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DRAFT PROVISIONS FOR INSERTION IN A CONVENTION  
ON ROAD AND MOTOR TRANSPORT (E/CONF.8/3)

Remarks Submitted by the General Committee of the Alliance  
Internationale de Tourisme and the Federation  
Internationale de l'Automobile

Annexed herewith are the observations of the General Committee of the International Touring Alliance and the International Federation of Automobile Clubs on the subject of Working Paper I: Draft Provisions for Insertion in a Convention on Road and Motor Transport Prepared by the Sub-Committee on Road Transport of the Inland Transport Committee of the Economic Commission for Europe (E/CONF.8/3).

/REMARKS SUBMITTED BY

REMARKS SUBMITTED BY THE GENERAL COMMITTEE OF THE ALLIANCE  
INTERNATIONALE DE TOURISME AND THE FEDERATION  
INTERNATIONALE DE L'AUTOMOBILE ON THE DRAFT  
PROVISIONS FOR INSERTION IN A CONVENTION ON  
ROAD AND MOTOR TRAFFIC

Prepared by the Sub-Committee on Road Transport of the  
Inland Transport Committee of the  
Economic Commission for Europe

I

GENERAL REMARKS

1. The provisions for insertion in a Convention on Road and Motor Traffic prepared by the Sub-Committee on Road Transport of the Inland Transport Committee of the Economic Commission for Europe, can be divided into two groups of a very different nature.
2. The first group, Chapters IV, V, VI and VII, sets up the regulations applicable to foreign motor vehicles or drivers temporarily within the territory of one of the Contracting States. The provisions belonging to this group determine a special international régime applicable to international motor traffic as such.
3. On the other hand, the second group, Chapters II and III, aim to unify in certain respects, the regulations applicable to national road traffic within the various States.
4. As regards the former group of provisions, the conclusion of an international agreement is essential if international motor traffic of some volume is to be made practicable. Such agreement would be relatively easy to achieve between a very large number of countries, since it would not affect the regulations applicable to nationals, but only those applicable to foreign vehicles and drivers, which are comparatively few in number and in respect of whom it is possible to apply an exceptional régime without undue inconvenience.
5. The conclusion of one or several international agreements concerning the second group of provisions, is greatly to be desired, since it would considerably facilitate and encourage the development of international road traffic and would increase road safety. Such agreements would, however, necessitate certain modifications, to a greater or lesser degree, of the regulations applicable to national road traffic in the Contracting States. Indeed, these regulations vary at the present time as between one country and another and in view of the comparatively small volume of international road traffic as compared with national traffic, the States hesitate to take steps which would not only modify their established rules, but might also involve very considerable expense.
6. In view of the difference in the nature of the problems to be settled, the unequal state of their maturity and the different practical consequences of their solution, the General Committee had from the beginning thought it preferable not to try to resolve them by a single agreement, whatever might be the theoretical advantages of such a procedure. It had not, however, been possible to submit this point of view to the Sub-Committee on Road Transport of the Economic Commission for Europe, on account of the very

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specific Terms of Reference of the Sub-Committee, namely to draw up a draft of a single Convention, embracing both groups of problems.

7. Nevertheless, on studying the structure of the draft prepared by the Sub-Committee on Road Transport, one notices that this Sub-Committee has been led to propose the drawing up of certain annexes to include provisions falling within the second group mentioned above, and that such annexes should only bind those States which had specifically accepted them.

8. There are therefore, in fact, distinct and separate agreements. However, by their somewhat artificial amalgamation, the clarity and precision possible with separate texts forming, as at the present time, entirely distinct Conventions, is sacrificed. The desire to maintain the formal unity of the Convention results in certain of its provisions losing their clarity and the practical scope which should be theirs, turning them into generalities and even sometimes into platitudes. ("He (the road user) shall avoid all behaviour that might cause damage to persons or public or private property" - Art.5. Compare also Art.15,1 of the draft with the corresponding texts of the 1926 and 1931 Conventions.)

