

# GLOBAL ROAD SAFETY AND ACCIDENT PREVENTION

## How the United Nations, the European Union and the World Health Organisation interrelate in the legal, technical and promotional sectors

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**Disclaimer:** The contents of the present document are neither intended for legal use nor as legal information. They do not reflect any other opinion on the part of the author.

### I. INTRODUCTION.

During the year 2004, several major events have taken place in the global road safety sector, in particular in the elaboration of transport safety rules, regulations, campaigns, with the aim of providing recommended harmonised practices to implement road safety world-wide.

In April 2004, the UN General Assembly approved a Resolution that will subtly modify the scope and reach of the UN ECE work on road accident prevention and safety will be explained below.

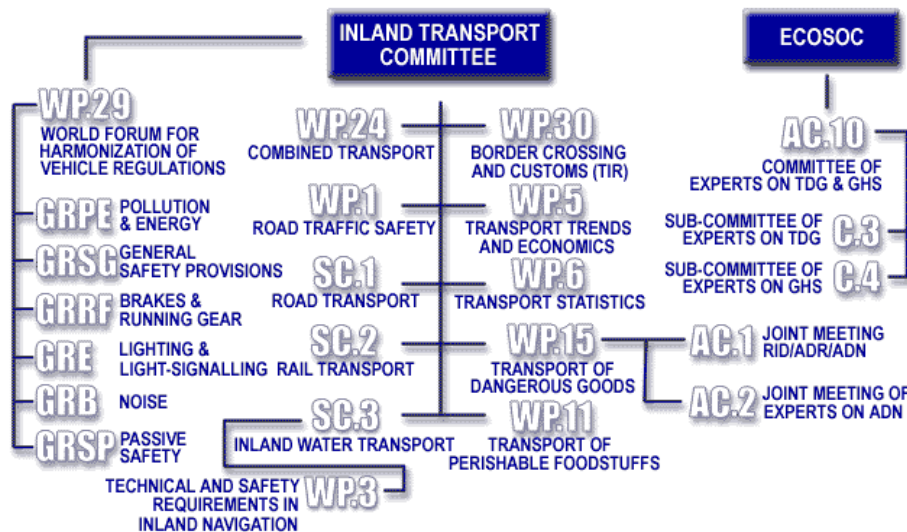
The international scene is changing. It is my pleasure to explain herewith the different aspects on how the International Government Bodies that are active in this important field function and interrelate.

### II. SITUATION PRIOR TO APRIL 2004.

#### A. UNITED NATIONS.

##### UN Economic Commission for Europe (UN ECE)

- Created by General Assembly ECOSOC in 1949 together with five other regional Economic Commissions;
- Inland Transport Committee (ITC) set up to elaborate the revised World Conventions and Agreements regarding transport based on the League of Nations 1926 World Conventions on Road transport and on Road Signs and Signals.
- To carry out the work, the ECE established Working Parties as reflected in the chart below (situation at end 2003).



Since 1949 a number of international legal documents regarding Transport and in particular Road Transport and its Safety have entered into force in the UN system. Practically all the UN Member States are Contracting Parties to most of them. The documents can be consulted on the UN ECE website in Geneva at the following address:

<http://www.unece.org/trans>

**Annex 1** shows the current situation regarding the signature and/or adherence of UN Member States – among which are all 25 EU Member States – to the UN international legal documents.

The situation as it prevailed until April 2004 is detailed below regarding

- The work programmes and tasks allocated to WP.1 and WP.29 by the UN ECE Inland Transport Committee.
- The management of the UN Legal Documents.

