

United Nations
ECONOMIC
AND
SOCIAL COUNCIL

Nations Unies
CONSEIL
ECONOMIQUE
ET SOCIAL

UNRESTRICTED

E/CONF.8/C.I/SR.18/Rev.1
15 November 1949

UNITED NATIONS CONFERENCE ON ROAD AND MOTOR TRANSPORT

COMMITTEE I ON LEGAL AND GENERAL MATTERS AND DOCUMENTS

SUMMARY RECORD OF THE EIGHTEENTH MEETING

Hold at the Palais des Nations, Geneva,
on Friday, 9 September 1949, at 2.50 p.m.

CHAIRMAN: Mr. MIKACI (Lebanon)

ACTING SECRETARY: Mr. KOPELMANAS

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)

Annex 10, pages 2 - 6

Annex 11, pages 6 - 7

Annex 12 (now Annex 11) pages 7 - 13

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) (Documents E/CONF.8/3, E/CONF.8/30, E/CONF.8/23, E/CONF.8/19, and Working Paper MRT/30/49)*.

The CHAIRMAN informed the Committee that he had received a communication from Committee II requesting that certain legal issues arising in connection with the consideration of the Yugoslav Government's amendments should be referred to Committee I.

After some discussion, in the course of which Mr. HOCKING (United Kingdom) said that in the enforced absence of its legal adviser his delegation would be unable to make a pronouncement on the matter, it was decided to consider the question at a later stage, together with the Lobanese amendment on national security.

Annex 10.

The CHAIRMAN drew attention to the amendments to the Annex contained in Working Paper MRT/30/49* and Document E/CONF.8/23 and to the observations by the Government of Czechoslovakia contained in Document E/CONF.8/19.

Introducing the United Kingdom amendment (Working Paper MRT/30/49*, page 3), Mr. HOCKING (United Kingdom) said that his delegation proposed the insertion of the words "and invalid carriages" after the words "motor cycles" in order that the Annex should then be couched in terms which would enable Contracting States to recognize driving permits issued by other states to such drivers, as well as those issued to motor cyclists under 19 years of age.

The CHAIRMAN recalled that, as had been revealed by an earlier statement, the delegation of India supported this amendment.

Mr. ZACH (Czechoslovakia) then drew attention to the proposals submitted by the Czechoslovak Government (Document E/CONF.8/19), on page 2 of which the Czechoslovak authorities expressed the hope that the need for periodical medical examination and a mental reaction test for drivers of heavy transport vehicles would not be

* Distributed to the Conference only.

overlooked. Without wishing to move a formal amendment, he stressed the importance attached in his country to the mental and physical condition of drivers as well as to the question of age.

Reverting to the United Kingdom amendment, Mr. BLONDELL (Belgium) expressed his support for it.

Complete support was also expressed by Mr. BUZZI-QUATTRINI (Austria) who also desired to add a statement concerning invalid and disabled drivers. Towards the end of 1948, the Austrian Government had sent a letter to the Inland Transport Committee of the Economic Commission for Europe requesting the establishment of international rules relating to the issue of driving licences to invalids. His delegation considered this a very urgent matter, particularly in view of the large number of persons disabled in the recent war, and also in view of the fact that some forms of disability rendered a person unfit to drive whilst others did not, thus calling for precise legislation on the whole question. He regretted that it had not been possible to insert appropriate formal provisions in the present Convention, but he hoped the Chairman would make a statement on the matter, in order that it could be raised in plenary session as a subject of importance.

The CHAIRMAN informed Mr. Buzzi-Quattrini that this would be possible.

Since no objections were forthcoming the United Kingdom amendment to insert 'and invalid carriages' after 'motor cycles' in Annex 10 was adopted.

The CHAIRMAN asked the representative of Czechoslovakia whether he wished to move a formal amendment with a view to its insertion in Annex 10 or whether he wished his observations to be placed on record only.

Mr. ZICH (Czechoslovakia) said that he was content to see the Czechoslovak Government's observations as contained in Document E/CONF.8/19 paragraph 4 (a) and (b), placed on record.

