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**ECONOMIC COMMISSION FOR EUROPE**

INLAND TRANSPORT COMMITTEE

Working Party on Road Traffic Safety  
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agenda item 2 (a))

IMPLEMENTATION OF THE 1968 CONVENTION ON ROAD TRAFFIC  
AND THE CONVENTION ON ROAD SIGNS AND SIGNALS AND  
THE 1971 EUROPEAN AGREEMENTS SUPPLEMENTING THEM AND  
AMENDMENTS THERETO

Questionnaire on the implementation of the Vienna Conventions  
and the European Agreements supplementing them

Transmitted by the Government of Belgium

The reply of the delegation of Belgium to the questionnaire on the implementation of the Vienna Conventions and the European Agreements is reproduced below. Some replies have been supplemented by reflections on the subject in question. Reference is made at the end of question V to two problems arising for the Belgian driving permits department.

I. Yes, conformity is always ensured.

Our national regulations have been drafted in strict conformity with these Conventions and Agreements and our Council of State is constantly involved in ensuring the conformity of draft regulations submitted to it in the context of its legislative competence. Our country is nevertheless required to conform to the directives of the European Union.

II. No.

Differences are few and far between and (or) negligible (see, however, certain questions concerning definitions (point V)).

III. It should be noted that the national authorities in question took an active share in the preparatory work on the Vienna Conventions, both within the International Touring Alliance (ITA), the European Conference of Ministers of Transport (ECMT) and ECE's GE.20 Working Group.

Our regulations on road traffic and road signs and signals were very comprehensively updated in 1968 and 1971. Subsequently a new highway code was prepared, in strict conformity with the Conventions and Agreements.

IV. It is difficult to be specific about periods. It does not seem appropriate to amend the regulations too often. Generally speaking, amendments are grouped together. On more than one occasion national regulations have been adapted even before the rules in question were endorsed by the Conventions.

This was the case of several recommendations formulated by ECMT or the European Union, or which were the result of national decisions (e.g. measures concerning safety belts and various special regulations concerning road signs and signals).

V. There are a number of difficulties in respect of certain of the definitions contained in the Conventions, particularly definitions of vehicles (and concordance with certain definitions in EU directives). Experience has shown that the adaptation or amendment of certain definitions or notions may prove to be a delicate matter when they serve as a reference for many other regulations, particularly when these are technical and cannot be amended without running into considerable difficulties. We refer here to the proposed amendments considered during the most recent revision of the Conventions which had to be abandoned in order to avoid updating several dozen specific technical regulations (in the context of WP.29).

Attention may be drawn here to the importance of precise terminology and strictly accurate translation so as to avoid differences of interpretation.

As regards the provisions of the Conventions concerning driving permits (article 24 of the Geneva Convention and article 41 of the Vienna Convention), Belgium has informed the Economic Commission for Europe of two problems concerning the interpretation of these articles. These two problems still exist today (see annexed note and document).

VI. Yes, but restricted to the necessary adaptations.

There is no reason to draft a new Convention. However, for the European Agreements in particular periodic updates may be scheduled in order to take account of developments.

When important and converging proposals exist, an initial consideration would seem appropriate in any case in order to assess whether they should be incorporated into a draft amendment. This initial consideration would be made by a working group which would meet when the need arose to take a decision on points of significance and not with a view to permanent legislation.

Exceptionally, it may be appropriate in the above context to redraft a subparagraph, a paragraph or even a whole article, if the volume of the changes renders the amended text too complex.

VII. 1: 3

2: 4

3: It is not clear what this question means.

4: 4 (Yes, but it does not need to be permanent).

Amendments to the provisions of the Conventions and Agreements can only be made in line with other provisions on the same subject and with other chapters. After consideration, some proposals could be provisionally adopted using the recommendation procedure, with the intention of including them subsequently in the texts of the (Conventions or) Agreements as a definitive version.

This is not a new technique; it helps to alleviate lengthy amendment procedures and permits a kind of test period which is often timely.

- As regards the form of the final product following an amendment, it would be helpful to distribute, in addition to the purely legal document, a special sheet with the old text, a note justifying the amendment and the new text, so as to clarify matters and facilitate implementation in each country (this could be particularly useful for countries in the process of change).

- Suggestion for a working tool better adapted to the situation: in order to facilitate and clarify discussions, delegations should have to hand a coordinated updated text containing the provisions of the Convention supplemented by those of the European Agreements and the amendments to these texts (cf. ECMT edition of February 1974).

VIII. It should be envisaged that important decisions will be taken on the basis of support, agreement or approval, to be expressed, if appropriate, by a vote, rather than keeping to the custom of "tacit" consent, on the basis of "Silence means consent".

IX. Every five years: an inventory.

This is a delicate question since the principles laid down in the Conventions and Agreements cannot frequently be called in question without running the risk of creating uncertainties and weakening their binding force.

The question should rather concern the need for a preliminary consideration in order to take stock of any proposals (cf. reply to question VI).

Annex concerning question V of the questionnaire  
on the implementation of the Conventions

Document TRANS/WP.1/65 of 6 May 1999

Note concerning the validity of driving permits

As regards the provisions of the Conventions concerning driving permits (article 24 of the Geneva Convention and article 41 of the Vienna Convention), Belgium has informed the Economic Commission for Europe (see attached letter of 12 January 1998) of two problems in connection with the interpretation of these articles. No reply has been received to date.

The questions raised concerned the following points:

1. It was asked whether Contracting Parties were obliged to recognize the models issued by other Contracting Parties which did not comply with the requirements of form set out in Annex 9 of the Geneva Convention or the model contained in Annex 6 of the Vienna Convention.

It has been noted that the driving permits of a number of countries which are Contracting Parties to the Conventions (Cambodia, Canada, Paraguay, etc. for the Geneva Convention and the Bahamas, Cuba, the Philippines, etc. for the Vienna Convention) do not meet the conditions of form required and that the categories of vehicles defined by these Conventions are not applied, while other countries issue driving permits which conform to the prescribed models even when they have not ratified the Conventions or one or other of them.

2. It was also asked whether Contracting Parties are required to recognize a national driving permit, issued by another Contracting Party, which complies with the conditions of form although the other conditions (e.g. regarding age or tests) set out in the Conventions have manifestly not been complied with. This is the case in certain African countries which issue driving permits without testing either drivers' ability or their fitness to drive.

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