

Group of Experts on drafting a new legal instrument on the use of automated vehicles in traffic (GE.3)

4th session

Geneva, 1-2 September 2022

“Geneva and Vienna Conventions on Road Traffic”

Introduction

Reminder of the work programme:

- b) Determine the type of instrument desirable, the scope of the issues addressed (by establishing a list of headings) and the legal implications. Among the 3 types of instruments recommended (convention, amendment, or protocol), it emerged from the last session of the group on 16 May 2022, that a convention seems to be the most appropriate legal instrument with regard to the group's ToR;
- Moreover, a convention has the advantage of guaranteeing a high level of compliance and uniform respect of the rules;
- Moreover, given the importance of the issue, which is that of experimenting with a new era, that of automated vehicles, it seems necessary to start this with a new Convention;
- Historical reminder (previous work of WP1): even before the creation of the working group, WP1 had in mind the elaboration of a Convention;
- Thus, we propose to present the contents of the two Conventions on road traffic and to see how to adapt these specific rules to automated vehicles.

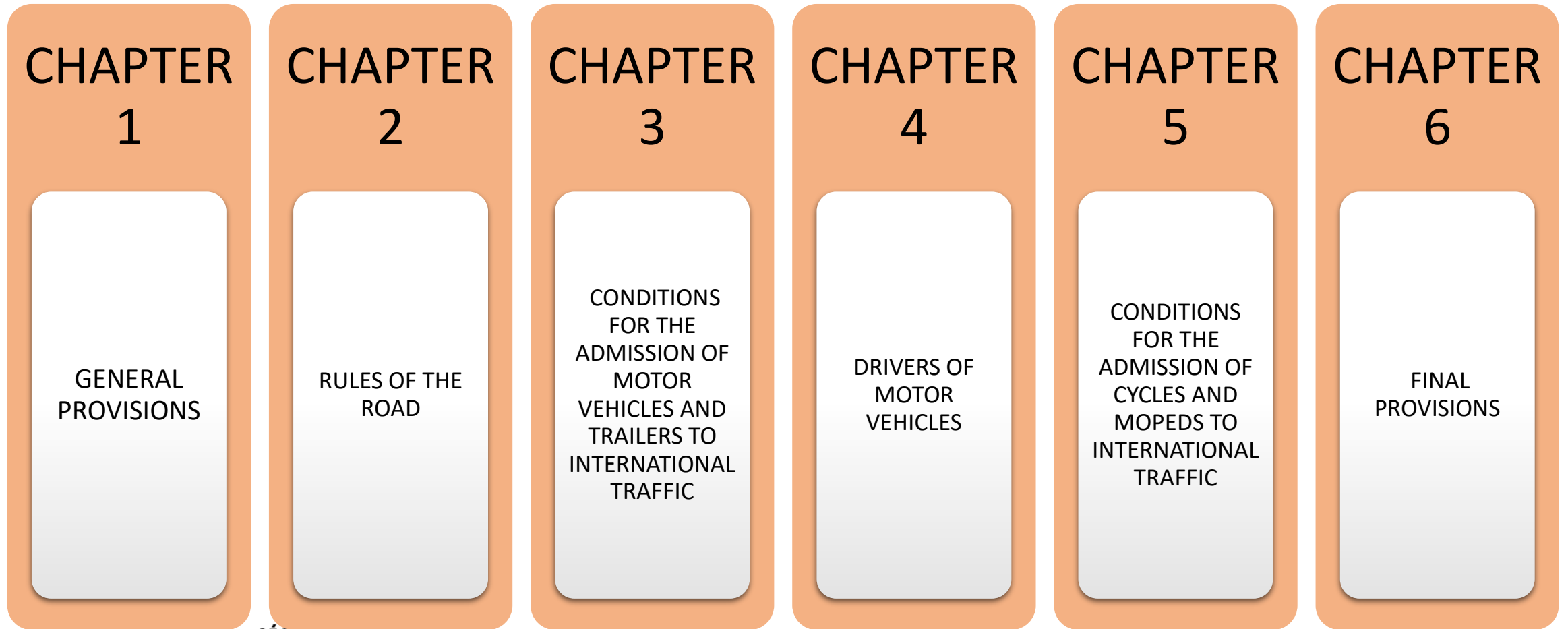


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Provisions of the Vienna Convention on Road Traffic, 8 November 1968

