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UNITED NATIONS CONFERENCE ON ROAD AND MOTOR TRANSPORT
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BY VEHICLES

SUMMARY RECORD OF THE NINETEENTH MEETING

Held at the Palais des Nations, Geneva
on Thursday, 8 September 1949, at 9.45 a.m.CHAIRMAN: Mr. FEIFER (Czechoslovakia)
SECRETARY: Mr. MATTERContents:CONSIDERATION OF DRAFT PROVISIONS FOR INSERTION IN
A CONVENTION ON ROAD AND MOTOR TRANSPORT PREPARED
BY THE ECONOMIC COMMISSION FOR EUROPE (Item 4 of
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Annex 9 (Continued)

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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) (Document E/CONF.8/3)
(Continued).

Annex 9 (Continued)

Mr. BANG (Denmark), Rapporteur, drew the attention of the Committee to the French amendment (Document W/RT/33/49) to Annex 9 intended for insertion after the list of maximum permissible laden weights of vehicles.

Mr. MASLOG (Philippines) supported the French amendment which would permit countries whose vehicles and roads were designed to carry heavier loads than those laid down in Annex 9 to conclude bilateral agreements with each other for the mutual acceptance of such heavier loads. However, he considered the corollary should also be accepted, namely to permit smaller countries to make similar agreements establishing lower maximum permissible weights than those laid down in Annex 9.

Mr. NLP (Netherlands) observed that the French amendment accorded with the views expressed by the International Road Union in its communication to the Conference (Document E/CONF.8/40). He, however, could not subscribe to it in its present form because of the proviso that the maximum load per axle should not exceed 13 tons, as he considered that each country should be free, in making such agreements, to establish the maximum load per axle. He therefore suggested the deletion of the words "provided that the maximum load per axle does not exceed 13 tons". It might however be found desirable to state that a maximum load per axle of 13 tons was suggested, which would allow Contracting States every latitude to choose any figure they thought fit.

Mr. GILLENDER (United Kingdom) failed to understand the need for the French amendment. The fact that states were free to conclude regional agreements increasing the loads beyond those laid down in Annex 9 went without saying. The second part of the amendment was restrictive in its effect and was therefore unacceptable. As to the Netherlands proposal to amend the French amendment by merely suggesting

that a maximum load per axle of 13 tons might be considered did not seem to him to be a solution. An international convention was not the place for such tentative standards. Any figures laid down in a convention or the Annex should be absolute, otherwise there was little purpose in mentioning them. For the foregoing reasons he could not endorse either the French proposal or the Netherlands amendment to it.

Mr. DAUVERGNE (France) replied that the freedom of Contracting States to conclude agreements was in no way impugned although it was already limited to some degree by the adoption of the list of the maximum permissible weights of vehicles on main international traffic arteries. The figure of 13 tons had not been fortuitously selected. It was a figure which had long found favour with a number of experts. He had been requested to express the support of the Belgian delegation for the French proposal.

Mr. GILLENDER (United Kingdom) pointed out that the words "provided that the maximum load per axle does not exceed 13 tons" was a limitation on the freedom of governments to conclude bilateral agreements concerning the weight of vehicles. He would have thought that it was not desirable even from the French Government's point of view.

Mr. FAIRBANK (United States of America) agreed with the Netherlands representative that no Contracting State should be tied as to the maximum load on which it might seek agreement with any other Contracting State. It might be found necessary to make it clear that the limits laid down in Annex 9 did not apply in states where the existing limits were now higher. He was referring not only to the question of maximum permissible load per axle but also to the maximum weight of vehicles and their dimensions. There were, for example, a number of states which permitted a maximum load per axle of over 8 tons. He therefore suggested an alternative paragraph to the one proposed by the French representative, to read:

"The provision of this Annex shall not apply to a Contracting State or a sub-division thereof which permits maximum dimensions or weights in excess of those specified herein, nor shall they apply to states which by agreement with other states permit such greater maximum dimensions and weights".

Mr. BING (Denmark), Rapporteur, was unable to understand why the United Kingdom representative should be so strongly opposed to the French amendment since it was clearly recognized that countries would enter into bilateral or multilateral agreements, particularly in Western Europe where the maximum permissible load per axle very often exceeded 8 tons. The inclusion of such a proviso would in no way affect the position of countries who did not wish to make such agreements.

