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Convention on Road Traffic (1968) - Automated driving

Amendment proposal to Article 8 in the 1968 Convention on Road Traffic

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Submitted by France

This document, submitted by the Government of France, proposes to amend Article 8 of the 1968 Convention on Road Traffic to ensure greater levels of legal certainty due to increasing vehicle automation.

GE.19-00307(E)



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In order to strengthen road safety and to ensure certainty at legal level to the increasing use of new technologies/automated functions in the forthcoming years, **the Vienna Convention on Road Traffic shall be amended regarding its Article 8. In this respect two new paragraphs (i.e. paragraphs 5b and 5c are to be inserted into Article 8, just after paragraph 5a:**

Article 8 - Drivers

1. Every moving vehicle or combination of vehicles shall have a driver.
2. It is recommended that domestic legislation should provide that pack, draught or saddle animals, and, except in such special areas as may be marked at the entry, cattle, singly or in herds or flocks, shall have a driver.
3. Every driver shall possess the necessary physical and mental ability and be in a fit physical and mental condition to drive.
4. Every driver of a power-driven vehicle shall possess the knowledge and skill necessary for driving the vehicle; however, this requirement shall not be a bar to driving practice by learner drivers in conformity with domestic legislation.

...

5. Every driver shall at all times be able to control his vehicle or to guide his animals.

5 (a) Vehicle systems which influence the way vehicles are driven shall be deemed to be in conformity with paragraph 5 of this Article and with paragraph 1 of Article 13, when they are in conformity with the conditions of construction, fitting and utilization according to international legal instruments concerning wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles¹.

Vehicle systems which influence the way vehicles are driven and are not in conformity with the aforementioned conditions of construction, fitting and utilization, shall be deemed to be in conformity with paragraph 5 of this Article and with paragraph 1 of Article 13, when such systems can be overridden or switched off by the driver.

“5 (b) As an exception to the paragraph 1 above, some vehicles systems can take over all of the driving tasks of the driver.

- (i) When an automated driving system assuming all dynamic driving tasks within a pre-defined design domain, with the expectation that the driver will respond to requests to intervene, is active, the driver behind the wheel is exempted from the driving task except in case he has to obey to instructions given by authorized officials, to follow the rules which apply towards priority vehicles, in case of an evident vehicle system failure and has to respond upon any request to intervene in accordance with what is requested by the automated driving system.

¹ Those legal instruments are the UN Regulations annexed to the "Agreement concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be fitted and/or be used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these Prescriptions" done at Geneva on 20 March 1958 or the United Nations Global Technical Regulations developed in the framework of the "Agreement concerning the Establishing of Global Technical Regulations for Wheeled Vehicles, Equipment and Parts which can be fitted and/or be used on Wheeled Vehicles" done at Geneva on 25 June 1998.

Notwithstanding these exceptions, the driver behind the wheel can exercise other activities than driving provided these activities do not prevent him/her from responding safely to demands from the vehicle system for taking over the driving task. Moreover, these activities shall be consistent with the prescribed use of the vehicle systems and their defined functions.

Such an automated system shall be in conformity with the conditions of construction, fitting, utilization and validation according to international legal instruments concerning wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles

(ii) When an automated driving system assuming all of the driving tasks of the driver at all times, is active, the user is exempted from the driving task. Subsequently paragraphs 5 (first sentence) and 6 of this Article, and paragraph 1 of Article 13 do not apply. The provisions of the convention which apply to drivers, other than those linked to the driving tasks, apply to the person who has engaged the autonomous driving system.

Such an automated system shall be in conformity with the conditions of construction, fitting, utilization and validation according to international legal instruments concerning wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles”

“5 (c) Users of fully automated vehicles shall comply with the safety instructions given by the automated system. When the automated system assuming all driving tasks at all times, within a pre-defined design domain is under remote supervision and control, this automated system and the corresponding communication, supervision and control system shall be in conformity with the conditions of construction, fitting, utilization and validation according to international legal instruments concerning wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles”

6. A driver of a vehicle shall at all times minimize any activity other than driving. Domestic legislation should lay down rules on the use of phones by drivers of vehicles. In any case, legislation should lay down rules on the use of phones by drivers of vehicles. In any case, legislation shall prohibit the use by a driver of a motor vehicle or moped of a hand-held phone while the vehicle is in motion.