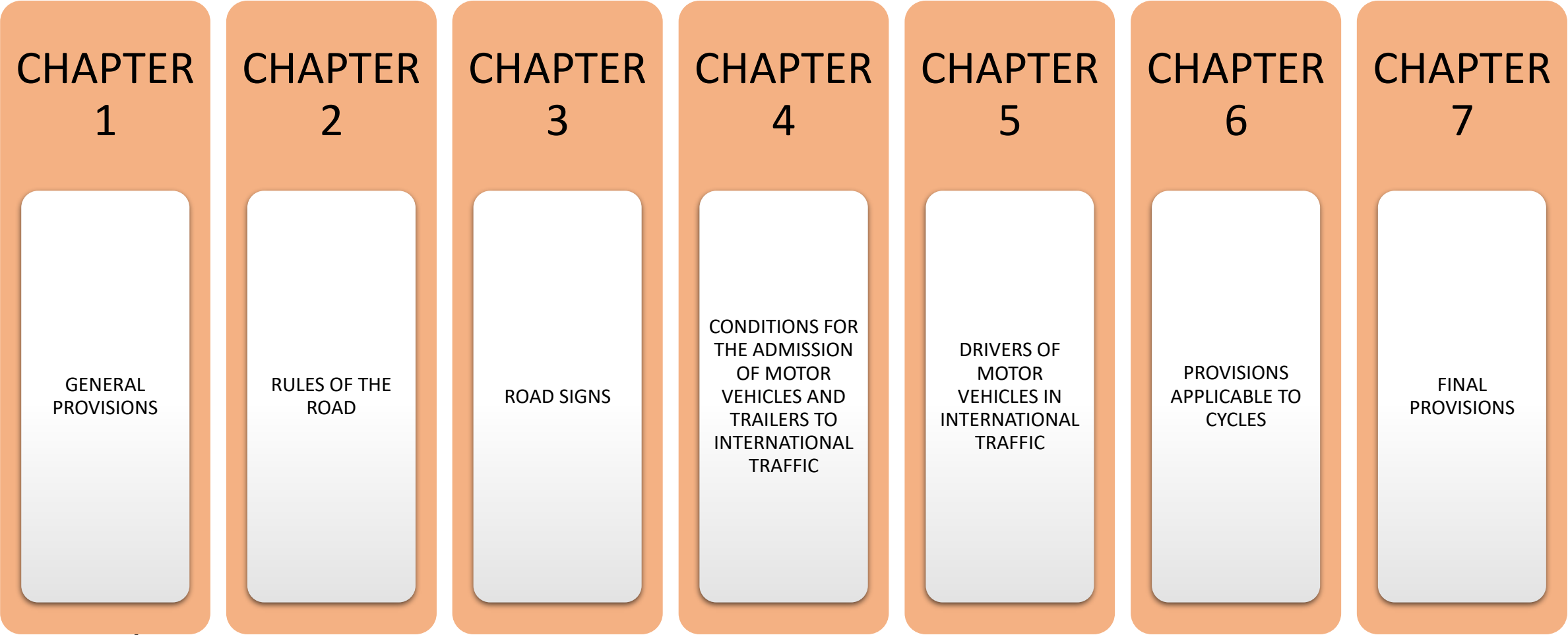


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Provisions of the Geneva Convention on Road Traffic, 19 September 1949



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Application of the provisions of the 2 Conventions to automated vehicles – General Provisions

Vienna Convention	CHAPTER I	Article 1	Definition of driver. Definition of automated driving system in the new amendment	A reminder of certain definitions will be necessary in the new convention: - The notion of driver should remain the same - Reminder of the definition of automated driving system - Scope of application: should the new Convention take account of all levels of automation?
		Article 2	Annexes	
		Article 3	Obligations of the contracting parties	a similar article should be included in the new Convention for Member States to apply in their domestic law
		Article 4	Signalling	The systems must integrate good mapping with signage and be able to recognise signs. They must recognise the signage of each country