<b>Working Party on Road Traffic Safety (WP.1)</b>
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WP.1 is currently responsible at global level through the secretariat of the ECE Transport Division for

- The preparation of harmonised road safety measures with the aim of reducing the number and gravity of road traffic accidents, and thereby reducing the risks of injury.
- The elaboration of harmonised legal texts for inclusion into traffic codes regulating safe mobility and road transport according to the following principles:

**The Traffic Law :** indicates WHAT to do

} Form together the **Traffic Code**

**Application Rules:** Indicate HOW to do the “What”

+

**Technical Rules/Standards:** Minimum performance requirements and test methods for road safety devices used on roads (signing, markings, barriers, traffic lights etc.) and mentioned in the **Traffic Code**

- The “management” of the world international legal documents for the UN Secretariat in New York, in particular to prepare amendments and discuss road safety matters to be included into the existing International Legal Documents in force today which form the base for the entire the national legislation on road transport (Traffic Codes) of each individual UN Member State, i.e. almost all nations of the world. These are:

1. CONVENTION ON ROAD TRAFFIC 1949 + CONVENTION ON ROAD SIGNS & SIGNALS
2. EUROPEAN AGREEMENT SUPPLEMENTING THE ABOVE 1949 CONVENTIONS AND 1950 PROTOCOL ON ROAD MARKINGS
3. CONVENTION ON ROAD TRAFFIC 1968 + CONVENTION ON ROAD SIGNS & SIGNALS “VIENNA CONVENTIONS” (Amended in 1993 and in 2004)
4. EUROPEAN AGREEMENTS SUPPLEMENTING THE ABOVE 1968 CONVENTIONS - 1971 (Amended in 1993 and in 2004)
5. EUROPEAN AGREEMENT ON ROAD MARKINGS - 1950
6. PROTOCOL ON ROAD MARKINGS, ADDITIONAL TO THE EUROPEAN AGREEMENT SUPPLEMENTING THE CONVENTION ON ROAD SIGNS & SIGNALS - 1973
7. DECLARATION ON THE CONSTRUCTION OF MAIN INTERNATIONAL ARTERIES - 1950
8. EUROPEAN AGREEMENT ON MAIN INTERNATIONAL TRAFFIC ARTERIES (AGR) - 1975
9. AGREEMENT ON THE TRANS-EUROPEAN NORTH-SOUTH MOTORWAY (TEM)

- **Consolidated Resolutions.**

Since the above legal documents cannot be amended every year, WP.1 also manages a set of “Consolidated Resolutions” on

- Road Traffic

- Road Signs and Signals and
- Construction of Vehicles.

These list recommendations for **harmonised practice** in the different fields of road safety, e.g. education and driver training, pedestrian behaviour, safety of children, road signing, vehicle safety, traffic management, etc. They are in fact details supplementing the legal texts which cannot be included in them for practical or legal reasons but which form an integral part of road safety requirements.

- **Amendment to the 1968 Conventions and European Agreements supplementing them.**

At more or less regular intervals, the Conventions and Agreements are amended and brought up to date. The last “package” was sent in 2004 to New York by ITC.

WP.1, in close collaboration with WP.29, is now reconsidering the contents of the Consolidated Resolutions in order to update the legal texts and documents under revision.

- **Membership of WP.1**

WP.1 meets twice yearly at the Palais des Nations in Geneva.

Delegations are:

- Representatives from UN ECE Member States,
- Those “participating under Article XI”, namely any UN non-ECE Member State.
- The main international government or regional organisations (e.g. the EU Commission, WHO, OCDE, CEMT, PIARC, etc.) and
- A large number of UN affiliated Non-Government Organisations (e.g. GRSP, IRF, FIA/AIT, FEVR, IRU, IMMA, OICA, etc.)
- International standards bodies (e.g. ISO, CEN, etc.)

<b>World Forum for Harmonisation of Vehicle Regulations (WP.29)</b>
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In 1998, the UN, on proposal by the ECE Inland Transport Committee and the non-ECE UN membership participating in its work, decided that WP.29 would be the single recognised World Forum to elaborate and approve Technical Rules for wheeled vehicles and their equipment, in particular to provide global performance requirements, test methods for minimum type approval requirements to all UN Member States. **WP.29 meets three times per year and its Working Parties at least once per year.** The main goals of WP.29 are:

- To enhance the safety and quality of wheeled vehicles, their equipment and parts, licensed to be used in international traffic all over the world.
- To avoid that less safe new wheeled vehicles are manufactured and sold into the developing world.
- To eliminate barriers to world-wide trade

Essentially, three Agreements are in force today regarding wheeled vehicles, their equipment and parts.