Mr. BANERJI (India) expressed agreement with the Czechoslovak views and said that in India also they insisted on a periodical examination for drivers of commercial vehicles. W r

some such provision incorporated into the Convention or into an Annex, the national laws of the various countries would not be affected.

Mr. AZKOUL (Lebanon) pointed out that the text of Annex 10 as it stood made no distinction between the minimum age for the issue of a licence to drive a private car and that required for the issue of a licence to drive a heavy vehicle. He thought that such a distinction ought to be made. In addition, it appeared to him from a study of the text that any state could authorize the issue of a licence to drive a motor cycle to young persons of almost any age. He thought a definite minimum age should be stated and proposed 16 years. With regard to vehicles of over 3,500 kg weight he considered the minimum age should be raised to 21 years.

Mr. BANERJI (India) agreed with Mr. Azkoul, adding that in India they distinguished light motor vehicles from heavy transport vehicles, a minimum age of 20 being required in order to drive the latter. He thought that his government would be prepared to raise this limit to 21.

Mr. RØNNING (Norway) said that in Norway the minimum age required for a licence to drive heavy vehicles was 21. The greater maturity and experience imparted by this additional age was required in his country where road conditions were usually difficult and dangerous. He would therefore be prepared to sponsor the amendment submitted by the International Transport Workers' Federation (Document E/CONF.8/23), of which no representative was present.

Mr. BUZZI-QUATRINI (Austria) considered that more stress should be laid on the effect of experience as opposed to mere age. He would propose that drivers of heavy vehicles should be compelled to have at least three years' driving experience. Assuming that the minimum age to drive a motor vehicle was retained as 18, that would not reduce the minimum age at which a heavy vehicle could be driven.

Mr. RUMFLER (France) said that the Working Group of the Inland Transport Committee of the Economic Commission for Europe had decided to propose 18 years as the minimum age for driving a motor vehicle as the only one condition to be fulfilled by drivers in

international traffic after long consideration of the multiplicity of regulations in force in various countries, attempts to take account of which had proved quite unsuccessful. The eighteen years limit figured, moreover, in the 1926 Convention. As for motor cycles, they had entrusted the fixing of a possible lower minimum age to national legislation, in view of the earlier maturity of certain populations.

Mr. PLUMERZ (Switzerland) informed the Committee that in Switzerland a minimum age of twenty-two was required to drive a passenger bus of over 3,500 kg. weight. Various factors, including economic considerations, prevented their accepting a similar high age limit for goods lorries. He expressed his general support for the views of the representative of France.

Mr. SPARKS (United States of America) also agreed with the French representative; if they attempted to take account of the provisions of every set of national laws, the Annex would become inordinately complicated.

Mr. de SYDOW (Sweden) said that, although the age limit, in its opinion, should ideally be over eighteen for driving a heavy vehicle or passenger bus, his delegation still agreed with the French representative and the considerations which had led to the decision of the Working Group of the Inland Transport Committee.

Mr. HOCKING (United Kingdom) informed the Committee that in Great Britain the minimum age to drive a motor cycle or an invalid carriage was sixteen, a motor car seventeen and a vehicle of over three tons' weight twenty-one. Public service vehicles could also only be driven by a person over twenty-one years of age, and so he could agree to the twenty-one years' limit on all heavy goods and public transport vehicles. But Great Britain had already permitted exemption for the drivers under twenty-one of certain categories of heavy vehicles coming from abroad, and he thought that parliamentary sanction for the extension of that concession would readily be obtained.

The CHAIRMAN asked the Norwegian representative whether he persisted in his sponsorship of the amendment submitted by the

International Transport Workers Federation.

Mr. RØNNEIG (Norway) replied that he withdrew his support.

Mr. AZKOU (Lebanon) said that the text, as it stood, might render it permissible for a person of eighteen years of age to drive a heavy vehicle in a foreign country whose legislation had set a higher age limit for the drivers of such vehicles. Since he was opposed to that, he would suggest the addition of a reservation to the text, by which each Contracting State might decide to adopt a higher age limit for the drivers of heavy vehicles.

