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UNITED NATIONS CONFERENCE ON ROAD AND MOTOR TRANSPORT
COMMITTEE I ON LEGAL AND GENERAL MATTERS AND DOCUMENTS

SUMMARY RECORD OF THE FOURTEENTH MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 6 September 1949, at 3.0 p.m.CHAIRMAN: Mr. MIKACUI (Lebanon)
SECRETARY: Mr. HOSTIEContents:CONSIDERATION OF DRAFT PROVISIONS FOR INSERTION
IN A CONVENTION ON ROAD AND MOTOR TRANSPORT
PREPARED BY THE ECONOMIC COMMISSION FOR EUROPE
(Items 4 of the Conference Agenda) (continued).CONSIDERATION OF DRAFT FORMAL PROVISIONS
SUBMITTED BY THE SECRETARIAT AND OF AMENDMENTS
SUBMITTED BY THE DELEGATION OF THE UNITED STATES
OF AMERICA.

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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.8/21, E/CONF.8/29)

The COMMITTEE resumed discussion of the draft formal provisions submitted by the Secretariat (Document E/CONF.8/21) and of the amendments submitted by the delegation of the United States of America (Document E/CONF.8/29).

Article H (E/CONF.8/21): Article F (E/CONF.8/29).

Mr. FOLEY (United States of America) referred to the United States text where it was proposed that the Convention should enter into force after two instruments of ratification had been deposited. The Committee had now to decide whether that figure was acceptable or, if not, how many ratifications would be required.

Mr. SCHAEPMAN (Netherlands) expressed his agreement with the suggestion made by the representative of Lebanon that at least 5 ratifications should be required, and further added on behalf of his own delegation that the minimum number required before the Convention entered into force should be 7.

Mr. BEST (United Kingdom) said that, in a Convention of that sort, as opposed to an international broadcasting agreement for example, it was quite feasible for it to enter into force when only two ratifications had been deposited. For that reason his delegation was prepared to accept the United States proposal.

Mr. AZKOUL (Lebanon) agreed that the situation as outlined by Mr. Best was logically feasible, albeit of slight practical value; he was therefore in favour of setting the minimum at 5.

The CHAIRMAN then proposed that the Committee take the United States text as a basis, amend it in favour of the proposal of the Netherlands, seconded by Lebanon, and refer it to the Working Group for final drafting.

The proposal was adopted by 10 votes to 4 with 1 abstention.

Amendments to the Convention.

Mr. SCHAEPMAN (Netherlands) asked whether the question had yet been settled of whether a third or a quarter of the number of

Contracting States would be the required proportion when the question of amendments to the Convention arose.

The CHAIRMAN stated that the question had not yet been settled and proposed that it be remitted to the Working Group.

Mr. SCHAEPMAN (Netherlands) agreed to that proposal.

Mr. AZKOUL (Lebanon) thought that they had already decided on differential proportions being required for amendments to the Convention and to the Annexes. He too, however, agreed that the matter should be referred to the Working Group.

Article A (Document E/CONF.8/29).

Mr. FOLEY (United States of America) thought the Article should include a reference to the Road Traffic Convention signed at Paris simultaneously with the Motor Traffic Convention.

Mr. de SYDOW (Sweden) considered that the Article ought also to include reference to the 1931 Convention.

Mr. SCHAEPMAN (Netherlands) thought that the Article involved some very complicated issues and he therefore proposed that it be referred to the Working Group for the latter to prepare the necessary provisions for the transitory Clauses of the Convention.

Mr. AZKOUL (Lebanon) agreed with the Netherlands representative.

Mr. BEST (United Kingdom), pointing out that the abrogation of existing multilateral Conventions by new Conventions on the same subject was a difficult and involved process, considered that the United States text offered the simplest method of regulating the matter.

Mr. SCHAEPMAN (Netherlands) said that his delegation had considered this Article at great length but, pending consultation with their legal adviser, were unable to make a final statement. Above all they must avoid the risk of conflict with existing Conventions.

To the CHAIRMAN's inquiry as to whether the Netherlands delegation could accept the United States proposal in principle, pending legal advice, Mr. SCHAEPMAN replied that, if the United States text, which he admitted to be the most simple, did not conflict in any way with existing treaties, then it would be acceptable. But that condition was, of course, precisely the one of whose fulfilment he had to be certain. He would accept the United States text for reference to the Working Party subject to the proviso that, if there were any legal complications it was modified to meet them.

After Mr. BUZZI-QUATRENI (Austria) had withdrawn a proposal that solution of the question should await the appearance of a definitive text of the Convention, the CHAIRMAN asked the Committee whether it was prepared to refer to the Working Group Article A of the United States text (E/CONF.8/29) together with Article H in the Secretariat draft (Document E/CONF.8/21), the proposal of the AIT/FIA representative and the observations of the Netherlands representative.

This was agreed.

Article I (Document E/CONF.8/21): Article G (Document E/CONF.8/29)

Mr. BEST (United Kingdom) said that the Article relating to denunciation was by nature the most formal of the formal provisions. In connection with the present Article, he would only suggest, firstly that the Committee should agree in principle and refer the Article to the Working Group for drafting, with possible indications as to what dates were to be inserted in the blank spaces; and secondly, that some provision be made to distinguish between formal denunciation and the notification given by a Contracting State on behalf of a dependent territory that it no longer wished to extend the Convention to that territory.

Mr. SCHAEPMAN (Netherlands) supported the United Kingdom proposal to refer the Article to the Working Group and declared his preference for the United States version as being simpler and as offering fewer formal difficulties. The version given in Document E/CONF.8/21 would in any case require amending to conform with decisions already taken, and was in his opinion, wrongly drafted, since it implied the possibility of denouncing the Convention and remaining a party to annexes, and of denouncing a mandatory annex

/and remaining

and remaining a party to the Convention. All those difficulties were avoided by the United States text.