9. Considering that there are in fact several separate agreements within the draft, it would seem therefore preferable to reverse the decision of the Economic and Social Council and, without prejudicing the future, to conclude at the present stage separate Conventions, namely one on international motor traffic, another on the unification of certain regulations applicable to road traffic and another on the unification of road signalisation. It is felt that it would thus be easier to make the provisions of the Conventions more specific and accordingly to increase their practical scope.

10. If, for reasons which seem principally based on considerations of a theoretical nature, the unity of the document must be preserved, it would be advisable to transfer the provisions of Chapter II to one of the annexes, particularly as these provisions might, even in their present form, cause some of the States to make an exception as regards them. The two groups of provisions would thus be separated, the first figuring in the text of the Convention, the second in the separate agreements which, in effect, the annexes constitute. The very desirable trend towards a greater unification of national road regulations could also find its expression more easily on an international basis, as appropriate modifications could easily be made to an annex.

11. Whilst declaring itself in favour, in view of the present situation, of the separation of the agreements, not only in effect but in fact, according to the very nature of their provisions, the General Committee considers that the first group of provisions does not include at the present time all those which it should contain; namely, a Convention on international road traffic should also settle the question of the fiscal régime applicable to foreign motorists. The Geneva Convention of 1931 on the fiscal régime applicable to foreign motor vehicles is obviously out of date. It should be rescinded and replaced by appropriate provisions in the new Convention.

12. To sum up, it is felt that it would be preferable: (a) to amalgamate into one world-wide Convention on international motor traffic, the 1926 Automotive Convention, the 1943 Inter-American Convention and the 1931 Fiscal Convention; (b) to sign one or several regional Conventions, on the unification of national road legislations. Finally, with reference to the constitutional difficulties which Federal States might encounter,

/mention of

mention of which is made in item 7 of the Explanatory Memorandum of the Sub-Committee on Road Transport of the Economic Commission for Europe, the General Committee would like to point out that the same difficulties have arisen in connection with several other agreements and have been overcome, as for instance in the Instrument of Amendment of the Constitution of the International Labour Organisation, adopted 9 October 1946. It would seem that similar provisions could settle the difficulties in question.

## II

### DETAILED REMARKS

#### A. BASIC REMARKS AND AMENDMENTS

	<u>Text of the Draft</u>	<u>Proposed Amendment</u>
Art.3,1 b	"Each Contracting State undertakes to refrain, with respect to the requirements referred to in the paragraph (a) above, from any discrimination against nationals, goods or road vehicles of any other Contracting State."	"Each Contracting State undertakes to refrain, with respect to the requirements referred to in the paragraph (a) above, from any discrimination against nationals, goods or road vehicles of any other Contracting State, <u>and from any discriminatory measure liable to impede the development of international road traffic.</u> "

It is good to make a distinction between the two categories of discriminatory measures which could be adopted.

The first category would discriminate against the various methods of transport; the second, against the different Contracting States.

None of the measures mentioned in paragraph (a) of article 3,1 should, in any way, serve towards the realisation, even indirectly, of any policy of coordination between the various methods of transport, any more than towards the discrimination between the States. As regards customs formalities in particular, this principle was expressly recognised in the two draft Customs Conventions on Touring and Commercial Vehicles.

Any attempt to harmonise the policies which might be adopted by the various States as regards coordination of the various means of transport, would have little hope of success if the measures concerning customs, police, health and other similar formalities were used as a means of realising these policies, and if the results obtained as regards coordination could, in practice, be cancelled out by measures taken in the vastly different fields of the formalities in question.

It should be noted that the Inter-American Convention of 1943, on which the article in question is based, states quite clearly: "... measures.... which will hinder international travel" (Art.IV).

/The omission of

The omission of this sentence would only give rise to doubts and confusion and this is obviously not the intention of the Contracting States.

Art.13,3 "In no case shall a vehicle show a red light directed to the front or a white light directed to the rear; this applies equally to reflectors."

"In no case shall a vehicle show a red light directed to the front; it shall only show a white light directed to the rear in order to light the road when reversing; it must not equally be equipped with red reflectors on the front and white reflectors on the rear."