Mr. MOSER (Switzerland) thanked the French representative for his amendment, which met the Swiss Government's point of view that there should be a lower and upper limit to the maximum permissible weight of vehicles. The inclusion of the figure of 13 tons would be a valuable guide for the long term plans of bridge constructors and designers of motor vehicles. In accepting that figure it was to be assumed that List 1 (Document W/RT/32/49) which had been drawn up at the previous meeting would also be accepted. As he had already stated, in Switzerland, the maximum permissible weights of vehicles were calculated on a somewhat different basis to that adopted in List 1 and calculated in accordance with the United States proposals; and he had asked for additional technical information on the methods by which those calculations were made. He could not therefore voice any formal opinion on List 1 before he had had a reply.

Mr. GILLENDER (United Kingdom) suggested that the French amendment should be discussed in relation to the wording used in paragraph 2 of Annex 9. Since it was specified therein that the maximum dimensions and laden weights of vehicles on main international traffic arteries should "not be less than" certain maximum figures he maintained that the French amendment was entirely redundant.

Mr. NAP (Netherlands) pointed out that the French amendment with its mention of the maximum load per axle of 13 tons would be useful for the future guidance of those concerned with the designs and capacity of vehicles, roads and bridges. Without the inclusion of a limiting figure a proviso stating that Contracting States were at liberty to conclude agreements increasing the maximum loads of vehicles beyond those established in Annex 9 could serve no useful purpose.

Mr. VEZZINI (Italy) supported the French amendment as he had already stated there was an increasing number of heavier lorries and buses in Italy with a maximum axle load of 10 and $8\frac{1}{2}$ tons respectively. Unless his country could conclude bilateral agreements with her neighbours no such vehicles would be able to circulate in international traffic since a maximum load per axle of 8 tons had been established.

Mr. BJØRG (Denmark), Rapporteur, speaking as the representative of his country, stated that his Government was in favour of the inclusion of a figure of 13 tons, and its views would probably be shared by other small states with larger states on their borders. The former were generally obliged to adapt their main highways to the standards of their neighbours. The inclusion of a maximum figure, therefore, would be a valuable guide for future planning.

Mr. WICHRZYCKI (Poland) was in favour of the French amendment and the inclusion of a figure indicating the maximum load per axle which could be established by bilateral or multilateral agreement.

The CHAIRMAN, speaking as the representative of Czechoslovakia, supported the French amendment. In view of the adoption of a relatively low figure of 8 tons for the maximum load per axle it was only reasonable to expect that many countries would wish to enter into special agreements raising that figure. His Government was particularly interested in the question in connection with refrigerating lorries which were necessarily of such larger dimensions owing to the special devices with which they were equipped.

Mr. FAIRBANK (United States of America) stated that it was in no way the desire of his Government to place any restrictions on the development of road transport and his insistence on limiting the maximum axle load to 8 tons should not be interpreted in that sense. The tendency in his country at the present time was to design lorries which could carry the greatest pay load not by increasing the maximum load per axle but by increasing the number of axles. He feared that the inclusion of a specific provision concerning maximum load per axle whereby one feature of a motor vehicle was to be singled out might lead to an undesirable development in motor manufacture, namely the construction of vehicles capable of carrying high axle loads but of short length.

Extensive research was being conducted in his country in order to determine the optimum weight and dimension of vehicles in order to secure the maximum efficiency and economy of transportation. Until the results of that enquiry had been made known he would be chary of drawing conclusions concerning the most suitable specifications of motor lorries. He repeated that there was a marked tendency in his country to develop vehicles capable of carrying higher pay loads rather than higher axle loads.

Mr. BANG (Denmark), Rapporteur, asked the French representative whether he would be prepared to omit mention of the figure of the maximum load per axle in his amendment, in view of the difficulty of reaching agreement.

Mr. DAUVERGNE (France) expressed his regret at the fact that the United Kingdom representative had not been present at the previous meeting when List 1 had been discussed. It had then been made clear that the French delegation could not accept it unless the right of countries to negotiate separate agreements to increase the loads laid down in Annex 9 was recognized and unless a second list was drawn up showing higher figures, in particular the maximum load of 13 tons per axle already recommended by the Working Group. If all mention of a figure was to be deleted from his amendment his Government would be unable to accede to Annex 9. He had already made a considerable concession in accepting List 1, which laid down far lower maximum permissible weights than he would have desired. However, his acceptance was conditional on the adoption of the French amendment.

Mr. GILLENDER (United Kingdom) pointed out that if he was right in thinking that nothing in Annex 9 prevented any country from laying down dimensions and weights of vehicles higher than those indicated therein, there was no need to append the French proviso since it was already implicitly recognized that any country could adopt a higher figure, such as 13 tons.

