



# Economic and Social Council

Distr.: General  
28 June 2012

Original: English

---

## Economic Commission for Europe

Inland Transport Committee

### Working Party on Road Traffic Safety

#### Sixty-fourth session

Geneva, 24-27 September 2012

Item 6 (b) of the provisional agenda

**Convention on Road Signs and Signals (1968):**

**Implementation of the Convention**

### **The use of rectangular panels containing a sign or containing a sign and an inscription, under the 1968 Convention on Road Signs and Signals and the 1971 European Agreement supplementing it**

**Note by the secretariat\***

## I. Introduction

1. The 1968 Convention on Road Signs and Signals (62 Contracting Parties) sets up more than 200 road signs and signals, prescribes common norms for traffic light signals and uniform conditions for road markings. Following its opening for signature, the Inland Transport Committee (ITC) of the Economic Commission for Europe, considering that it was necessary to achieve greater uniformity in the rules governing road signs and signals in Europe, asked the UNECE Group of Experts on Road Traffic Safety to prepare a draft Agreement supplementing the 1968 Convention. The final text of that Agreement was

---

\* In accordance with the programme of work of the Inland Transport Committee for 2012–2013 (ECE/TRANS/2012/9, cluster C page 9) the Working Party on Road Traffic Safety (WP.1) examines matters and adopts measures aimed at improving road traffic safety. The present document is submitted in conformity with that mandate.

approved and opened for signature on 1 May 1971.<sup>1</sup> The Agreement entered into force on 3 August 1979 and currently has 32 Contracting Parties.<sup>2</sup>

2. Only Contracting Parties to the 1968 Convention can accede to the 1971 European Agreement, and for those Contracting Parties the European Agreement takes precedence. This supplementary legal instrument clarifies provisions in the 1968 Convention or adds elements to them, however, a very large part of the European Agreement was drafted with the intention of modifying the meaning of certain parts of the 1968 Convention, by means of replacement.

3. These instruments are necessarily adopted in order to take into account technological advances and to address the growing demands in the area of road safety. Thus the Working Party on Road Traffic Safety (WP.1) has already updated the Convention on Road Signs and Signals, the European Agreement supplementing the Convention and its additional Protocol several times.

4. This was the case with two sets of amendments to the Convention<sup>3</sup> and the European Agreement,<sup>4</sup> which entered into force in November 1995 and in March 2006, and one amendment to the Protocol additional to the European Agreement<sup>5</sup> which entered into force in March 2006.

5. The present document examines the amendments on the use of rectangular panels containing a sign or a sign and an inscription. The document traces the timeline and rationale of these amendments, in order to determine the consistency of the relevant provisions in the 1968 Convention and in the European Agreement as well as the reasoning behind them. This is done to determine the exact conditions under which the use of rectangular panels is allowed, as it seems that, at present, this is not clear.

## II. Party Obligations: What applies to whom?

6. As a general rule, conventions are adhered to in whole, or in part (in cases of reservations), by Contracting Parties to them, from the time of their entry into force in each Contracting Party's territory. This is also the case with the 1968 Convention on Road Signs and Signals and the European Agreement supplementing it. In addition to the provisions on the signs, signals and markings, there are also provisions allowing for the transition from the national road signs and signals, which prevailed prior to 1968, to the ones prescribed by these legal instruments. The time frame prescribed for this transition is different in the 1968 Convention and in the 1971 European Agreement, thus giving rise to questions as to the obligation incumbent on the Contracting Parties.

### Article 3 of the 1968 Convention on Road Signs and Signals reads:

*"Contracting Parties undertake to replace, within 15 years from the date of entry into force of this Convention in their territories, any sign, symbol, installation or marking which does not conform to the system prescribed in this Convention. During this period, in order to familiarize road-users with the system prescribed in*

---

<sup>1</sup> See E/ECE/812-E/ECE/TRANS/566.