Geneva Convention	CHAPTER I	Article 1	Application	A reminder of certain definitions will be necessary in the new convention.
		Article 2	Annexes	
		Article 3	Customs formalities	
		Article 4	Definition	A reminder of certain definitions will be necessary
		Article 5	Exclusion from the scope of the agreement	Driver assistance systems should not fall within the scope of the new Convention

Road Traffic Rules

Vienna Convention	CHAPTER II	article 6	Injunctions given by traffic wardens	The system will have to recognise an agent and then understand the commands. Before the development of more advanced systems, the driver will have to perform this task.
		article 7	General rules	Point of attention on seatbelts: a driver delegation system should not work without all passengers wearing seatbelts (today, only the driver shall fasten the seatbelt).
		article 8	Driver	The automated driving system will not be able to be assimilated to a natural person driver. These provisions could be repeated in the new Convention.
		article 12	Passing of oncoming traffic	The system should recognise mountain roads when priority is given to the climber
		article 13	Speed and distance between vehicles	The system must know the speed rules applicable in each Contracting State. The system must know its environment in order to be able to control its speed according to the circumstances.
		article 21	Behaviour of drivers towards pedestrians	A system must be able to take into account the presence of vulnerable road users, such as a pedestrian at a pedestrian crossing
		article 31	Behaviour in case of accident	Injury assistance is not intended to apply to the driver assistance system. However, it is necessary in this situation for the driver to regain control of the vehicle.
		article 34	Exemptions	Driver assistance systems must recognise a vehicle's priorities. They must be familiar with the specificities of each country.

Geneva Convention	CHAPTER II	Article 6	Obligations	
		Article 7	Obligation of caution	
		Article 8	Driver requirements	Reminder that the delegated driving system cannot be assimilated to a driver
		Article 10	Speed control	The system will have to recognise its environment in order to be able to control the speed according to the circumstances

Provisions applicable to motor vehicles and trailers, and signalling

Vienna Convention	CHAPTER III	Article 35	Registration	Registration rules do not change
		Article 38	Identification marks	Possibly provide for a specific identification of delegated driving systems for law enforcement. This technical regulation should be discussed in WP29.

Convention de Genève	CHAPTER III	Article 17	Rules on road signs	The systems must integrate good mapping with signage and be able to recognise signs. They must recognise the signage of each country
	CHAPTER IV	Article 18	Registration	
		Article 22	Roadworthiness	
		Article 23	Weights and dimensions	

Provisions applicable to drivers

Vienna Convention	CHAPTER IV	Article 40	Driving licence	
		Article 41	Driving licenceaire	While the licensing provisions remain unchanged for drivers of self-driving vehicles, there may be a need for proposals for additional training requirements for driving such vehicles. On the other hand, information from the manufacturer should be required. To be discussed.

Convention de Genève	CHAPTER V	Article 24	Driving licence	
		Article 25	Information	

Final provisions

Vienna Convention	CHAPTER VI	Article 45	Signing and ratification	
		Article 46	Application of the Convention	
		Article 47	Entry into force	
		Article 48	Repeal of previous Conventions	This article will not be necessary, as the two previous Conventions remain applicable
		Article 49	Amendments	
		Article 50	Termination of the Convention	
		Article 51	Termination of application of the Convention	
		Article 52	Cases of dispute	
		Article 53	Interpretation rules	
		Article 54	Declaration of Contracting Parties/Reservation	
		Article 55	Notification	
		Article 56	Languages	

Geneva Convention	CHAPITRE VII	Article 27	Signing and ratification	
		Article 28	Application	
		Article 29	Entry into force	
		Article 30	Termination of the previous Conventions	This article will not be necessary, as the two previous Conventions remain applicable
		Article 31	Amendments	
		Article 32	Termination	

Conclusion :

The key points to be included in the new Convention:

- A list of definitions specific to automated vehicles;
- A reminder of the driver's role in the driving of automated vehicles;
- The specific road traffic rules applicable to these vehicles: they remain the same as those in the two Conventions, but may give rise to certain specificities;
- No specific provisions on vehicle registration;
- No specific provisions on driving licences: however, training must be provided for drivers of these vehicles.



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