Mr. HOCKING (United Kingdom) said that he understood from the preceding remarks that the representative of Lebanon was in favour of the exclusion of foreign drivers of heavy vehicles if their age was lower than that prescribed by the national laws of the given country for such traffic. Since he thought that the object of the Annex was to make an exception in favour of foreign drivers under the national statutory age limit, he would suggest the addition of the words "in international traffic" to the title of the Annex.

Mr. BLOM-ANDERSEN (Denmark) supported this proposal.

Mr. AZKOU (Lebanon) thought that the effect of such an amendment was against the entire spirit of the Convention and would be detrimental to that increased road safety which was one of its objects. He would not, however, formally oppose the amendment if it met with general approval, but asked that his feeling of opposition be placed on record.

There was no opposition to the President's proposal that the title of the Annex be amended by the addition of the words "in international traffic", as suggested by the United Kingdom representative, and Annex 10 was adopted as thus amended.

Annex 11

Mr. HOCKING (United Kingdom) said that his delegation considered that the specification of the categories of vehicles in a separate annex was superfluous, in view of their embodiment in the

model permits in Annexes 12 and 13. He proposed therefore that Annex 11 be deleted.

The Committee unanimously adopted the United Kingdom representative's proposal to delete Annex 11.

Annex 12 (now Annex 11)

Mr. HOCKING (United Kingdom) proposed that, before the model permit was considered, the various categories of vehicles be discussed, as a decision concerning those categories was an essential preliminary to consideration of the permit.

The Committee agreed to discuss the categories of vehicles before considering the model driving permit.

Mr. AZKUL (Lebanon) pointed out that it was easy for a country which had, for administrative purposes, divided its vehicles into a large number of categories, to adopt the division proposed in Annex 12 (now Annex 11) as all it needed to do was to sub-divide any categories beyond five. In the case of a country like his own, however, which had fewer categories than five, it was extremely difficult to expand the number up to five, and a change would be required in domestic laws. He proposed therefore that the number of categories be reduced from 5 to 3: the first consisting of motor cycles, with or without a sidocar, and similar vehicles; the second, of passenger vehicles comprising at most 9 seats, and goods vehicles having a permissible maximum weight not exceeding 3,500 kgs.; and the third, of passenger vehicles comprising more than 9 seats and goods vehicles over 3,500 kgs. He did not insist that those should be the precise categories, as the division might well be referred to a committee for exact determination. The division he had proposed seemed to him more logical than that in Annex 12 (now Annex 11).

Mr. BUZZI-QUATRENI (Austria) said that in the lengthy discussions on driving permits that had taken place in the Economic Commission for Europe, it had become abundantly clear that there existed no uniform system in countries, and that in order to secure some degree of uniformity every country would be required to modify its laws to a greater or lesser extent. The categories described in

Annex 12 (now Annex 11) had proved the only feasible compromise, and he proposed that they be adopted without further discussion.

Mr. TOMEZ (Switzerland) supported the Austrian representative's proposal.

Mr. DAIHERJI (India) said that from his country's point of view the division into categories given in Annex 12 (now Annex 11) was not entirely satisfactory. If it were now intended that national driving licences should be made valid internationally, room ought to be made for a category of vehicles, such as road rollers, which would never be used internationally and which would therefore not fit into the Annex. Again, he could not understand why passenger vehicles and goods vehicles were combined in Category B, whereas they were differentiated in Categories C and D. Finally, it seemed to his delegation that the number of seats for passenger vehicles in Category B should be limited to 7, as no passenger vehicles were known in his country with a larger number of seats.

Mr. RUMELER (France) said that when Annex 11 was framed an attempt had been made to prepare a model driving permit which, although used nationally, could also be used internationally. That in itself would be a primary advantage accruing from its adoption. So far as categories were concerned, all countries could without difficulty adapt their own categories to those laid down in the Annex by the simple expedient of having either broad categories or sub-categories. In any case, a special space had been left in the permit for further categories that would not be internationally used. Countries could thus add any categories they desired.