If the French representative were to press his amendment he, (the United Kingdom representative) might be forced to ask for a proviso in the opposite direction, to meet the internal requirements of his country and certain other non-European countries, namely that Contracting States should be empowered to conclude agreements permitting loads lower than those specified in List 1.

Mr. MOSER (Switzerland) stated that he was, in principle, in agreement with a figure of 13 tons, although it would be a long time before conditions in his country were such as to enable his Government to accept such a high maximum, since the cost of reconstructing mountain roads was very high.

Mr. FIRBANK (United States of America) said that as his country was anxious to reach agreement he would not, at the present stage, express categorical opposition to the French amendment but would confine himself to saying that he would strongly prefer that it be rejected.

Mr. EGERTON (Austria) stated that any international convention must be designed so as to harmonize with prevailing conditions. He therefore felt it would be a mistake to lay down a definite figure for the maximum load per axle, thereby restricting the freedom of countries negotiating special agreements.

Mr. BANG (Denmark), Rapporteur, pointed out that the French representative had indeed made a considerable concession concerning List 1 and appealed to the representatives who found his amendment unacceptable to consider if they could not revise their views in the interests of achieving a compromise.

Mr. GILLENBERG (United Kingdom) stated that he would have to reserve his position on the whole question until its consideration in plenary.

At the request of the United States representative, it was agreed to take a vote on the French amendment.

The French amendment, as amended by the Netherlands representative by the substitution of the words "it is suggested that the maximum load per axle does not exceed thirteen tons" for the words "provided that the maximum load per axle does not exceed thirteen tons" was carried by seven votes to five.

Mr. BANG (Denmark), Rapporteur, then invited the Committee to consider Annex 9 as a whole, in the light of its previous decisions.

Paragraph 1.

Mr. MASLOG (Philippines) asked whether the word "main" in the expression "main international traffic artery" was really necessary. Were there any international traffic arteries other than main ones?

Mr. BANG (Denmark), Rapporteur, replied that the word "artery" implied that it was a main highway. He could see no objection to the deletion of the word "main" particularly as it did not figure in Article 21.

Mr. FAIRBANK (United States of America) pointed out the dangers of altering the terminology in any one Article or Annex before definitions had been established and all parts of the Draft Convention rendered mutually consistent.

Mr. BANG (Denmark), Rapporteur, suggested that the problem should be referred to the Drafting Committee. It could be raised again at the final reading of the text of Annex 9.

Paragraph 1 was provisionally adopted.

Paragraph 2

Mr. BANG (Denmark), Rapporteur, drew the attention of the Committee to the French amendment (Document W/RT/21/49) for the addition, at the end of paragraph 2, of the following words:

"Moreover, these figures shall represent maximum weights and dimensions for vehicles of the Contracting States in international traffic where their national regulations prescribe figures lower than those specified in this Annex".

He suggested that the French amendment might be discussed in relation to Article 21, since it related not only to vehicles circulating on the main international traffic arteries, but to vehicles circulating in international traffic in general.

Mr. DAUVERGNE (France) agreed with the Rapporteur's proposal.

Mr. BANG (Denmark), Rapporteur, suggested that the introductory sentence to Paragraph 2 might be discussed pending the circulation of the final draft of the rest of the paragraph.

Mr. FAIRBANK (United States of America) referred the Committee to the United States amendment to Annex 9 (Document E/CONF.8/26). He would not insist on the exact wording therein for the introductory sentence of Paragraph 2 since it might require revision in order to render it consistent with the rest of the wording in Annex 9. He pointed out that the words "shall be as follows:" rendered the meaning of that sentence very close to the purpose of the French amendment (Document W/RT/33/49). It was the strong desire of his Government that the maximum figures both as to weight and dimensions of vehicles laid down in Annex 9 should be established as limits, subject of course to the right of the Contracting States to enter into special bilateral and multilateral agreements.

Mr. BING (Denmark), Rapporteur, pointed out that the United States proposed draft for the introductory sentence of Paragraph 2 would only be acceptable if its proposal to add a new Paragraph 6 to the Annex were adopted; that paragraph would read "The provisions of this Annex shall not apply to a Contracting State or sub-division thereof which may permit maximum dimensions or weights in excess of those specified herein".

Mr. DAUVERGNE (France) pointed out that the original wording of the introductory sentence to Paragraph 2 was more flexible. It stated that the maximum dimensions and laden weights "shall not be less than the following" which would automatically admit the possibility of the Contracting States reaching special agreement on higher maximum figures.

Mr. FAIRBANK (United States of America) appealed to the French representative to accept his amendment to the introductory paragraph which would facilitate his Government's acceptance of Annex 9. He hoped that opposition would not be so strong as to force him into taking an irrevocable standpoint on the matter.