<sup>2</sup> This Agreement was supplemented on 1 March 1973 by a Protocol on Road Markings, which entered into force on 25 April 1985 and now has 27 Contracting Parties.

<sup>3</sup> See ECE/TRANS/90/Rev.2 and TRANS/WP.1/2003/3/Rev.4.

<sup>4</sup> See ECE/TRANS/92/Rev.2 and TRANS/WP.1/2003/4/Rev.4.

<sup>5</sup> See ECE/TRANS/WP.1/2003/5/Rev.4.

*this Convention, previous signs and symbols may be retained beside those prescribed in this Convention”.*

7. In effect, this means that the transitional period for the initial 15 Contracting Parties that brought the Convention into force in 1978, ended in 1994<sup>6</sup>, whereas for countries that ratified the Convention as recently as 2009<sup>7</sup> the transitional period would end in 2025 (see table below).

Table 1  
**Contracting Parties only to the 1968 Convention<sup>8-9</sup>**

Country	Ratification, Accession or Succession	End of transitional period for replacement of signs, signals and markings
Bahrain	1973	1994
Central African Republic	1988	2004
Chile	1974	1994
Cote d'Ivoire	1985	2001
Croatia	1993	2009
Cuba	1977	1994
Democratic Republic of the Congo	1977	1994
Guyana	2008	2024
India	1980	1996
Iran (Islamic Republic of)	1976	1994
Iraq	1988	2004
Kuwait	1980	1996
Kyrgyzstan	2006	2022
Liberia	2005	2021
Mongolia	1997	2013
Morocco	1982	1998
Nigeria	2011	2027
Norway	1985	2001
Pakistan	1980	1996
Philippines	1973	1994
Portugal	2009	2025
San Marino	1970	1994
Senegal	1972	1994
Seychelles	1977	1994

<sup>6</sup> As per article 39(2), “*For each State ratifying or acceding to this Convention after the deposit of the fifteenth instrument of ratification or accession, the Convention shall enter into force 12 months after the date of deposit by such State of its instrument of ratification or accession*”.

<sup>7</sup> Portugal, which for instance was one of the original signatories in 1968, ratified the Convention on 27 October 2009.

<sup>8</sup> Disregarding reservations, if any.

<sup>9</sup> There are an additional 13 countries that have signed but not ratified the Convention (i.e. Brazil, China, Costa Rica, Ecuador, Ghana, Indonesia, Mexico, the Republic of Korea, Spain, Thailand, the United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of)).

<i>Country</i>	<i>Ratification, Accession or Succession</i>	<i>End of transitional period for replacement of signs, signals and markings</i>
Slovenia	2011	2027
Tajikistan	1994	2010
Tunisia	2004	2020
Turkmenistan	1993	2009
United Arab Emirates	1997	2013
Uzbekistan	1995	2011

8. However, for the 32 Contracting Parties to the 1971 European Agreement — which in this case prescribes the prevailing applicable rule — the corresponding rule appears to be different. In point 4 of the Annex to the European Agreement, it is prescribed that:

*"Any sign, symbol, installation or marking which does not conform to the system prescribed in the Convention and in this Agreement shall be replaced within ten years from the date of entry into force of this Agreement. During this period, in order to familiarize road users with the system prescribed in the Convention and in this Agreement, previous signs, symbols and inscriptions may be retained beside those prescribed in the Convention and in this Agreement."*

9. According to point 4 (article 3(3)) the transitional period is ten (10) years counting from the date of entry into force of the European Agreement — not the date of its entry into force in each Contracting Party's territory. It would appear, then, that this transitional period for all countries that are Contracting Parties to the 1971 European Agreement would be for ten (10) years counting from 1979 — the year that the European Agreement entered into force.