- **The 1958 Agreement** concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be fitted and/or use on Wheeled Vehicles and the Conditions of Reciprocal Recognition of Approvals Granted on the Basis of these Prescriptions (Revision 2, entered into force on 16 October 1995). Currently there are 114 Regulations annexed to it. **37 Contracting Parties** are registered from all parts of the World (including non-ECE Member States).
- **The 1998 Global Agreement** on Harmonised Technical Regulations for Wheeled Vehicles, Equipment and Parts which can be fitted and/or used on Wheeled Vehicles (entered into force on 25 August 2002) To date several Global Technical Rules to be annexed to it are under preparation. There are **22 Contracting Parties** from all over the world.
- **The 1997 Agreement** concerning the Adoption of Uniform Conditions for Periodical Technical Inspections of Wheeled Vehicles and the Reciprocal recognition of such inspections. It entered into force on 27 January 2001 and has **7 Contracting Parties to date and 18 Signatories.**

The **1958 Agreement** is binding for all its 37 Contracting Parties with reciprocal recognition of a type approval of a vehicle or vehicle equipment approved in another Contracting Party. This is not recognised under the legal systems of several major countries around the world outside the ECE (e.g. USA and Canada) that base their legislation on Self Certification requirements.

For this reason the **1998 Global Agreement** was opened to signature at the UN. It contains exclusively the technical requirements (called Global Technical Rules) found in the ECE Regulations annexed to the 1958 Agreement. Under this Agreement, any given GTR annexed to it can be applied on a voluntary basis by any authority around the world.

The **1997 Agreement** was elaborated as a consequence of the Rio conference on the Environment. It contains global harmonised requirements for regular inspections for wheeled vehicles in order to reduce or control pollution from exhaust emissions.

#### **Membership of WP.29**

- All UN Member States as well as the European Community\*/
- Government Organisations (EU) and UN Bodies (e.g. WHO, ILO, etc.)
- The related NGOs (e.g. GTB, CLEPA, OICA, IRU, ERTICO, AIT/FIA, IMMA, ETRTO, etc.)
- International standards and technical bodies (e.g. SAE, ISO, CEN, etc.)

\*/ The European Community is an official single Contracting Party to these Agreements in addition to the individual EU Member States.

### **B. EUROPEAN UNION (25 Member States after May 1, 2004)**

Each one of the 25 European Union Member States is or can become (depending on national decisions) an individual Contracting Party to UN international Legal documents on Road Transport and Road Signs and Signals in force today (See Annex 1). The European Community is however also an individual Contracting Party to the UN 1958 and 1998 Agreements regarding wheeled vehicle technical rules and regulations - except for the time being the Member States Cyprus and Malta (who have informed the UN that they will adhere shortly). So its participation in the work of WP.29 is of a different legal nature than that of its participation in WP.1

**In all cases, this results in the fact that practically any legal decision in road transport under discussion within the EU must remain in conformity with the UN International Legal Documents related to Road Transport.**

#### **EU participation to the work of WP.1 and WP.29.**

The rules regarding the participation of the representatives of the European Community at WP.1 and WP.29 are set out as follows:

As Contracting Parties to the 1968 Conventions and the UN European Agreements supplementing them, any individual Member State and/or the European Community may table proposals at both WP.1 and WP.29 meetings to amend, supplement or modify any one of them, including their Annexes.

In doing so the following procedures exist:

- **At meetings of WP.1 and the sub-groups (Working Parties) of WP.29**, any individual EU Member State delegate may reflect its own national opinion or country position.
- **At meetings of WP.29**, once a draft proposal to amend a Convention or an Agreement or any draft proposal for new draft Technical Rules or ECE Regulations is put to final vote according to the procedures of the UN ECE, the representative of the European Community **expresses a single opinion and votes in the name of all the Member States.**

In practice this can cause delay in decisions at both EU and UN level. This is due to the internal EU procedures as explained below:

**i) Languages used in the EU legal texts.** At present, all legal texts have to be translated into 20 languages in such a way that they correspond exactly (for obvious legal reasons) before any decision can be discussed and approved at Community level.