Mr. BANERJI (India) thought it was unnecessary to state a minimum period of validity for that kind of Convention; for that reason he also preferred the United States text.

The CHAIRMAN proposed that Article G in the United States text (document E/CONF.8/29) should be taken as a basis and referred to the Working Party for further elaboration, together with the observations made by the United Kingdom and other representatives.

This was agreed.

Article J (document E/CONF.8/21)

The CHAIRMAN said that Paragraph 1 of Article J, could only be drafted after all other articles of the Convention had been finally adopted. Meanwhile, he opened discussion on Paragraphs 2 and 3.

Paragraphs 2 and 3 were adopted unanimously without discussion.

Article 16

The Committee turned to the consideration of Article 16 of the basic document (E/CONF.8/3) and to the amendment to paragraph 2 of the article submitted by the Belgian Government (document E/CONF.8/20).

Mr. RUMPLER (France) considered that it was premature to discuss the Belgian amendment, since it concerned Paragraph 3 of Article 16.

Mr. BLONDEEL (Belgium) maintained that his amendment did not refer to the customs document but to the national registration certificate. He considered that if certain characteristics of the vehicle, such as its weight and dimensions, were entered on the registration certificate, that would assist the police in their duties and would be a practical application of the work at present being carried out by Committee II.

Mr. RUMPLER (France) expressed the fear that the amendment would in effect re-introduce the international vehicle certificate which they had been at pains to eliminate.

/Mr. BLONDEEL

Mr. BLONDEEL (Belgium) maintained that he had no wish to make a new international document and deprecated the confusion which appeared to have arisen between the Carnet de Passages en Douane and the registration certificate.

Mr. BUZZI-QUATIRINI (Austria) thought that the Carnet de Passages en Douane had been agreed upon in the preparatory work as the one international document, and he felt that here there was a tendency to introduce another.

The CHAIRMAN proposed that Article 16 be considered paragraph by paragraph.

Paragraph 1 was adopted unanimously.

The CHAIRMAN invited further discussion on Paragraph 2, to which the Belgian amendment referred.

Mr. BANERJI (India) said that he had no objection to the amendment, provided that he had the right to make observations on Annex 5 (b) when it came up for discussion.

Mr. FOLEY (United States of America) proposed an amendment to the paragraph by which the words "make, type and identifying vehicles number" should be inserted after the phrase ".... laid down in Annex 5)".

Mr. HOCKING (United Kingdom) supported the United States rather than the Belgian amendment, since the United States proposal met the United Kingdom's wishes for fuller details in a convenient and concise manner. He asked for clarification of the expression "identifying vehicle number".

Mr. CONNORS (United States of America) replied that, by "identifying vehicle number" was meant either the engine number or the serial number of the vehicle. He could not lay down as a rule that the engine number should be specified since manufacturers did not always provide one.

Mr. RUMPLER (France) supported the United States proposal and pointed out that, in the interests of lucidity, the draft of Article 16 should be related to Annex 7. As a slight modification

/to the United States

to the United States proposal, and to agree more nearly with Annex 7.1.(a)(ii), he would suggest that the chassis or body number of the vehicle be specified.

In reply to a question by the Chairman, Mr. BLONDELL (Belgium) said that he did not insist on his amendment, since he agreed that the United States proposal would ensure the inclusion of the supplementary information which his delegation considered desirable.

On the proposal of the Chairman paragraph 2 was adopted with the amendment of the representative of the United States, as modified by the representative of France.

Referring to paragraph 3, Mr. FOLEY (United States of America) proposed that the text be amended by the omission of the passage immediately following the phrase "data entered thereon";, and its replacement by the following sentence: "A contracting state, however, may require the submission of a translation in its own language of the above-mentioned certificate for a foreign vehicle".

Mr. RUMPLER (France), while supporting the proposal, suggested that the element of doubt which existed as to whether the translation or the original or both were required should be settled by a slight amendment. That could be effected by inserting the words "together with the above-mentioned certificate" after the words "require the submission".

Mr. BUZZI-QUATTROINI (Austria) thought that if that proposal were adopted, every State would demand a translation, and international traffic would be faced with the type of document which it was hoped to eliminate.

Mr. BANERJI (India) said that his delegation would have to seek further instructions before it could agree to the deletion of the last part of paragraph 3, as proposed by the United States.

Mr. FOLEY (United States of America) supported the modification proposed by Mr. Rumpler. His intention was not to introduce an international registration certificate but merely to overcome the problem of a foreign vehicle being stopped by a policeman unable to read a foreign language.

/Mr. PERLOWSKI

Mr. PERLOWSKI (AIT-FIA) asked the United States representative for clarification on certain points. In particular he would like to know whether, in the event of translations being widely demanded, it would not be better to introduce a uniform international document, since that would be easier to translate satisfactorily.

Mr. RUMPLER (France) said that the terms of the amendment did not insist on the production of a translation. He himself was confident that the worst thing that could happen to a driver would be that he would have to submit one or two translations.

Mr. HOOKING (United Kingdom) expressed surprise that there had been so little opposition to the proposal to furnish translations. He himself felt somewhat diffident about undertaking to supply a translation of the fairly lengthy United Kingdom registration certificate into conceivably, any language. He therefore proposed that paragraph 3 be adopted without amendment. The chances of being stopped by the police when once the frontier was passed were comparatively slight, and means would no doubt be found to overcome even that difficulty.

Mr. RUMPLER (France), explained that the only data required for translation would be those mentioned in paragraph 2.

Mr. AZKOUL (Lebanon) proposed that, since all views appeared to have been expressed, the question now be referred to the Working Group.

The meeting rose at 6.00 p.m.
