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**AMENDMENTS TO AND IMPLEMENTATION OF THE 1968 CONVENTIONS ON ROAD
TRAFFIC AND ON ROAD SIGNS AND SIGNALS AND THE 1971 EUROPEAN
AGREEMENTS SUPPLEMENTING THEM**

Transmitted by the ad hoc working group of legal experts

Introduction

At the thirty-third session of the Working Party on Road Traffic Safety (WP.1), it was decided to convene an ad hoc working group of legal experts on the Vienna Conventions to examine a consolidated document containing all finally endorsed proposals for amendments to the said Conventions and the European Agreements supplementing them, originally transmitted to the Working Party by the European Conference of Ministers of Transport (ECMT). The delegates of Luxembourg, Norway (chair), Russian Federation and Switzerland volunteered to participate (TRANS/WP.1/67, para.10). At the beginning of December 1999, the Working Group received an advance copy of the consolidated document, TRANS/WP.1/2000/4, prepared by the secretariat.

Also, at the thirty-third session, the ad hoc legal expert group was entrusted with the task of proposing the necessary amendments to the Convention on Road Traffic in order to require the holder of a international driving permit to also present a national driving permit at the same time (TRANS/WP.1/67, paras. 13 and 16).

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A. CONVENTION ON ROAD TRAFFIC

I. Article 1: Definitions

1. The following text was finally adopted by WP.1 at its thirty-third session (28 September - 1 October 1999):

“Insert new subparagraph (g bis) to read:

“(g bis) Cycle lane means a part of a carriageway designated for cycles. A cycle lane is distinguished from the rest of the carriageway by longitudinal road markings according to Article 26 bis of the Convention on Road Signs and Signals. The marking of a cycle lane may be supplemented, but not replaced, by road signs. Other markings (e.g. the cycle symbol) may be added. Domestic legislation shall specify under what conditions other road users may use the cycle lane or cross it, maintaining cyclists safety at all times.” ”

2. The Working Group has no comments.

3. The following text was finally adopted by WP.1 at its thirty-third session (28 September - 1 October 1999):

“Insert new subparagraph (g ter) to read:

“(g ter) Cycle track means an independent road or part of a road designated for cycles, signposted as such. A cycle track is separated from other roads or other parts of the same road by structural means. A cycle track may be reserved for cyclists alone or for cyclists and other road users in accordance with annex 1 section D in the Convention on Road Signs and Signals.” ”

4. The Working Group has no comments.

II. Article 11: Overtaking and movement of traffic in lines

5. The following text was finally adopted by WP.1 at its thirty-third session (28 September - 1 October 1999):

“Insert a new subparagraph 11.1 (c) to read:

“(c) Domestic legislation may authorize cyclists and moped riders to pass stationary vehicles or vehicles moving at a low speed on the side which corresponds to the direction of the traffic provided that sufficient space is available.” ”

6. This amendment should in fact be an amendment to Article 11.1 (Art.11 subparagraph 1), as originally proposed by ECMT.

7. In accordance with Art. 1 (z), it is suggested to delete the word “the” (the last “the”) in the phrase “the direction of the traffic”.

8. The Working Group would also like to bring to the attention of WP.1 the question of whether this rule should apply only when passing vehicles other than cycles and mopeds. This is a question that has not been discussed in WP.1 so far. The Working Group feels that WP.1 must give an answer to this - yes or no. The group recommends that, for safety reasons, the rule should be limited in such a way. Since this is a matter of substance this part of the proposal is put in brackets.

9. The Working Group accordingly proposes the following amendment to Art. 11:

“Insert a new subparagraph 1 (c) to read:

“(c) Domestic legislation may authorize cyclists and moped riders to pass stationary vehicles or vehicles moving at a low speed (**, other than cycles and mopeds,**) on the side which corresponds to the direction **of traffic** provided that sufficient space is available.” ”

10. The Working Group feels that it goes without saying that drivers in cycle lanes should be allowed to overtake traffic in the other (ordinary) lanes without having to observe the rules in Article 11. Since there are no provisions to that effect, it is proposed to add a new subparagraph 12 for this purpose. The Working Group considers this a necessary consequence of the introduction of cycle lanes in Art.1 (g) bis and not a question of substance. As for the phrase “other side lanes or tracks reserved for use by certain vehicles”, this corresponds with the definition of “edge of the carriageway” in Art. 1 (f).

11. The Working Group proposes the following:

“**Insert a new subparagraph 12 to read:**

“**12. Vehicles in cycle lanes, or other side lanes or tracks reserved for use by certain vehicles, overtaking vehicles in other lanes shall not be deemed to constitute overtaking within the meaning of this Convention.**” ”

III. Article 16: Change of direction

12. The following text was adopted by WP.1 at its thirty-second session and finally endorsed at its thirty-third session (28 September - 1 October 1999). Please note that this was not reflected in the draft report of the thirty-third session. It is reflected in TRANS/WP.1/2000/4 however.