**ii) EU Proposals for amendments under discussion at WP.1 – Working Party on Road Traffic Safety:**

Each Member State may express its own opinion and requirements at WP.1 which are taken into account during the debate prior to final decisions. This is because of the legal possibility offered under the “Subsidiary” system to EU Member States where (in short) any government having existing equivalent national legislation covering the requirements under discussion are not required to pass new Community legislation on that particular subject.

**iii) EU Proposals submitted to WP.29 – World Forum for the Harmonisation of Technical Rules for Wheeled Vehicles:**

- **At the different WP.29 Working Party (sub-groups) meetings,** delegates from Contracting Parties may participate individually as national experts in the debates regarding the preparation of draft technical rules (i.e. draft ECE Regulations annexed to the 1958 Agreement and/or Global Technical Rules (GTR) annexed to the 1998 Global Agreement). **They may express a national position on the subject.**
- **At the WP.29 meetings,** once a draft proposal is approved by a Working Party, it is transmitted to WP.29 for final debate, WP.29 approval and official vote according to the procedures of each Agreement. **Thus a single vote is cast by the delegate of the European Community to WP.29 reflecting the official position of all the European Union Member States.** No individual Member State, even as Contracting Party to the Agreement, may cast a national vote at this level.

**C. Internal European Union procedures leading to the approval of draft UN Technical Regulations and Technical Rules (new or amendments) annexed to the 1958 and 1998 Agreements.**

**Before the EU vote is cast at the UN ECE WP.29,** two distinct procedures for EU agreement exist:

1. **“COMITOLOGY” - simplified procedure for the approval of a draft amendment** to a GTR or ECE Regulation within the scope of the Directive for type approval of a whole vehicle (70/156/EEC).

DG ENTERPRISE submits the draft duly translated into all 20 languages to its Member States through the **Committee for the Adaptation of Directives to Technical Progress (CATP)** for discussion and approval of the text that will be included into the related EC Directive(s). In case of approval the Commission is instructed to vote at UN WP.29 (AC.1) at its next WP.29 meeting. This procedure requires roughly 3 months.

2. **“ASCENT” procedure,** according to the rules set out in the Council Decision that the EC becomes a Contracting Party to the 1958 Agreement.

In short, the Commission submits proposals for new draft texts for inclusion into existing or new EC Directive(s) to the European Parliament. The draft is then submitted by the Parliament to the Member States in the Committee 133 of the Council. In case of acceptance by both instances the Commission is instructed to vote in favour at the UN WP.29 (AC.1). In case of disagreement, the draft is refused. These procedures can take up to six months before being sent back to the UN Secretariat for WP.29 (AC.1) vote.

### **III. SITUATION AS OF APRIL 2004**

**The change in the operation of the UN ECE bodies concerns exclusively that of WP.1. WP.29 will continue operating independently under the responsibility of the Inland Transport Committee of ECE as at present.**

## **The United Nations General Assembly Resolution on Road Safety**

At its 58<sup>th</sup> Plenary Session on April 14, 2004, the United Nations General Assembly passed a Resolution (58/9) taking into consideration the recommendations contained in the **WHO World Report on Road Traffic injury prevention**, launched on April 7, 2004 at the World Health Day, whereby

- **The World Health Organisation** was invited to act as coordinator on road safety issues within the United Nations system, working in close cooperation with the United Nations regional commissions.
- Requests the Secretary General to draw upon the expertise of the United Nations regional commissions as well as the **World Health Organisation** and the **World Bank** when submitting his report to the General Assembly at its 60<sup>th</sup> session.

## **Foreseeable Consequences for global road traffic injury prevention**

According to the information the author has received to date, the following can be expected and/or envisaged.

### **Creation of a United Nations World Forum on Road Traffic Safety.**

For the time being, the custody of the international legal documents discussed above is maintained in Geneva. In view of this, it is expected that the membership of WP.1 will be extended to that of the Contracting Parties of the Conventions and Agreements – namely more than just the ECE Membership (see Annex 1). The ECE Inland Transport Committee will thus remain the authority of the UN responsible for these documents on behalf of the UN Secretariat in New York.

