They also may take influence on the way vehicles are driven.

Driver’s skills vary substantially; human failure is by far the predominant cause of traffic accidents. Vehicle systems such as Driver Assistance Systems either take immediate beneficiary influence in this respect or can do the same by reducing drivers’ workload (the latter of which needs to be well balanced in order to increase traffic safety).

Today, vehicle systems are designed to support drivers. This technology is not designed to overrule decisions taken by sane, accountable drivers. Overruling sensible human decisions/actions might even be in conflict with basic human rights – especially in case drivers or passengers might thus be endangered.

Keeping the driver in a superior role is a guiding principle of road traffic regulations too. Both Art. 8 and 13 within chapter II of the Vienna Convention on Road Traffic likewise regulate on traffic rules (“*Rules of the Road*”). Today’s vehicle systems’ technical design does not contravene the assumptions underlying the role of the driver described therein. As far as can be estimated at present, vehicle systems will not develop into this direction.

Yet, in the recent past, technical developments have given rise to doubt and uncertainties whether all vehicle systems available today are in concordance / consistent with traffic regulations. The suggested amendment resolves this concern.

The proposed wording allows for all kind of support for the driver. The fundamental basis of the very most driver assisting technologies is explicitly addressed. Overrideability as well as the possibility for the driver to switch systems off are often encountered with these systems which ensures that the driver’s will is put forth.

Nevertheless there may be such vehicle systems which do – temporarily or constantly – not allow for overriding their interventions at any time or for switching them off completely. Such system design may be rooted in the fact that a driver might not show appropriate actions or reactions in a potentially dangerous driving situation leading to the effect that the vehicle system would be prevented from deploying its full benefit for road traffic safety. Moreover, dangerous driving situations are imaginable which the driver might even aggravate by trying to override a vehicle system’s intervention (e.g. by overriding / aborting an emergency braking intervention or by overriding / aborting an emergency swerving intervention). Such vehicle systems – even though they may possibly be not overrideable at any time or even though they may not be switched off completely – may help the driver to maintain his vehicle under control in dangerous driving situations. Therefore vehicle systems shall be deemed to be in conformity with the principles mentioned in Art. 8 paragraphs 1 and 5 and Art. 13 paragraph 1 of the Vienna Convention on Road Traffic (1968) if they conform with the provisions of Annex 5 (including the herewith proposed amendment 1.a which refers to the Geneva Agreements [1958 and 1998] and the UNECE vehicle regulations relating thereto). In case vehicle systems do not comply with the aforementioned provisions they still shall be deemed to be in conformity with the principles mentioned in Art. 8 paragraphs 1 and 5 and Art. 13 paragraph 1 of the Vienna Convention on Road Traffic (1968) if these vehicle systems can be overridden at any time or can be switched off.

The driver’s obligation to monitor and control any kind of action taken by a vehicle system is already sufficiently addressed by the guiding principle underlying all road traffic rules.

Remark: It has to be checked, whether modifications of the European Agreement supplementing this Convention are necessary.

Part II: 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