

*Informal Document N° 3 (English only)*

**QUESTIONNAIRE ON OVERTAKING  
Existing national legislation**

<b>COUNTRY</b>	<b>Definition of “overtaking” in the national legislation?  (1.1)</b>	<b>Definition of “lane change” in the national legislation?  (1.2)</b>	<b>Definition of a term or expression to define the situation described in Article 11, paragraph 6 (a) of the Vienna Convention on Road Traffic?  (1.3)</b>
<b>Armenia</b>	Yes  “Passing ahead from the vehicle which is in movement of “overtaking”, relating to the coming out from the occupied line and afterwards the manoeuvre to returning to the same line which has been occupied before”	No	No
<b>Bulgaria</b>	Yes  “In case of overtaking the driver leaves his/her current lane of movement, enters the neighbouring lane completely or partially, passes by the vehicle moving in the same direction, and returns to the lane he/she had previously left.” (Art. 41 (2), Road Traffic Act)	Yes  “In case of executing a manoeuvre which involves complete or partial entering a neighbouring lane, the driver shall let vehicles moving in the neighbouring lane pass.” (Art. 25 (2), Road Traffic Act)	No
<b>Canada</b>	No  But a provincial driver’s handbook states the following: “Passing is changing lanes to move past a slower vehicle.”	No  But a provincial driver’s handbook states the following: “ Changing lanes is a sideways movement from one lane to another on roads with two or more lanes in the same direction.”	No  The national legislation does not contain such an expression but the above phrase may be referring to “vehicles traveling in a passing lane” and provide the definition associated with it, if any:  The Geometric Design Guide for Canadian Roads states the following : “A passing lane is a supplementary lane intended for passing”.  A provincial driver’s handbook states the following : “Passing lanes are lanes that let slower vehicles move into the right-hand lane so that faster ones can pass safely in the left lane.”

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<b>Croatia</b>	Yes  “Overtaking means catching up and passing with the vehicle by another vehicle moving in the same direction.”	Yes  “Changing the traffic lane means taking the other traffic lane running in the same direction with a view to realigning or moving faster.”	No
<b>Cyprus</b>	No	No	No
<b>Czech Republic</b>	No	No	Yes  Expression used: “ <b>parallel moving</b> ”  Definition associated with it:  “If on the road with two or more lanes in one direction is such density of traffic that arise continuous flows of vehicles at which driver of vehicle can drive only such speed that depends on speed of vehicles moving before him/her, the motor vehicles can move parallelly (further only "parallel moving"); at that is not considered as overtaking moving of vehicles in one lane with higher speed than vehicles in other lane”.
<b>Denmark</b>	No	No	No
<b>Estonia</b>	No	No	No

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<b>France</b>	<p style="text-align: center;">No</p> <p>No definition but a description of the lawful manoeuvre contained in Art. R 414-4 of the Highway code:</p> <p>I. Before overtaking, every driver must assure that he can do so without danger.</p> <p>II. He may not overtake a vehicle unless:</p> <p>1° it is possible to resume his place in the normal traffic flow without disturbing it;</p> <p>2° the relative speed of the two vehicles allows the act of overtaking in a sufficiently short time.</p> <p>3° he himself is not on the point of being overtaken.</p> <p>III. He shall, moreover, if necessary, warn the driver he wishes to overtake of his intention.</p> <p>IV. To carry out the overtaking, he shall leave sufficient space so as not to risk hitting the vehicle he wishes to overtake. In all cases, he shall not allow less than one metre in a built-up area or one and a half metres in a non-built up area when passing a vehicle drawn by an animal, a two or three-wheeled vehicle, a pedestrian, horse rider or animal.</p>	<p style="text-align: center;">No</p> <p>No definition but a description of the lawful manoeuvre contained in the Highway code:</p> <p>Article R. 412- 9: During normal driving, every driver shall keep his vehicle close to the right edge of the road, in as much as the state and profile of the road allows this to be done.</p> <p>However, a driver who enters a junction with a roundabout composed of more than one traffic lane and wishes to take an exit situated on the left relative to his entry may keep to the left.</p> <p>All lane changing within a roundabout is subject to priority rules and must be signalled to other drivers.</p> <p>Article R. 412- 24: When, on unidirectional roads and roads made up of more than two lanes, the traffic, because of its density, is continuous in all the lanes, drivers shall keep in their lane.</p> <p>However, changes of lane are possible in order to prepare for a change of direction and shall be carried out with the least disturbance to other vehicles.</p>	<p style="text-align: center;">No</p>
<b>Georgia</b>	<p style="text-align: center;">Yes <i>(to be completed)</i></p>	<p style="text-align: center;">No</p>	<p style="text-align: center;">Yes <i>(to be completed)</i></p>
<b>Greece</b>	<p style="text-align: center;">No</p>	<p style="text-align: center;">No</p>	<p style="text-align: center;">No</p>
<b>Israel</b>	<p style="text-align: center;">No</p>	<p style="text-align: center;">No</p>	<p style="text-align: center;">No</p> <p>But it is mentioned that when, due to traffic density, traffic in lane X is moving faster than traffic in the lane left of X, this will not be considered overtaking, provided that it is done in long platoons (and not single vehicles)</p>