10. This effectively means that all road signs and signals would have to have been replaced by the year 1989, even though some countries acceded to the 1968 Convention and the European Agreement, much later than that. As a result, many countries that acceded to the European Agreement after 1989 (presently thirteen (13) countries in total of the thirty-two (32) Contracting Parties) would be in breach of their obligation, already upon accession to the agreement, especially in the cases of countries that had also acceded to the 1968 Convention after 1989 (see table 2). Countries that are only bound by the 1968 Convention and have not acceded to the European Agreement retain the right to a fifteen (15) year transitional period.

**Table 2**  
**Contracting Parties to the 1971 European Agreement**

<i>Country</i>	<i>Ratification, Accession or Succession</i>	<i>End of transitional period for replacement of signs, signals and markings</i>
Albania	2005	1989
Austria	1981	1989
Azerbaijan	2011	1989
Belarus	1974	1989
Belgium	1988	1989
Bosnia and Herzegovina	1994	1989
Bulgaria	1978	1989
Czech Republic	1993	1989
Denmark	1986	1989
Estonia	1993	1989
Finland	1985	1989
France	1974	1989
Georgia	2001	1989
Germany	1978	1989
Greece	1986	1989
Hungary	1976	1989
Italy	1997	1989
Kazakhstan	2011	1989
Latvia	2001	1989
Lithuania	1992	1989
Luxembourg	1975	1989
Montenegro	2006	1989
Netherlands	2007	1989
Poland	1984	1989
Romania	1980	1989
Russian Federation	1974	1989
Serbia	2001	1989
Slovakia	1993	1989
Sweden	1985	1989
Switzerland	1991	1989
The Former Yugoslav Republic of Macedonia	1999	1989
Ukraine	1974	1989

11. While this may seem a somewhat marginal observation — seeing as harmonization of signs may have already taken place prior to accession — it does however present particular problems with regard to the use of rectangular panels (containing a sign or a sign and an inscription). Section III of this document presents these complications in detail.

### III. Timeline and rationale of amendments to the provisions on rectangular panels

12. It appears that in the original text of the 1968 Convention, the use of rectangular panels was not prescribed, but was permitted if deemed necessary, for the purpose of adding the necessary space for an inscription that would facilitate the interpretation of signs. The original article 8 paragraph 3 of the 1968 Convention reads:

*“Nothing in this Convention shall prohibit the addition, in order to facilitate the interpretation of signs, of an inscription in a rectangular panel below the sign or in a rectangular panel containing the sign; such an inscription may also be placed on the sign itself, if this does not make the sign more difficult to understand for drivers who cannot understand the inscription”.*

13. The original text of 1968 did not seem to place any other restrictions, in the sense that each Contracting Party was free to determine whether or not the inscription was necessary, and therefore to elect whether to use a rectangular panel, an additional panel or to place the inscription on the sign itself. As the reasoning of the original authors is not presently available, this provision could be interpreted in two different ways:

(a) Rectangular panels containing a sign can only be used for the purpose of adding an inscription. In this scenario, a sign contained in a rectangular panel without an explanatory inscription is not allowed. This conclusion would be drawn taking into account the wording of the paragraph and the spirit of the Convention which categorizes signs by use of shapes and colours; as a result, placing signs in a rectangular panel defeats the purpose of recognizing the types of signs by their shape from both sides of the road. It may also be argued that the express authorization to use rectangular panels containing a sign in cases where an inscription is deemed necessary, in itself implies that their use for other purposes is not allowed. Finally, the use of rectangular panels for signs with zonal validity<sup>10</sup> may make it confusing for drivers if signs are generally placed in panels without necessarily indicating a zone, particularly since the word “ZONE” is not always inscribed on a zonal sign.

(b) In a second interpretation scenario, rectangular panels containing a sign can be used for including an explanatory inscription, but also they can be used to contain a sign without an inscription because there is no express prohibition to the use of rectangular panels anywhere else in the text.