### **Forthcoming UN discussions.**

WP.1 will initiate discussions to redefine its programme of work at its next meeting from 28 September to 1 October 2004. During this meeting,

- On September 29, the Directors of the other UN Economic Commissions will be invited to Geneva by the Secretariat of ECE and WHO to present and discuss their respective programmes, activities and needs in the field of road safety.
- On October 1, WHO will organise a meeting for all concerned at its Geneva Headquarters. Invitations will also be sent to the NGOs concerned.

**Thus all the WP.1 members, the Directors of the other ECE Commissions and the Non-Government Organisations active in road safety will meet to discuss the WHO strategies consequent to the General Assembly Resolution 58/9.**

The outcome of this meeting will certainly lead to the creation of a World Forum on Road Traffic Safety similar to WP.29 with global attendance and scope. Whether this will be under the auspices of WHO or another UN body (ECE Inland Transport Committee and its WP.1) is still uncertain.

The relative invitations and working documents will be issued shortly. The undersigned will amend the present document in consequence and as appropriate.

## **IV. Conclusions**

The present document is intended exclusively for information and reflects the facts known to the undersigned at the time of writing. This document hopefully allows the reader to understand the complexity of the international, world-wide scene regarding harmonised activities on Road Safety.

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## ANNEXE 1.

### SUMMARY REGARDING THE APPLICATION OF THE DIFFERENT CONVENTIONS AND AGREEMENTS (FEBRUARY 2003).

The tables below show the current situation concerning the application by the **UN ECE Member States that actively participate in the meetings of WP.1 as well as in the work of WP.29** of the international UN Legal Documents concerning the use and equipment of road vehicles licensed to be used in international traffic. They represent the situation on 10 February 2003 according to document "International Agreements and Conventions in the Field of Transport" published by the UN ECE Transport Division.

**Disclaimer:** This list below is only provided for the purpose of the present document; it does not reflect any other opinion on the part of the author.

#### LEGEND:

<b>A</b> 1949 Convention on Road traffic	<b>G</b> 1971 European Agreement supplementing the 1968 Convention on Road Traffic
<b>B</b> 1949 Convention on Road Signs & Signals	<b>H</b> 1971 European Agreement supplementing the 1968 Convention on Road Signs & Signals
<b>C</b> 1950 Supplement to the 1949 Conventions and Protocol	<b>I</b> 1973 Protocol on Road Markings
<b>D</b> 1957 Protocol on Road Markings	<b>J</b> 1958 Agreement on the Construction of Vehicles <b>**/</b>
<b>E</b> 1968 Convention on Road Traffic (amended 1993 and 2004)	<b>K</b> 1998 Global Agreement on Harmonised Technical Regulations for Wheeled Vehicles
<b>F</b> 1968 Convention on Road Signs & Signals (amended in 1993 and 2004) <b>*/</b>	<b>L</b> 1997 Agreement concerning the adoption of uniform conditions for periodical technical inspections of wheeled vehicles and the reciprocal recognition of such inspections

**\*/** includes the provisions on road markings found in the 1973 Protocol on Road Markings

**\*\*/** "Agreement concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles, Equipment and Parts which can be fitted and/or used on Wheeled Vehicles and the Conditions for Reciprocal Recognition of Approvals Granted on the Basis of these Prescriptions, 20 March 1958", the technical rules of which are currently being prepared by WP.29 for inclusion into the UN 1998 Global Agreement on Harmonised Technical Regulations for Road Vehicles.

