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UNITED NATIONS CONFERENCE ON ROAD AND MOTOR TRANSPORT

COMMITTEE II ON TECHNICAL CONDITIONS TO BE FULFILLED
BY VEHICLES

SUMMARY RECORD OF THE FOURTH MEETING

Held at the Palais des Nations, Geneva,
on Friday, 25 August 1949, at 10 a.m.

CHAIRMAN: Mr. FLIEGER (Czechoslovakia)

SECRETARY: Mr. MATTER

Contents:

CONSIDERATION OF DRAFT PROVISIONS FOR INSERTION
IN A CONVENTION ON ROAD AND MOTOR TRANSPORT
PREPARED BY THE ECONOMIC COMMISSION FOR EUROPE
(Item 4 of the Conference Agenda) (Continued).... Pages 2 to 7

CONSIDERATION OF DRAFT PROVISIONS FOR INSERTION IN A CONVENTION
ON ROAD AND MOTOR TRANSPORT PREPARED BY THE ECONOMIC COMMISSION
FOR EUROPE (Item 4 of the Conference agenda) (Document E/CONF.
6/3) (Continued)

Annex 14

The CHAIRMAN announced that the Netherlands representative had requested him to re-open the discussion on Annex 14, although that Annex had been formally adopted at the previous meeting. The Netherlands representative wished to propose that a third sub-paragraph (c) should be added to read as follows: "The cycle should be equipped with a red light at the rear; the red light can be combined with the red reflector at the rear."

Mr. von HERBERT (Netherlands), thanking the Chairman for permitting the unorthodox procedure of re-opening discussion on a question on which a vote had already been taken, stated that his only reason for asking that that should be done was his deep anxiety to safeguard the security of cyclists in international traffic. He had been considerably surprised at the rejection at the previous meeting of the joint Netherlands/United Kingdom amendment, because, during the initial stages of the debate on Annex 14, there had seemed to be general agreement that a provision should be inserted making it obligatory for cyclists in international traffic to carry a red rear light, and even the representatives of Denmark and Sweden, who had at first been opposed to such a provision, had subsequently come to regard it with more favour, on learning that it was to be enforced only for cycles in international traffic.

Any driver was aware of the danger presented by cycles in the dark, and of the imperative necessity of their carrying some light to indicate their presence. The difficulty arose, not for countries like India which, as the Indian representative had pointed out, would find it impossible to enforce such a provision as a domestic measure, but for countries in which a red rear light was already obligatory, because in the latter drivers might unexpectedly encounter foreign cyclists who, in the absence of international regulations on the matter, would not be carrying such a light.

Mr. DAUVERGNE (France) asked the Netherlands representative what precisely was meant by the words "the red light can be combined with the red reflector at the rear."

Mr. von HELMERT (Netherlands) replied that some red rear lights became reflectors when extinguished. He would not object to the omission of that phrase if it gave rise to difficulties; all he was concerned to secure was the acceptance of the principle that cycles should be obliged to carry some form of rear light.

Mr. DAUVERGNE (France), supported by Mr. VEZZANI (Italy), considered that that was a matter for national legislation and was opposed to a reversal of the decision of Annex 14.

The CHAIRMAN observed that, since in most countries cycles were required to carry a light in the front, it should not be difficult to enforce the use of rear lights as well.

Mr. DAUVERGNE (France) pointed out that where oil or acetylene lamps were used, rear lights would involve cyclists in heavy additional expenditure.

Mr. RAUFLAUB (Switzerland), referring to paragraph 2 of Article 13, which stated that "The rear red light may be replaced by a red reflecting device in cases covered by domestic legislation", said that rear red lights were not compulsory in Switzerland, and reflectors could be used in their place. He understood that both were obligatory in France, and would be interested to know whether a Swiss cyclist entering France would have to conform to the French regulations.

Mr. DAUVERGNE (France) replied that the regulations in question applied only to French nationals. Under the provisions of Article 13, a Swiss cyclist entering France would be permitted to carry only a reflector.

Mr. von HELMERT (Netherlands) observed that the point raised by the Swiss representative illustrated exactly the kind of difficulty he had in mind. A Swiss cyclist, whose machine bore only a reflector, would be in danger in France, because most drivers in that

country would expect a cycle to carry a red lamp as well. However, as there appeared to be little support for his proposal, he would withdraw it.

Mr. W. G. HUNT (United Kingdom) asked that it should be clearly indicated in the Summary Record, that the adoption of Annex 14 at the previous meeting had not been unanimous. No vote had been taken, and the annex had merely been accepted by the majority of the Committee.

Article 4.

The CHAIRMAN drew attention of the Committee to the United States amendments to Article 4 (Working Paper ERT/22/49).

Mr. J. H. HUNT (United States of America) recalled that he had already expressed the view that the question of definitions should be left aside until the Annexes concerned had been dealt with, since decisions on those Annexes might affect the definitions. At the present stage, he would confine himself to a brief exposé of the underlying purpose of the United States amendment, which consisted largely of the transportation of certain definitions from Annex 2 to Article 4.