The practice of equipping vehicles with a white light to light up the road when reversing is quite common and it would be a pity to forbid it.

Art.15,1 "With a view to ensuring the homogenous system of road signalling, the signs and signals adopted in each Contracting State shall, as far as possible, be the only ones to be placed on roads of that State. Should it be necessary to introduce any new sign, it shall conform with the system in use in that State as regards its general shape and colour and any symbols used."

"The Contracting States undertake, in so far as lies within their power, and with a view to increasing road safety, to introduce a system of uniform road signalisation, particularly in the regions where international road traffic is large. The provisions of Annex 4, which sets up such a system, shall be applicable in the territories for which the Contracting States accept this annex."

The present text of Article 15 shows a decided regression as compared with the Conventions of 1926 and 1931. The measures prescribed would contribute very little towards "ensuring the homogenous system of road signalling" on an international level.

The problem of road signalisation certainly raises considerable difficulties. It is no less true that the solution of this problem is of the utmost importance from the point of view of road safety. It would seem that the importance of reaching a solution should be recognised and that the Contracting States should at least express a desire to reach agreements, even if only on a regional basis, with the least possible delay.

The proposed text expresses such a desire. The first sentence incorporates certain terms used in the 1926 and 1931 Conventions. The second repeats the terms of article 10,3 of the draft.

Art.16,3 "This certificate shall be accepted by all Contracting States as prima facie evidence of the data entered thereon; a Contracting State, however, may require the submission of an agreed Customs document instead of the above-mentioned certificate for a foreign vehicle."

"This certificate shall be accepted by all Contracting States as prime facie evidence of the data entered thereon".

A certain number of States, in particular the United States of America, do not require the presentation of customs documents on entry. It would be very regrettable if these States were henceforth to require certain foreign motorists to possess a customs document instead of the registration certificate.

As regards the identification inside a country either of a vehicle or of the person responsible for it, there might certainly be some difficulty when the registration certificate is printed in characters other than those normally used in the country of importation. It is of course understood that the authorities may require the presentation either of a customs document issued at the time of entry of the vehicle into the country in question (and it is in this case up to the authorities of that country to see that the document contains all the necessary particulars) or of an international customs document, where used, such document making possible at all times the identification of the vehicle or the person who is in possession or control of it.

If it is a question of establishing for a heavy vehicle, the maximum authorised weight, the maximum weight on the most loaded axle, its width and height, the particulars which might appear on an international customs document could only be treated as indications of no greater value than those given verbally by the driver. One might therefore ask the driver on entry to write these particulars on a sheet of paper and attach it to his national document.

If the States consider it necessary to be assured of an ad hoc document for the case in question, there seems no other solution than the introduction of a more detailed international document than the present international certificate; the above mentioned information does not appear on the latter.

It would be desirable for the States to endeavour to standardise as far as possible their registration certificates. A first step in this direction could be the placing of the particulars enumerated in article 16, paragraph 2, on the same lines and under the same numbers.

Art.20, 2

According to this article, an absolute obligation is imposed on all motor vehicles and trailers in international traffic, to be equipped in accordance with the provisions of Annex 8.

A considerable number of vehicles are not at the present time fitted with the equipment described in this annex. It is therefore very important to allow for a transitory period during which motor vehicles not entirely equipped as required in Annex 8, should nevertheless be tolerated on foreign territory. A provision to this effect should be inserted in Annex 8.

Chapter  
VIII

The following two provisions should be included in the final provisions:

/1. "The deposit"

1.

"The deposit of instruments of ratification of the present Convention or the accession to the said Convention, shall not involve the denunciation of the Convention of 24th April 1926 or the Convention of 15th December 1943, by those of the Contracting States parties to either of these Conventions. However, the Signatory States who have taken the necessary legislative and administrative measures to put into force the provisions of the present Convention, shall apply such provisions in their mutual relationship."