Mr. DAUVERGNE (France) replied that he could accept the United States wording for the introductory paragraph whereby the limits laid down would be the maximum limits, provided that the United States representative could accept the French amendment specifying that States

might include regional agreements increasing the loads beyond those of the list in Annex 9, and laying down that the maximum load per axle did not exceed 13 tons.

Mr. W.G.HUNT (United Kingdom) said that he had been prepared to accept the original draft of the introductory paragraph. He was not in a position to take a definite stand on the United States amendment. He therefore reserved his right to return to the whole question at a later stage.

The United States wording for the introductory paragraph of Paragraph 2 was adopted, subject to any drafting changes that might be necessary to render it consistent with the rest of Annex 9.

In the light of that decision, the United States representative informed the Committee that he would not oppose the French amendment (Document W/RT/33/49).

Paragraph 3.

Mr. BING (Denmark), Rapporteur, drew the attention of the Committee to the United States proposal to delete Paragraph 3.

Mr. D'UVERGNE (France) pointed out that Paragraph 3 dealt with an important safety consideration, namely that no part of the vehicle should protrude beyond the maximum width of the remainder of the vehicle. He did not know what the regulations were in that respect in the United States of America, but in most European countries some regulation such as that laid down in Paragraph 3 was enforced. It was a technical matter and might perhaps be usefully transposed to Annex 8.

Mr. FAIRBANK (United States of America) said that he had no objection to the principle laid down in Paragraph 3, but considered that it was inappropriate to single out one specific instance of that sort for inclusion in Annex 9. By the use of the expression "overall width" it would be understood that the limitation of width laid down in Annex 9 was inclusive of every part of the vehicle.

Mr. W.G.HUNT (United Kingdom) agreed with the United States representative that Paragraph 3 was unnecessary in Annex 9 and should be deleted.

It was agreed to delete Paragraph 3

Paragraph 4

Paragraph 4 was provisionally adopted without comment.

The Committee then proceeded to the examination of the United States proposal contained in Document E/CONF.8/26 to add three new paragraphs to Annex 9.

Paragraph 5 (United States draft text).

Mr. DAUVERGNE (France) asked why special mention should be made in Annex 9 of special permits, a question which was dealt with elsewhere in the draft Convention. Did the stipulations of Paragraph 5 mean that countries which at present did not issue special permits would have to do so?

Mr. BING (Denmark), Rapporteur, pointed out that if Paragraph 6 were adopted, countries wishing to exceed the limits laid down in Annex 9 would be exonerated from complying with Paragraph 5.

Mr. FAIRBANK, (United States of America) explained that Paragraph 5 was intended to meet special cases whereby the vehicles entering certain countries or certain federal units of a country would be granted permission to exceed the regulations concerning weight and dimensions in force there.

Mr. DAUVERGNE (France) thanked the United States representative for making the purpose of Paragraph 5 perfectly clear to him. In the light of that explanation he had no further objection to it, but suggested that the word "permits" might be replaced by words "traffic authorization".

It was so agreed.

Paragraph 5 as amended was provisionally adopted.

Paragraph 6 (United States draft text)

Mr. FAIRBANK (United States of America) proposed a small amendment to the draft text of Article 6 whereby the words "may permit" should be deleted and replaced by the word "permits".

It was so agreed.

Paragraph 6 as amended was provisionally adopted.

Paragraph 7 (United States draft text)

Mr. DAUVERGNE (France) asked why a specific period of 90 days was laid down during which any Contracting State could prohibit the operation of motor vehicles upon any main international artery owing to seasonal climatic conditions, and consequential damage to the road. He pointed out that it was difficult to specify any precise length of time during which such a prohibition was admissible since climatic conditions varied from country to country, and the length of time for repairs could not be estimated in advance.

It was agreed to substitute the words "for a limited period", for the words "for a total period not to exceed 90 days in any one calendar year".

Mr. DAUVERGNE (France) pointed out that the phrase "unless the use of vehicles thereon is prohibited" in line 7 was contradictory. It should be re-drafted to read "if the use of vehicles thereon is not prohibited".

The French amendment was accepted.

Paragraph 7 as amended was provisionally adopted.

Article 21

Mr. BANG (Denmark), Rapporteur, drew the attention of the Committee to the Yugoslav amendment to Article 21 contained in Document E/CONF.8/30.

Mr. DAUVERGNE (France) observed that he had been informed that the Yugoslav amendment which had strictly legal implications insofar as it limited the authority of contracting states should be referred to Committee I.