The amendment included a definition of a "vehicle" for inclusion in Article 4, on which the definition of a "motor" vehicle could be based.

The United States proposed definition for a "cycle" allowed any Contracting State to determine which machines came within the definition according to the maximum capacity of any auxiliary internal combustion engine fitted, in the light of the existing development of such engines. No reference was made in that connection to horse power, which, it was felt, should not figure in an international convention.

Mr. CHARLOTTEUX (Belgium) agreed with the United States representative that the discussion on definitions should be deferred for the time being and, if necessary resumed after the completion of consideration of the Annexes. Article 4 might, therefore, be

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provisionally accepted until Annex 8 had been discussed; if, in the light of that discussion it were felt that Article 4 itself needed amendment, the Committee could then proceed to take the necessary action.

Mr. DAUVERGNE (France) and Mr. VEZANNI (Italy) supported the Belgian representative, the former indicating that he considered it would be desirable to incorporate all definitions in a single Article.

The Committee therefore agreed to defer further discussion on Article 4 until examination of Article 20 and Annex 8 had been completed.

Article 20

The CHAIRMAN drew the attention of the Committee to the Yugoslav amendments to Article 20 (Document E/CONF.8/30), and to the amendment submitted by the International Transport Workers' Federation (Document E/CONF.8/23/Rev.1).

Mr. CHARLOTEAUX (Belgium) pointed out that the above mentioned amendments concerned the problem of the delayed application of Article 20, and therefore fell within the competence of Committee I on Legal and General Matters and Documents. They could not, be discussed by Committee II, since they involved no substantive change in Article 20.

Mr. DAUVERGNE (France), supporting the view of the Belgian representative, observed that the question of implementation was one which had a bearing on nearly all the Articles of the draft Convention and was a matter of principle, which would have to be considered in Committee I.

The CHAIRMAN suggested that the Committee might provisionally adopt Article 20, and pass to the consideration of Annex 8, which contained the detailed provisions relating to paragraph 2 of Article 20. If agreement could be reached on those provisions Article 20 would undoubtedly be found to be generally acceptable.

Mr. W. G. RUNF (United Kingdom) said that the two paragraphs of Article 20 were not of equal importance. Paragraph 1 was a plain statement of fact, with which no doubt everyone would be in agreement. Paragraph 2, on the other hand, was closely linked with the provisions of Annex 3, and no general decision could be taken on it before discussion and adoption of Annex 8.

Mr. WESTERLUNDEN (International Transport Workers' Federation) asked how it was proposed to implement the provisions of Article 20 for the appropriate control of the condition of motor vehicles and trailers. The object of the stipulations were clear, namely, to prevent vehicles and trailers which constituted a danger for the driver or other road users appearing on the road. However, they would remain a dead letter, at least as far as heavy vehicles (Categories C, D and E) were concerned, unless provision were made, ensuring that only vehicles provided with a certificate of reliability were allowed to circulate. Without such a provision, the only control would be exercised by officers of the law charged with the investigation of breaches of the penal law. Experience had shown that such persons were only likely to act if the vehicle in question had either caused, or been involved in, a more or less serious accident. If the Convention contained no provision rendering it obligatory for a vehicle in circulation to have a certificate of reliability, the decision as to whether it should be used would rest with the owner or the driver, who would be likely to be influenced by considerations other than the maintenance of safety on the road. A driver who was not at the same time the owner of the vehicle would probably feel compelled to abide by the decision of his employer. It was in the conviction that everything possible must be done to ensure safety on the roads that the International Transport Workers' Federation had submitted its amendment to Article 20.

The Chairman pointed out that the question of the obligatory possession of certificates of reliability was a matter for Committee I or the Conference in Plenary meeting.

The Committee agreed to postpone further discussion on Article 20 until Annex 8 had been examined.

Annex 8

The CHAIRMAN announced that a number of amendments had been submitted to Annex 8, and were in process of translation.

Mr. CHARLOTTEAUX (Belgium) suggested that, pending the circulation of the amendments, the Committee might examine the sections of Annex 8 relating to non-controversial provisions such as those of Sections 2, 3 and 5.

Mr. RAAFLAUB (Switzerland) stated that although he did not intend to make a formal proposal at the present stage, it might be useful to discuss in connection with Section 2 the question of the turning circle at maximum lock, a problem which was of particular interest to countries with mountain roads.

Mr. DAUVERGNE (France) observed that the Swiss representative had raised an important point, which was, however, a matter of detail which would more appropriately be dealt with by the International Organization for Standardization. The wording of Section 2 met that point in general terms, stating that every motor vehicle should be equipped with a strong steering apparatus which would allow it to be turned easily, quickly and with certainty.

Mr. RAAFLAUB (Switzerland) asked the representative of the International Organization for Standardization to draw the attention of his Organization to the problem.

Section 2 was provisionally adopted.

The meeting rose at 12.10 p.m.