The delays inherent in the ratification of a new Convention vary considerably from one State to another. It is therefore necessary to provide for a transitory period during which the new Convention would only be ratified by a certain number of States. If these States were to denounce, at the moment of ratifying the new Convention, the previous agreements to which they were parties, international traffic between them and the States which had not yet ratified the new Convention would not be governed by any Convention. If, also, it were decided to proceed to the deposit of instruments of ratification by all signatories on a date fixed in advance, it would be necessary to decide on a very distant date and the entry into force of the new Convention, even between certain of the signatories, would be considerably retarded. The most practical solution would appear to be as follows: the new Convention should enter into force at the date of deposit of the instruments of ratification as regards those signatories who had deposited such instruments, but as regards relations between States parties to previous Conventions, when one at least has not yet ratified the new Convention, such previous Conventions should remain in force.

It would be necessary in any case to maintain the validity of the international documents established by previous Conventions, until such time as all the States parties to such Conventions, have enforced the provisions of the new Convention.

2.

"Any vehicle or driver admitted to international traffic under the provisions of the International Convention relative to Motor Traffic of 1926 and the Convention on the Regulation of Inter-American Automotive Traffic of 1943 and holding the

/documents

documents required thereunder, shall be considered as fulfilling the requirements of the present Convention."

A provision of this nature would, during the transition period, facilitate traffic between those Contracting States which are only bound by the 1943 Convention and those which are not signatories of the said Convention. It corresponds to a similar provision in the Inter-American Convention (Article XVIII).

Protocol. "This Convention is not to be taken as authorising the carriage of persons for hire or reward or the carriage of goods other than the personal baggage of the occupants of the vehicle, nor as affecting the rules on labour conditions. These matters remain within the competence of domestic legislation, subject to the application of other relevant international Conventions or agreements."

"This Convention is not to be taken as authorising the carriage of persons for hire or reward or the carriage of goods, nor as affecting the rules on labour conditions. These matters remain within the competence of domestic legislation, subject to the application of other relevant international Conventions or agreements."

OR:

"This Convention is not to be taken as authorising the carriage of persons for hire or reward or the carriage of goods other than baggage intended for the personal use of persons travelling or staying temporarily abroad, nor as affecting the rules on labour conditions. These matters remain within the competence of domestic legislation, subject to the application of other relevant international Conventions or agreements."

It does not seem that personal baggage can be considered as "goods". If there could be any doubt on this subject, which does not seem likely, it would be better to adopt the second of the proposed amendments: "other than baggage intended for the personal use of persons travelling or staying temporarily abroad." There is no reason to exclude the non-remunerated carriage by motor vehicle of the baggage of persons travelling abroad by air, for example, or already staying abroad. The phrase: "of the occupants of the vehicle", is too restrictive.

The automatic closing device on the gates of level crossings should be controlled by the speed of the train. Indeed, if the device is regulated for express trains, the waiting period when a goods train is approaching is unduly long. This causes traffic

/jams and might

jams and might cause accidents, which are always more frequent where traffic is heavy.

Annex 8  
I,4 b,i,  
j and l.

These provisions (passing light, reflectors, stop light) should only be made compulsory after certain lapse of time, during which motor vehicles not equipped as indicated would nevertheless be admitted to international traffic.

I,4 n.

"No motor vehicle or trailer shall be equipped with lamps which direct a red light towards the front or a white light towards the rear."

"No motor vehicle or trailer shall be equipped with lamps which direct a red light towards the front. However, vehicles may be equipped with a white light directed towards the rear on condition that the said light can only operate when the vehicle is reversing."

The rear white lights used at the present time are certainly useful, but they should only be used to illuminate the road when the vehicle is reversing. A special device should prevent abuse.

II,3 b.

"Contracting States may however indicate that they will only accept combination of vehicles of one drawing vehicle and one trailer; they may also indicate that they will not accept articulated vehicles used for the transport of passengers."

"Contracting States may however indicate, at the time of signing this Convention, that they will only accept combinations of vehicles of one drawing vehicle and one trailer; they may also indicate at that time that they will not accept articulated vehicles used for the transport of passengers".