Document ratified/Adhered to:

Document signed but not yet ratified:

**Table 1.**

UN ECE MEMBER STATES (EU Member States are shown in bold italics)	A	B	C	D	E	F	G	H	I	J	K	L
Albania	ECE	X			X							
Andorra	ECE											
Armenia	CIS											
<b>Austria</b>	<b>EU</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>		<b>S</b>
Azerbaijan	CIS									X	X	
Belarus	CIS				X	X	X	X	X	X		
<b>Belgium</b>	<b>EU</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>		<b>S</b>
Bosnia and Herzegovina	ECE			X	X	X	X	X	X	X		
<b>Bulgaria</b>	<b>EU</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>		<b>X</b>
Croatia	ECE				X	X	X			X		
<b>Cyprus</b>	<b>EU</b>	<b>X</b>		<b>X</b>								<b>S</b>
<b>Czech Republic</b>	<b>EU</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>		<b>S</b>
<b>Denmark</b>	<b>EU</b>	<b>X</b>	<b>X</b>		<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>		<b>S</b>
<b>Estonia</b>	<b>EU</b>				<b>X</b>	<b>X</b>		<b>X</b>		<b>X</b>		<b>X</b>
<b>Finland</b>	<b>EU</b>	<b>X</b>	<b>X</b>		<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>France</b>	<b>EU</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>		<b>X</b>	<b>X</b>	<b>S</b>
Georgia	CIS	X			X	X		X	X			S
<b>Germany</b>	<b>EU</b>			<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>S</b>
<b>Greece</b>	<b>EU</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>		<b>S</b>
<b>Hungary</b>	<b>EU</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>Ireland</b>	<b>EU</b>	<b>X</b>										<b>S</b>

<i>Italy</i>	<i>EU</i>	X	X	X	S	X	X	X	X	X	X	X	X	S
Kazakhstan	CIS					X	X							
Kyrgyzstan	CIS	X	X											
<i>Latvia</i>	<i>EU</i>					X	X	X	X		X			
Liechtenstein	EEA													
<i>Lithuania</i>	<i>EU</i>					X	X	X	X		X			
<i>Luxembourg</i>	<i>EU</i>	X	X	X	X	X	X	X	X	X	X			
<i>Malta</i>	<i>EU</i>	X												
Monaco	ECE	X	X			X		X						
<i>Netherlands</i>	<i>EU</i>	X	X	X	S						X	X	X	
Norway	EEA	X	S			X	X				X			
<i>Poland</i>	<i>EU</i>	X	X	X		X	X	X	X	X	X			S
<i>Portugal</i>	<i>EU</i>	X	X		X	S	S				X	X		
Republic of Moldova	CIS					X								
Romania	C EU*	X	X		X	X	X	X	X		X	X	X	
Russian Federation	CIS	X	X			X	X	X	X	X	X	X	X	
San Marino	ECE	X	X			X	X							
Serbia Montenegro	ECE	X	X	X	X	X	X	X	X	X	X			
<i>Slovak Republic</i>	<i>EU</i>	X	X		X	X	X	X	X	X	X	X	X	S
<i>Slovenia</i>	<i>EU</i>					X		X			X			
<i>Spain</i>	<i>EU</i>	X	X	X	X	S	S				X	X	S	
<i>Sweden</i>	<i>EU</i>	X	X			X	X	X	X	X	X	X	S	
Switzerland	EEA	S	S		S	X	X	X	X	X	X			S
Tajikistan	CIS					X	X							
The Former Yugoslav Rep. of Macedonia	ECE					X	X	X	X	X	X			
Turkey	C EU*	X			X						X	X		
Turkmenistan	CIS					X	X							
Ukraine	CIS					X	X	X	X	X	X			S
<i>United Kingdom</i>	<i>EU</i>	X	X	X	S	S	S	S	S		X	X	S	
Uzbekistan	CIS					X	X							
<b>EUROPEAN COMMUNITY (25 MS)</b>	<b>EC</b>										X	X		

C EU: EU Candidate Member State

**Table 2**

<b>UN MEMBER STATES (NON ECE) ATTENDING WP.29 AND/OR WP.1 MEETINGS</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>	<b>I</b>	<b>J</b>	<b>K</b>	<b>L</b>
Australia	X									X		
Brazil					X	S					X	
Canada	X										X	
China	X				S	S					X	
Israel	X	S			X							
Japan	X									X	X	
Netherlands territorial application for the Netherlands Antilles											X	
New Zealand											X	
Republic of Korea	X				S	S					X	
Republic of South Africa	X				X					X	X	
United States of America	X										X	

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