14. The original article 8(3) of the 1968 Convention was applicable until 1979, the year that the European Agreement entered into force. It is worth noting that the 1968 Convention entered into force in 1978. In 1979, the entry into force of the European Agreement placed specific temporal and other conditions on the use of rectangular panels. Point seven (7) of the Annex to the European Agreement, corresponding to Article 8(3) of the 1968 Convention and effectively replacing it for the present 32 Contracting Parties reads:

*“During the transitional period of ten years prescribed in item 4 of this annex, and thereafter in exceptional circumstances to facilitate the interpretation of signs, an inscription may be added in a rectangular panel below the sign, or in a rectangular panel containing the sign; such an inscription may also be placed on the sign itself, if this does not make the sign more difficult to understand for drivers who cannot understand the inscription”.*

---

<sup>10</sup> 1968 Convention, Annex I, Section E, point 8, Signs having zonal validity.

15. According to the European Agreement, rectangular panels containing a sign and an inscription could only be used for a particular transitional purpose between 1979 and 1989, or in exceptional circumstances thereafter — without however specifying what would qualify as an exceptional circumstance. As a result, it seems that rectangular panels should not presently be used by any of the countries that are Contracting Parties to the European Agreement. They can, however, be used by those countries that are only bound by the 1968 Convention.

16. In 2006, an amendment was introduced to article 8(3) of the 1968 Convention. The new Article 8(3) reads:

*“Nothing in this Convention shall prohibit the addition, mainly in order to facilitate the interpretation of signs, of an inscription in a rectangular panel below the sign or in a rectangular panel containing the sign; such an inscription may also be placed on the sign itself, if this does not make the sign more difficult to understand for drivers who cannot understand the inscription”.*

17. The addition to the paragraph is the word “mainly”. According to the explanatory memorandum attached to the amendment proposal in document TRANS/WP.1/2003/3/Rev.4, the amendment was proposed having taken note of the serious accidents in European tunnels in 1999 and 2001, which revealed the importance of clear and harmonized signs at the entrance to and inside tunnels. In order to provide better information to help drivers to adopt appropriate behaviour, particularly in the event of an incident and in order to reinforce safety in tunnels, it was proposed to introduce a number of measures in the Convention to improve and reinforce signs at the entrance to and inside tunnels, including the addition of the word “mainly” in article 8(3), so as to permit other particulars to be included on panels covered in this article, such as, for example, the names of tunnels, and indications intended only to facilitate interpretation of the signs.

18. This amendment presupposes the legitimate use of rectangular panels for any or all signs for all Contracting Parties to the 1968 Convention. However, as per the above analysis, this amendment, as well as the whole paragraph 3 of article 8 of the 1968 Convention, would only be applicable to countries that are not limited by the conditions set forth in the corresponding point 7 of the Annex to the European Agreement. That is to say, that if the European Agreement definitively limits the use of rectangular panels containing a sign to exceptional circumstances arising after the year 1989, then article 8(3) of the 1968 Convention and the amendment in 2006 only allows the use of rectangular panels to thirty (30) of the sixty-two (62) Contracting Parties to the Convention, most of which are, notably, non-European countries. This is a rather peculiar outcome considering that the amendment was proposed by European countries affected by the tunnel accidents in 1999 and 2001. The thirty-two (32) countries that are also Contracting Parties to the European Agreement cannot use rectangular panels containing a sign and/or inscription at all — or at least only in exceptional circumstances that are not actually defined.

19. The only provision in the Convention that specifically mandates the use of rectangular panels containing a sign and an inscription, are the signs indicating a zone (Annex I, Section E, point 8, Signs having zonal validity). In this case, the panel has to have specific characteristics, so that drivers can immediately recognize them as zonal signs. The word “ZONE” is recommended to be inscribed on the panel in the national language of the country in which it is placed. It may be concluded that the use of a rectangular panel containing a sign that is not used to indicate a zone is not allowed for countries that are bound by the provisions of the European Agreement on the use of rectangular panels. Furthermore, certain signs cannot — by definition — indicate a zone. For example there cannot be a “STOP” ZONE, therefore “STOP” signs cannot be contained in a rectangular panel.