#### B. REMARKS AND AMENDMENTS AS TO FORM

Art.1

"While reserving the exclusive right to regulate the use of its own roads, each Contracting State in respect of any part of its territories to which this Convention may be applied, agrees to the use of its roads for international road traffic **under the conditions set out in this Convention**".

"While reserving the exclusive right to regulate the use of its own roads, each Contracting State agrees that the said roads in any part of its territories to which this Convention may be applied, may be used for international road traffic **under the conditions set out in this Convention and in those of the Annexes which it has accepted.**"

Art.3,  
2 b.

"The guarantee of an organization of the country to which the vehicle is proceeding, affiliated to the Central Office of an association which has issued a valid international Customs pass (such as a carnet de passages

"The guarantee of an organization of the country to which the vehicle is proceeding, affiliated to an international association which has issued a valid international Customs pass....."

en douane) will be considered by all Contracting States which require a guarantee as conforming to the requirements of this Article."

Art.4 1  
para. 7

"'Motor vehicle' means any self-propelled vehicle normally used for the transport of persons or property upon a road, other than vehicles running on rails or connected to electric conductors. Cycles having an auxiliary engine of low power may be excluded from this definition by Contracting States which have accepted Annex 1."

"'Motor vehicle' means any mechanically propelled vehicle normally used on the road, other than vehicles running on rails or connected to electric conductors. Cycles...."

The proposed definition is broader, but seems to correspond more closely to the intentions of the Contracting States.

Art.9,2

AMENDMENTS TO FRENCH TEXT ONLY.

Art.10,3

"The provisions of Annex 3 regarding the priority of passage at intersections not covered by paragraph 2 of this article, shall be applicable in the territories for which Contracting States accept this Annex."

"The provisions of Annex 3 regarding the priority of passage at intersections not covered by paragraph 2 of this article (Part II of Annex 3), shall be applicable in the territories for which Contracting States accept this part of the Annex." (See Article 14)

AMENDMENT TO FRENCH TEXT ONLY.

Art.14

"Additional provisions relating to road traffic are set out in Annex 3:

These provisions contain, among others:

- Part 1 - Trolley-buses;
- Part 2 - Priority of passage;
- Part 3 - Cycle traffic.

"The additional provisions relating to road traffic set out in Annex 3, concerning trolley-buses (Part I) and cycle traffic (Part III), shall be applicable in the territories for which the Contracting States accept these parts of the annex."

Part II of Annex 3 is mentioned in article 10. The drafting of these articles should be harmonised.

Annex 2

It would be better to include these definitions in the annexes to which they apply.

"(a) 'total laden weight' of a vehicle means the weight of the vehicle and its load including the weight of the driver, when the vehicle is stationary and ready for the road;

"'total laden weight' of a vehicle means the weight of the vehicle and its load including the weight of the persons carried, when the vehicle is stationary and ready for the road;

/"(b)

"(b) 'maximum load' means the load declared permissible by the competent authority of the country in which the vehicle is registered;

"'maximum load' of a vehicle means the load....;

"(c) 'permissible maximum weight' of a vehicle means the weight of the vehicle and its maximum load including the weight of the driver, when the vehicle is ready for the road;"

"'permissible maximum weight' of a vehicle means the total laden weight when the vehicle is carrying its maximum load".

Annex 4  
Chapter  
II

The order in which the signs are set out should be modified. A more systematic order would be as follows:

(Crossings)

Road intersections	(Art.12 Art.24 Art.22)
Level crossings	Art.13
Opening bridges	Art.16
Pedestrian crossings	Art.19

(The road)

Dangerous bends	Art.11
Dangerous hills	Art.14
Uneven roads	Art.10
Carriageway narrows	Art.15
Slippery carriageway	Art.18

(On the road)

Roadworks	Art.17
Children	Art.21
Beware of Animals	Art.20
Other dangers	Art.23

Art.49

AMENDMENT TO FRENCH TEXT ONLY.

31 May 1949

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