“Amend subparagraph 16.1 (b) to read:

“(b) If he wishes to turn off on the other side and, subject to such other provisions as Contracting Parties or subdivisions thereof may enact for cycles and mopeds enabling them to change direction by crossing the intersection in two separate stages, move as close as possible to the centreline of the carriageway if it is a two-way carriageway or to the edge opposite to the side appropriate to the direction of traffic if it is a one-way carriageway and, if he wishes to enter another two-way road, make his turn so as to enter the carriageway of such other road on the side appropriate to the direction of traffic.” ”

13. This amendment should in fact be an amendment to Article 16.1 (Art.16 subparagraph 1), as originally proposed by ECMT.

14. The Working Group's proposal is as follows (the text of Article 16.1 (b) is the same):

“Amend **Article** 16.1 (b) to read:

“(b) If he wishes to turn off on the other side and, subject to such other provisions as Contracting Parties or subdivisions thereof may enact for cycles and mopeds enabling them to change direction by crossing the intersection in two separate stages, move as close as possible to the centreline of the carriageway if it is a two-way carriageway or to the edge opposite to the side appropriate to the direction of traffic if it is a one-way carriageway and, if he wishes to enter another two-way road, make his turn so as to enter the carriageway of such other road on the side appropriate to the direction of traffic.” ”

15. The following text was adopted by WP.1 at its thirty-second session and finally endorsed at its thirty-third session (28 September - 1 October 1999). Please note that this is not reflected in the draft report of the thirty-third session. It is reflected in TRANS/WP.1/2000/4 however.

“Amend paragraph 16.2 to read:

“2. While changing direction, the driver shall, without prejudice to the provisions of Article 21 of this Convention regarding pedestrians, allow road users to pass on the carriageway, or on other parts of the same road, he is preparing to leave.” ”

16. This amendment should in fact be an amendment to Article 16.2 (Art.16 subparagraph 2), as originally proposed by ECMT.

17. The Working Group's proposal is as follows (the text of Article 16.2 is the same):

“Amend **Article** 16.2 to read:

“2. While changing direction, the driver shall, without prejudice to the provisions of Article 21 of this Convention regarding pedestrians, allow road users to pass on the carriageway, or on other parts of the same road, he is preparing to leave.” ”

IV. Article 21: Behaviour of drivers towards pedestrians

18. The following text was adopted by WP.1 at its thirty-third session (28 September - 1 October 1999):

“Insert a new Article 21 bis to read:

“Article 21 bis

Behaviour of motor-vehicle drivers towards cyclists and two-wheeled moped drivers

Without prejudice to Articles 11 and 12 of this Convention, drivers of motor vehicles shall leave a sufficient safety gap between their vehicle and the cycle or two-wheeled moped which they are overtaking or passing in the opposite direction. When passing a cycle or two-wheeled moped, drivers of motor vehicles

shall slow down if specific circumstances prevent their leaving a sufficient safety gap between their vehicle and the cycle or two-wheeled moped; if necessary, drivers shall stop.” ”

19. The Working Group feels that the first sentence does not add anything to what is already prescribed in Art. 11.4 (overtaking), Art. 12.1 (passing of oncoming traffic) and even Art. 13.1 (Speed).

20. As for the second sentence, the word “passing” is not defined in the Convention. It seems obvious that “passing” includes “passing of oncoming traffic”. But is it meant to also include “overtaking”? The Working Group is of the opinion that the second sentence should not apply to overtaking. If there is not enough room to give (any vehicle) a sufficiently wide gap or wide berth when overtaking it follows from Art 11.4 that overtaking is prohibited. The term used should therefore, for clarification, be “passing oncoming”.

21. However the Working Group also questions whether such a rule should apply even to “passing of oncoming traffic”. Art. 12.1 already gives a general rule to this effect and prescribes that a driver who meets an obstruction on his side must slow down or stop. What is added to this in the second sentence of the proposed new Art. 21 bis is that if the possibility of leaving a sufficient safety gap between driver and mopeds/cycles is prevented by specific circumstances, the driver must slow down or stop. The Working Group raises the question of what other circumstances this includes other than obstructions, mentioned in Art. 12.1. It is possible, but not quite clear, that another element is meant to be added. The second sentence seems to cover also the situation when the moped/cycle passed meets an obstruction on his side (or there are some other specific circumstances). It is not quite clear, however, whether this rule, in this particular situation, is meant to take precedence over the rule in Art. 12.1. The phrase “without prejudice to Art. 11 and 12” is used only in the first sentence of Art. 21 bis. One problem is whether this phrase is applicable at all for the second sentence. Another problem is what is meant by it. A third question is what rule should take precedence if both drivers are drivers of a moped/cycle. Apart from the third question, there seem to be no obvious answers to these questions and this will lead to different interpretations. It therefore seems that WP.1 should decide what is really meant and, if necessary, amend the text. Since the Working Group does not know what is meant, it refrains from proposing a new text.