Mr. BUZZI-QUATTRINI (Austria) explained that the reason why the limit for seats in Category B had been fixed at nine was that several large American cars were 9-seaters. Again, the reason why large passenger vehicles had been recorded separately was that several countries issued additional licences to bus drivers and the use of a separate entry made additional documents unnecessary. The distinction between goods vehicles weighing less than 3,500 kgs. and those weighing more had been made in previous conventions and had been adopted as normal in most countries.

The purpose of the driving permit was to permit vehicles using national permits to travel outside their own countries without international permits. The categories had as a consequence to be made international, so that inspecting officers, despite differences of language, would recognize them and stamp or seal them in the proper places.

Mr. SCHAEFMAN (Netherlands) proposed that the discussion be closed as the subject had been debated at length and all possible information was before the delegations.

After some discussion, in which Mr. BANERJI (India) and Mr. AZMOUL (Lebanon) opposed the proposal on the ground that further clarification of the Annex was required, Mr. SCHAEFMAN (Netherlands) withdrew his proposal for the closure of the discussion, provided the list of speakers was closed.

The Committee agreed that the list of speakers should be closed.

Mr. SPARROW (United States of America), replying to Mr. BANERJI (India), confirmed that 9-seater cars and "station wagons" did exist in his country.

Mr. MASLOG (Philippine Republic) said that in his country it was forbidden to attach two trailers to a goods vehicle or a passenger vehicle. From the description of Categories C and D in the Annex it would appear that two trailers were permitted. He proposed that only one trailer be allowed.

Mr. von HEMERT (Netherlands) said that on page 65 of Document E/CONF.3/3 several mistakes had been made in the English text, which explained the difficulties felt by the Philippine and Indian representatives. Other difficulties felt by other delegations arose from the fact that several had taken part in the preliminary meetings in 1946, whereas others had not, and had thus not had the benefit of the discussions which had taken place. He proposed therefore that he and the Austrian representative, who had both taken part in those meetings, should hold a short meeting at once with the representatives who found difficulty in accepting the Annex, in order to elucidate any points they had not properly understood.

The driving permit, he continued, would be international if and when it was adopted, and already several delegations had found difficulty in understanding the technical definitions used. He suggested therefore that directions for use should be prepared to make the terminology and method of use easy to follow.

The Committee unanimously adopted the Netherlands representative's proposal for a short adjournment.

The Committee adjourned from 5.15 p.m. till 5.30 p.m.

In view of the explanations given during the adjournment by the Austrian and Netherlands representatives, Mr. AZKOU (Lebanon) and Mr. BANERJI (India) withdrew their proposals.

Mr. AZKOU (Lebanon) was not clear whether the model driving permit was also required for nationals of a country who did not intend to leave it.

Mr. BUZZI-QUATREMI (Austria) said that all States were asked to use them in the future but could keep their own type of permit as well as for their own nationals.

Mr. von HERBERT (Netherlands) had understood that as there would not be much practical value in having two permits, the one described in the Annex and their own national type, countries would gradually permit the latter to disappear, as all future permits granted would be based on the former.

Mr. HOCKING (United Kingdom) thought that the permit described in the Annex was a model to be adopted by all States able or willing to adopt it in replacement of all national driving permits. He did not agree with the view of the Austrian representative that it would be permissible for a country adopting the model permit to keep its national permit as well. If a country did not adopt the model permit in Annex 12 (now Annex 11) for domestic use, it would then, in his opinion, adopt for international use the international permit described in Annex 13. In view of the doubt that clearly existed on the exact purpose of the permit described in Annex 12 (now Annex 11), it should be made quite clear what exactly had been decided.

/The CHAIRMAN

The CHAIRMAN said that Annex 12 (now Annex 11) was merely a model for a national driving permit, the purpose of which, in accordance with paragraph 2 of Article 22 of the Convention, was to facilitate international traffic. He further stated, that there was no legal obligation upon States to use it as their national permit. It was considered desirable, however, from the point of view of uniformity and of international traffic, that all States should accept it as soon as possible.

The Committee accepted the Chairman's interpretation of the purpose of the model driving permit described in Annex 12 (now Annex 11).