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<b>Kazakhstan</b>	Yes  Overtaking is going ahead a vehicle or vehicles going ahead on minimal safe distance with going out of the currently used lane	Yes  Lane change is the change of currently used lane by a vehicle	No
<b>Kyrgyzstan</b>	Yes  <i>(to be completed)</i>	No	Yes  <i>(to be completed)</i>
<b>Liechtenstein</b>	Yes  <b>Basic content of article 33 of the Road Traffic Act</b> Vehicles must cross on the right and pass on the left. Overtaking or passing obstacles is only permissible if the necessary space is clearly visible and free and if oncoming traffic is not obstructed. In single-line traffic, overtaking is only permissible if the driver is certain to be able to reenter the flow of traffic in time and without obstructing other vehicles.  An overtaking driver must pay particular attention to other persons and vehicles on the road, especially to those the driver wants to overtake.  Vehicles may not be overtaken if the driver indicates the intention to turn left or has merged left. This also applies if a vehicle has stopped in front of a crosswalk in order to facilitate crossing of the street by pedestrians.  Moreover, overtaking is not permissible at or immediately before railroad crossings without barriers and is only permissible at intersections if they are clearly visible and the right of way of others is not interfered with.  The path must be cleared to allow approaching, faster vehicles to overtake. A driver being overtaken may not accelerate.  Outside of towns, drivers of heavy vehicles must facilitate overtaking by faster vehicles in an appropriate manner by driving all the way to the right, maintaining a distance of at least 100 meters to other heavy vehicles, and if necessary pulling over at lay-bys. This also applies to other vehicles driving slowly.	No  Liechtenstein has no roads with two or more parallel lanes in which traffic flows in the same direction.	No  Liechtenstein has no motorways. The situation therefore does not apply.

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<b>Lithuania</b>	Yes Overtaking: passing one or several moving vehicles by entering the lane of the opposite traffic movement	No	No
<b>Luxembourg</b>	No	No	Yes « However, if the traffic density justifies it, drivers of vehicles may drive in parallel lines – on carriageways with two lanes of traffic in each direction; – on one-way carriageways divided into traffic lanes; – on stretches of road specially signposted to this effect; – on instruction of agents responsible for directing the traffic.  In the cases foreseen above, the fact that drivers in one line or lane are driving faster than those in another line or lane is not considered as overtaking. »
<b>Netherlands</b>	No	No	Yes In a queue, overtaking on the right side is permitted. Cyclists are permitted to overtake cars on the right side.
<b>Portugal</b>	No	No	No
<b>Romania</b>	Yes Overtaking is the manoeuvre by which a vehicle gets in front of another vehicle or an obstacle situated in the same direction of traffic after having changed lanes to pass this vehicle or obstacle in order to take up its position in the lane or line of traffic in which it was initially.	No Lane change could be defined as a manoeuvre of <b>lateral moving</b> , on the left or right side	No
<b>Russian Federation</b>	Yes “Overtaking” means passing by one or more vehicles driving in the same direction by entering another lane	Yes “Lane change” means going on in the same direction but on another lane.	No

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<b>Serbia (Republic of)</b>	Yes “Overtaking” is when a vehicle passes other vehicle which moves in the same direction	No	No
<b>Spain</b>	No	No	No
<b>Switzerland</b>	No  No legal definition but in its judgements, the Federal Tribunal of Switzerland has, however, explained the meaning of the term « overtaking »:  « Overtaking is the manoeuvre of a driver, who driving faster, catches up and passes in front of another road user going in the same direction and on the same road. Changing lanes and cutting in are not conditions of overtaking. »  In an earlier ruling, the Federal Tribunal clarified this definition as follows: «A driver who passes a vehicle momentarily stopped because of the traffic conditions is also overtaking. Consequently, overtaking does not require that both vehicles are moving. »	No	Yes  In Swiss law, "passing on the right (devancement)" is assimilated to « overtaking », and is authorized in the case of traffic in parallel lines:  <b>Art. 8, al. 3, highway code (OCR):</b>  "In traffic in parallel lines and, in towns, on roads marked with more than one lane in same direction, it is permitted to pass (devancer) vehicles on the right, unless the vehicles are stopped to give priority to pedestrians or users of machines assimilated to vehicles. It is however, forbidden to driver around vehicles on the right in order to pass them."  <b>Art. 36, al. 5, highway code OCR:</b>  "A driver may only pass other vehicles on the right in the following situations: a. when driving in parallel lines; b. on stretches of road used for preselection, when different destinations are indicated for each lane; c. on acceleration entry lanes, up to the end of the double line marked on the carriageway (6.04); d. on deceleration exit lanes."
<b>Turkey</b>	Yes  (to be completed)  Note 1	Yes  (to be completed)  Note 2	Yes  (to be completed)  Note 3

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<b>TOTAL</b> (24 replies)	<b>13 Yes</b> <b>11 No</b>	<b>6 Yes</b> <b>18 No</b>	<b>6 Yes</b> <b>18 No</b>

N.B. Texts submitted in French have been unofficially translated into English.