22. The Working Group considers what is said so far to be legal questions. The Group would like to add its proposal for a solution, which is rather a point of substance. The Working Group is not in favour of having different rules for passing oncoming traffic, regarding a sufficient safety gap/sufficiently wide berth/sufficient lateral space (or two different rules for overtaking), depending on what kind of vehicle is passed. It does not seem likely that drivers will or can adjust to that. It is also felt that not much is gained for moped riders or cyclists - possibly the right to enter the lane opposite to the direction of traffic (if there is an obstruction on his side), even if there is traffic in that lane (which is supposed to slow down or stop), a right which seems neither logical nor safe.

23. The Working Group proposes to delete the new Art. 21 bis. Since this is partly a question of substance, the original proposal is repeated below in brackets:

“Insert a new Article 21 bis to read:

“Article 21 bis

Behaviour of motor-vehicle drivers towards cyclists and two-wheeled moped drivers

Without prejudice to Articles 11 and 12 of this Convention, drivers of motor vehicles shall leave a sufficient safety gap between their vehicle and the cycle or two-wheeled moped which they are overtaking or passing in the opposite direction. When passing **an oncoming** cycle or two-wheeled moped, drivers of motor vehicles shall slow down if specific circumstances prevent their leaving a sufficient safety gap between their vehicle and the cycle or two-wheeled moped; if necessary, drivers shall stop.” ”)

V. Article 23: Standing and parking

24. The following text was adopted by WP.1 at its thirty-third session (28 September - 1 October 1999):

“Amend the last sentence of Article 23.1 to read:

“In and outside built-up areas they shall not be stationed on cycle tracks, cycle lanes, tracks for horseback riders, footpaths, pavements or other areas specially provided for non-vehicular traffic, save where applicable domestic legislation so permits.” ”

25. The Working Group has no comments.

26. The following text was adopted by WP.1 at its thirty-third session (28 September - 1 October 1999):

“Amend Article 23.6 to read:

“6. Nothing in this Article shall be construed as preventing Contracting Parties or subdivisions thereof from introducing other provisions on parking and standing or from making individual provisions for the standing and parking of bicycles and two-wheeled mopeds.” ”

27. In accordance with the terminology in the Convention, the Working Group suggests that the word “bicycles” should be substituted by “cycles”. The proposal then will be as follows:

“Amend Article 23.6 to read:

“6. Nothing in this Article shall be construed as preventing Contracting Parties or subdivisions thereof from introducing other provisions on parking and standing or from making individual provisions for the standing and parking of **cycles** and two-wheeled mopeds.” ”

VI. Article 27: Special rules applicable to cyclists, moped drivers and motor cyclists

28. The following text was adopted by WP.1 at its thirty-third session (28 September - 1 October 1999):

“Amend Article 27.4 to read:

“Where cycle lanes exist, Contracting Parties or subdivisions thereof may forbid cyclists to use the rest of the carriageway. In the same circumstances they may authorize moped drivers to use the cycle lane and, if they consider it advisable, prohibit them from using the rest of the carriageway.” ”

29. The Working Group endorses the proposal. It points out, however, that this rule does not preclude States from making the same rules for cycle tracks. This follows from the Convention on Road Signs and Signals Annex 1 Section D par. 4; cfr. Art. 1 (g ter) in both conventions.

VII. Article 41: Driving permits

30. At its thirty-third session, WP.1 discussed a suggestion to require the holder of an international driving permit to present this together with the national driving permit, as a means to prevent the use of illegal international driving permits, and decided to ask the Ad hoc Legal Experts Group” (i.e. the Working Group given the mandate to have a final look at the amendments proposed by ECMT, regarding cyclists etc.) to draft a proposal to amend the Convention to this end.

31. The proposal is as follows:

“Amend Article 41.2 to read:

“Contracting Parties shall recognize:

- (a) Any domestic permit drawn up in their national language or in one of their national languages, or, if not drawn up in such a language, accompanied by a certified translation;
- (b) Any domestic permit conforming to the provisions of Annex 6 to this Convention; and
- (c) Any international permit conforming to the provisions of Annex 7 to this Convention, **on condition that it is presented together with the corresponding national permit, whether this conforms to subparagraphs (a) or (b) or not;**

as valid for driving in their territories a vehicle coming within the categories covered by the **permits**, provided that the **permits are** still valid and that **they were** issued by another Contracting Party or subdivision thereof or by an association duly empowered thereto by such other Contracting Party. The provisions of this paragraph shall not apply to learner-driver permits.” ”

32. The Working Group suggests that the obligation to also carry the national driving permit and present it together with the international driving permit should be stated in the text of the international driving permit, i.e. the model should be amended. This is not strictly necessary however. There are also other possible amendments to the model, in particular the possibility of entering subcategories. WP.1 should consider if a revision is necessary, bearing in mind that the international driving permit may be obsolete in the future. The Group feels that the possible revision of the model should be dealt with by an hoc working group.