Table 3  
**Summary of obligations**

	<i>Use of rectangular panels other than for zonal signs</i>	<i>Restrictions</i>	<i>Countries' obligations</i>
1968 Convention (art.8(3))	Allowed	Scenario 1: The panel can only be used to include an explanatory inscription	30 countries CPs only to the 1968 Convention apply art. 8(3) allowing use of panels
		Scenario 2: The panel can be used either with an inscription or without	
1971 European Agreement (Annex, point 7)	Allowed	From 1979 to 1989 or in exceptional circumstances thereafter in order to include an inscription	32 countries CPs to the European agreement apply point 7 of the Annex of the Eur. Agreement and cannot use panels for purposes other than indicating a ZONE or in exceptional circumstances for the purpose for adding an inscription.

#### IV. Summary

20. The provisions as they stand present a case for conflict. It would seem that the reading of articles 3(3) and 8(3) as contained in the European Agreement were inserted on the assumption that all Contracting Parties to the 1968 Convention would also become Contracting Parties to the European Agreement, thus ensuring that all countries involved would apply the same set of rules. However this was not the case and presently those countries that have not acceded to the European Agreement enjoy a greater degree of flexibility as regards the use of rectangular panels.

21. Furthermore, the amendment of 2006 to the 1968 Convention was introduced without taking into account that in relations between Contracting Parties to the European Agreement, article 8(3) of the 1968 Convention did not apply. Strictly speaking, the thirty-two Contracting Parties to the European Agreement can only use rectangular panels containing a sign or a sign and an inscription after the year 1989 to indicate a ZONE — which limits the number of signs that can be placed in a rectangular panel to those capable of indicating a ZONE — or in other exceptional circumstances, which are not defined and therefore can be contested.

22. The thirty-two (32) Contracting Parties to the European Agreement are bound by the 1968 Convention in their relations with and legal obligations towards the remaining thirty (30) Contracting Parties that have not acceded to the European Agreement. This means that the application of article 8(3) of the 1968 Convention by these countries in relation to the thirty Contracting Parties to the 1968 Convention is legitimate and does not create grounds for a breach of obligation. However, it may be that some of the thirty-two Contracting Parties to the European Agreement adhere to the conditions on the use of rectangular panels and some do not. In this case, there is a breach of an obligation in the relations between

Contracting Parties to the European Agreement, which is also geographically more likely to happen (most Contracting Parties to the European Agreement are accessible by road and are neighbouring other Contracting Parties).

23. In practice, this is only a problem if one Contracting Party raises the issue of a breach against another Contracting Party, in which case there would be a dispute relating to the interpretation and/or implementation of the Agreement, thus triggering its article 9 on dispute resolution by negotiation or arbitration. More importantly, however, the question to be answered is if the use of rectangular panels freely or differently by different groups of Contracting Parties to the 1968 Convention or both the 1968 Convention and the European Agreement, ensures safety for drivers in international traffic.

## V. Further issues for consideration

24. If the issue of a potential breach of obligation is not of primary concern considering the above analysis, and if the use of rectangular panels is to be considered legitimate, then perhaps it would be necessary to standardize the conditions under which these panels are used. This would be important particularly in view of the potential confusion of drivers between a sign that is just contained in a rectangular panel and a zonal sign which also consists of a sign placed in a rectangular panel.

25. This would mean that a decision would be required on the colour and size of the panel, so as to distinguish signs in a rectangular panel from zonal signs. It should also be discussed whether each panel should contain one sign only or if it can contain many signs. It may also be decided if anything may be inscribed on the panel or if there should be standardized phrases of a specific format. However, in this case as well, these standards would have to be introduced in the form of an amendment that would automatically create a clear need for an amendment to point 7 of the Annex to the European Agreement and to the 1968 Convention for those countries that only apply the 1968 Convention, so as to ensure harmonized obligations for all countries involved.

---