Mr. KRZIC (Yugoslavia) agreed that it was not within the competence of the Committee to discuss his amendment.

It was agreed to refer the Yugoslav amendment to Committee I.

Mr. BANG (Denmark), Rapporteur, recalled the proposal made by the Belgian representative at an earlier meeting to insert a clause in the draft Convention stipulating that no vehicle should carry a heavier load than that for which it had been designed, and suggested that Article 21 was the appropriate place for such a provision.

The Belgian proposal was accepted and the Working Group was accordingly instructed to submit a new text for Article 21 with the inclusion of such a provision.

Mr. BANG (Denmark), Rapporteur, drew the attention of the Committee to the United States amendment (see Document E/CONF.8/26) to the second sentence of Article 21 whereby the existing wording was to be replaced by the following:

"However, on certain highways designated as main international traffic arteries in accordance with the provisions of Annex 9, the maximum permitted dimensions and weights shall be those set forth therein".

Mr. DUVIRGNE (France) pointed out that the purpose of that amendment was the same as the United States amendment to the introductory paragraph of paragraph 2 of Annex 9 and he could accept it on the same condition as he had accepted the latter, namely, provided it was recognized that contracting states were free to negotiate special agreements permitting higher maximum dimensions and weights than those specified in Annex 9.

Mr. W.G. HUNT (United Kingdom) stated that he would be obliged to reserve his position until a later stage.

Mr. NIP (Netherlands) supported the United States amendment which would clarify the meaning of Article 21.

The United States amendment to the second sentence of Article 21 was adopted.

The Committee then passed to the consideration of the amendment submitted by the French delegation (Document W/RT/21/49) originally submitted to paragraph 2 of Annex 9 and subsequently, by agreement with the French representative, transposed to Article 21.

Mr. DAUVERGNE (France) explained that the purpose of the amendment was to safeguard the maintenance of conditions of reciprocity and fair competition. It was undesirable that contracting states whose national regulations prescribed lower maximum figures for weight and dimension of vehicles than those laid down in Annex 9 should be able to send their motor vehicles into countries where higher maximum figures were in force.

Mr. W. G. HUNT (United Kingdom) stated, that though fully appreciating the reasons which had prompted the French representative in submitting his amendment, he would have to reserve his position concerning it.

Mr. BANG (Denmark), Rapporteur, asked whether he was right in thinking that the intention of the French amendment was that vehicles whose national regulations enforced lower maximum weights and dimensions than those laid down in Annex 9 should not be allowed to circulate in international traffic with higher loads.

Mr. DAUVERGNE (France) pointed out that the greatest injustice lay in the fact that countries which did not accede to Annex 9 would not accept vehicles with a maximum axle load of 8 tons whereas their own would circulate abroad with that maximum load.

Mr. W.G. HUNT (United Kingdom) asked if the effect of the French proposal could be quite simply stated as follows. If a vehicle of Country A where the maximum load per axle was 7 tons entered country B, where the maximum was, for example, 10 tons, the vehicle of country A could not have a maximum axle load greater than 8 tons if that were the figure laid down in Annex 9.

Mr. DAUVERGNE (France) explained that his amendment was necessary since experience had shown that countries with low maximum weights entered into unfair competition with others with higher figures.

Mr. BANG (Denmark), Rapporteur, stated that the principle embodied in the French amendment was perfectly justifiable and fair, but he could not accept it because Danish regulations laid down relatively low maximum figures for weights and dimensions of vehicles. However, it was to be remembered that his Government could suspend those regulations both for Danish lorries travelling abroad and for foreign lorries entering Denmark. He doubted whether the French amendment was strictly necessary, since there might be some other means of preventing unfair practices. The operative factor as far as Europe was concerned was not the scale of axle loads permitted between one country and another, but whether motor vehicles were to be allowed to circulate freely at all. Not all European countries were yet prepared to subscribe to the principle of freedom of the road.

Mr. FAIRBANK (United States of America) stated that the purpose of the French amendment was already covered in the United States amendment to the introductory paragraph of paragraph 2, Annex 9, where it was stated that "the maximum permissible dimensions and weights, unladen or with load, shall be as follows:", a provision which could only be waived by special agreement.

Mr. BANG (Denmark), Rapporteur, pointed out that Annex 9 was only relevant to traffic circulating on the main international arteries. The French amendment related to all international traffic.

Mr. DAUVERGNE (France) stated that in order to save time the Committee might suspend further discussion on the matter until he had an opportunity to consult with the head of his delegation.

It was so agreed.

The meeting rose at 1.35 p.m.