B. EUROPEAN AGREEMENT SUPPLEMENTING THE CONVENTION ON

ROAD TRAFFIC

I. Annex paragraph 18 (Ad Article 23 of the Convention)

33. The following text was adopted by WP.1 at its thirty-second session and finally endorsed at its thirty-third session (28 September - 1 October 1999). Please note that this is not reflected in the draft report of the thirty-third session. It is reflected in TRANS/WP.1/2000/4 however.

“Amend subparagraph 23.3 (a)(i) to read:

“(i) Within 5 m before pedestrian crossings and crossings for cyclists, on pedestrian crossings, on crossings for cyclists, and on level crossings.” ”

34. This amendment should in fact be an amendment to Article 23.3 (Art.23 subparagraph 3), as originally proposed by ECMT (as an amendment to the Convention). The Working Group’s proposal is as follows (the text is the same):

“Amend **Article 23.3** (a)(i) to read:

“(i) Within 5 m before pedestrian crossings and crossings for cyclists, on pedestrian crossings, on crossings for cyclists, and on level crossings.” ”

II. Annex paragraph 20 (Ad Article 27 of the Convention)

35. The following text was adopted by WP.1 at its thirty-third session (28 September - 1 October 1999):

“Amend the text relating to paragraph 4 to read:

“Moped drivers may be authorized to use the cycle lane and, if considered advisable, be prohibited from using the rest of the carriageway.” ”

C. CONVENTION ON ROAD SIGNS AND SIGNALS

I. Article 1: Definitions

36. The following text was adopted by WP.1 at its thirty-third session (28 September - 1 October 1999):

“Insert new subparagraph (e bis) to read:

“(e bis) Cycle lane means a part of a carriageway designated for cycles. A cycle lane is distinguished from the rest of the carriageway by longitudinal road markings according to Article 26 bis of this Convention. The marking of a cycle lane may be supplemented, but not replaced, by road signs. Other markings (e.g. the cycle symbol) may be added. Domestic legislation shall specify under what conditions other road users may use the cycle lane or cross it, maintaining cyclists’ safety at all times.” ”

37. The Working Group has no comments.

38. The following text was adopted by WP.1 at its thirty-third session (28 September - 1 October 1999):

“Insert new subparagraph (e ter) to read:

“(e ter) Cycle track means an independent road or part of a road designated for cycles, signposted as such. A cycle track is separated from other roads or other parts of the same road by structural means. A cycle track may be reserved for cyclists alone or for cyclists and other road users in accordance with annex 1 section D in this Convention.” ”

39. The Working Group has no comments.

40. The Working Group suggests that WP.1 should consider if the marking of cycle lanes is correctly described in Article 26 bis par.1. Article 26 bis par.1 is, literally speaking, only applicable to lanes and not cycle lanes. In that case, it seems up to Contracting Parties to decide what to do. On the other hand, it seems natural to regard the term lane as a generic term, including also cycle lanes, at least as far as road marking is concerned, and to apply the rules for road markings regarding lanes also for cycle lanes (if appropriate). If WP.1 feels that the marking of cycle lanes unquestionably should be the same as for other lanes reserved for certain categories (as described in par.1), the Working Group suggests to amend par. 1 (in brackets, since this may be considered a matter of substance).

41. The proposal is as follows:

(“Amend Article 26 bis paragraph 1 to read:

“The marking of lanes reserved for certain categories of vehicles, **including cycle lanes**, shall be by means of lines which should be clearly distinguished from other continuous or broken lines on the carriageway, notably by being wider and with less space between strokes.” ”)

42. There are several other rules for signs and road markings regarding lanes. As for the Convention, see Art. 27 paras 1 and 3, Annex 1 Section E Ch. II paras 1 and 2 (para. 2 is clearly not relevant for cycle lanes), Annex 1 Section G Ch. V paras 1, 2 and 8 and Annex 2 Ch. 2 G (this is for our purpose merely a repetition of Art. 26 bis para.1). As for the European Agreement and the Protocol on Road Markings, there are even more rules. It seems to the Working Group that it should not be necessary to go into this, unless WP.1 wants to make detailed regulations as to when Contracting Parties must apply or are allowed to apply the rules regarding lanes also for cycle lanes, if appropriate.