Mr. HOCKING (United Kingdom) said that his delegation considered it desirable to specify in which category driving permits of licences issued to drivers of invalid carriages should be included. He therefore proposed that the words "invalid carriages" be inserted before the words "and three-wheeled vehicles" in Category A.

The Committee unanimously adopted the United Kingdom representative's proposal to insert the words "invalid carriages" before the words "and three-wheeled vehicles" in Category A.

Mr. HOCKING (United Kingdom) proposed the addition, at the end of Category A, of the sentence "Motor cycles with a sidecar and three-wheeled motor vehicles in this category may be coupled with a trailer with an unladen weight not exceeding 260 kg."

Mr. BUZZI-QUATRINI (Austria) thought that it would be dangerous if a light vehicle, such as a motor cycle, had a trailer attached to it. He therefore opposed the United Kingdom representative's proposal.

Mr. von HEMERT (Netherlands) also opposed the United Kingdom representative's proposal, as it had been unanimously agreed in the Working Party on Highways that motor cycles, with or without a sidecar, should not be permitted to be coupled with a trailer.

Mr. HOCKING (United Kingdom) said that in his country motor cycles were permitted to be coupled with a small light trailer, and such motor cycles and trailers had travelled over Europe without encountering any difficulties. His country had considered that there could be no objection to the use of such a small trailer by tourists for carrying luggage, as there had never been any accidents. He

/proposed,

proposed, however, that as the question was purely technical, it be referred to Committee II for consideration.

The Committee agreed to refer to Committee II for consideration the United Kingdom representative's proposal to add at the end of Category A the sentence "Motor cycles with a sidecar and three-wheeled motor vehicles in this category may be coupled with a trailer with an unladen weight not exceeding 260 kg."

Mr. MASLOG (Philippine Republic) pointed out that the words "or with a light trailer", used in the first sentence of both Categories C and D, permitted the use of two trailers with the motor vehicles specified. He proposed that those words be deleted.

The Committee unanimously adopted the Philippine representative's proposal to delete the words "or with a light trailer" in the first sentence of Categories C and D.

Mr. BANERJI (India) proposed that the words "B or C or D" be used instead of the words "2 or 3 or 4" in Category E.

The Committee unanimously adopted the Indian representative's proposal to replace the words "2 or 3 or 4" in Category E by the words "B or C or D".

Mr. BANERJI (India) proposed that the word "mark" in the first note to the outside pages of the model driving permit be changed to "sign" to conform with the usage in the text of the Convention.

The Committee unanimously adopted the Indian representative's proposal to substitute the word "sign" for the word "mark" in the first note to the outside pages of the model driving permit in Annex 12 (now Annex 11).

Mr. BANERJI (India) said that in his country records of birth were not infrequently missing, so that drivers did not know either the date or the place where they were born. It was also customary to include, as an addition to the name of a person and as a method of identification, his father's name, or, in the case of a woman, her husband's name. Finally, illiteracy was common. For these reasons, he proposed that

certain amendments to the model driving permit be permitted to his country and to others in the same position, which could be dealt with in footnotes and which would naturally not be compulsory for other countries. Those proposals were: that after "Other names" on the first inside page, there should be added the words "(or father's or husband's names)"; that in place of "Date and place of birth" on the same page be inserted the words "Approximate age on date of issue and place of birth if known"; and that after the word "Signature" on the second inside page be added the words "or thumb-impression".

He also proposed the addition of the words "(including periodic renewals)" after the words "issuing country" on the first outside page.

The Committee unanimously adopted the Indian representative's proposal to add the words "(including periodic renewals)" on the first outside page of the model driving permit in Annex 12 (now Annex 11).

The Committee unanimously adopted the Indian representative's proposals to permit countries to add the words "(or father's or husband's names)" after the words "Other names" on the first inside page; and the words "or thumb-impression" after the word "Signature" on the second inside page of the model driving permit in Annex 12 (now Annex 11).

The Committee unanimously adopted the Indian representative's proposal permitting countries at their option to insert instead of the words "Date and place of birth" on the first inside page of the model driving permit in Annex 12 (now Annex 11) the words "Approximate age on date of issue and place of birth, if known".

The meeting rose at 6.25 p.m.