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Working Party on Road Traffic Safety
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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 on the Vienna Conventions**

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 (TRANS/WP.1/2000/4) 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, paragraph 10).

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

The initial results of the group's work were presented in document TRANS/WP.1/2000/5. The Working Party drew some preliminary conclusions at the thirty-fourth session and asked the Working Group to finalize the proposals and present a consolidated paper for the thirty-fifth session of the Working Party.

At the same session, the Working Group was asked by the Working Party to consider:

- a) Proposals from Poland for amendments (corrections) to the 1968 Convention on Road Signs and Signals, regarding signs indicating built-up areas and blue road markings for parking places (TRANS/WP.1/2000/11).
- b) A proposal to amend Article 18 of the 1968 Convention on Road Traffic, regarding priority at roundabouts, formerly adopted by WP.1 (TRANS/WP.1/64, paragraph 21).
- c) A proposal from the Russian Federation to correct paragraph 12 of the Annex to the European Agreement supplementing the 1968 Convention on Road Traffic (TRANS/WP.1/2000/18).

The proposed amendments, as compared to the present text of the conventions/agreements, are indicated by italic characters. The Working Group's proposals (last versions) are indicated by bold characters.

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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 is of the opinion that definitions in principle should not contain rules, only the definition itself. It is therefore proposed to delete the three last sentences. This does not mean that contracting parties are not allowed to supplement road markings with road signs or that the cycle symbol may not be added. As for the possibility to allow mopeds or other road users on the cycle lane, this principle follows from Article 27 paragraph 4, as amended (see paragraphs 28 and 29 of this document).

2 bis. The Working Group proposes:

“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.””

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. See comments in paragraph 2. The last sentence is not necessary. It already follows from Annex 1, section D of the Convention on Road Signs and Signals that a cycle track may be reserved also for mopeds. As for other road users, the Working Group feels that they should be allowed on a cycle track only in exceptional cases, and then by means of additional panels.

4 bis. The Working Group proposes:

“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.” “

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 (Article 11, subparagraph 1), as originally proposed by ECMT.

7. In accordance with Article 1 (z), it is suggested to delete the word “the” (the last “the”) in the term “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 other vehicles 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.

9. **The Working Group accordingly proposes the following amendment to Article 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. (text deleted)

11. (text deleted)

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).

“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 closely as possible to the centerline 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 (Article16, subparagraph 1), as originally proposed by ECMT. The Working Group proposes to add the words “for instance” after “direction”, so that domestic legislation can introduce other solutions than the one allowing to change direction in two stages.

14. **The Working Group’s proposal is as follows :**

“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, for instance by crossing the intersection in two separate stages*, move as closely as possible to the centerline 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).

“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 (Article 16 subparagraph 2), as originally proposed by ECMT.

17. The Working Group’s proposal is as follows:

“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 18: Intersections and obligation to give way

17 bis. At its thirty-second session, WP.1 adopted the following proposal from Germany (TRANS/WP.1/64, paragraph 21):

“Add at the end of Article 18.4 (a):

“*unless a roundabout is indicated by sign D, 3 together with the sign B, 1 or B, 2, in which case the driver in the roundabout has priority.*” “

17 ter. The Working Group endorses this proposal.

V. Article 21 bis: 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 Article 11.4 (overtaking), Article 12.1 (passing of oncoming traffic) and even Article 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 for 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”. Article 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 Article 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 what other circumstances this includes other than obstructions, mentioned in Article 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 Article 12.1. The term “without prejudice to Article 11 and 12” is used only in the first sentence of Article 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 necessary for WP.1 to decide what is really meant and, if necessary, to 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 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 drivers or cyclists - possibly the right to enter the lane opposite to the direction of traffic (if there is an obstruction on their 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 Article 21 bis.

VI. 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. At the thirty-fourth session of WP.1, the Working Group was asked to give an explanation of this proposal, except for the cycle track/cycle lane question, as compared with the present text of the Convention. The new text was originally proposed by Norway (TRANS/WP.1/1999/4/Add.2). The main issue was to make this rule applicable also to cycle lanes, as a consequence of the new definitions of cycle tracks and cycle lanes. At the same time it seemed appropriate to extend this rule to other areas not mentioned in the present text of Article 23.1 (marked with italic characters), on which parking should definitely not be allowed.

25 bis. The Working Group proposes:

“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, bus lanes, tracks for horseback riders, footpaths, pavements or on verges specially provided for pedestrian traffic*, save where applicable domestic legislation so permits.” ”**

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”. It further suggests that “two-wheeled” should be deleted. This was also the feeling of WP.1 at the thirty-fourth session.

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 mopeds.*” ”

VII. 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 will point 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, paragraph 4; cfr. Article 1 (g ter) in both conventions. The Working Group would like to make this possibility clear in the text of Article 27 of this Convention.

29 bis The Working Group proposes:

Amend Article 27.4 to read:

“Where cycle *lanes* or cycle tracks 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* or cycle track and if they consider it advisable, prohibit them from using the rest of the carriageway. Domestic legislation shall specify under what conditions other road users may use the cycle lane or cycle track or cross them, maintaining cyclists’ safety at all times.

VIII. 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 domestic driving permit, as a means to prevent the use of illegal international driving permits, and decided to ask the Ad hoc Legal Experts Group 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 the condition that it is presented together with the corresponding domestic permit;*

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 carry also the domestic 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 Ad hoc working group.

B. EUROPEAN AGREEMENT SUPPLEMENTING THE CONVENTION ON ROAD TRAFFIC

I. Annex paragraph 12 (Ad Article 13 of the Convention)

32 bis The Russian Federation has informed WP.1 that there is a mistake in paragraph 12 (TRANS/WP.1/2000/18). The reference to “paragraph 4” should be corrected to a reference to “paragraph 6”.

32 ter. The Working Group agrees and makes the following proposal:

“Amend paragraph 12 to read:

“12. Ad Article 13 of the Convention (Speed and distance between vehicles)

Paragraph 6

This paragraph, including its sub-paragraphs (a) and (b) shall be read as follows:
“Outside built-up areas (the text remains the same).” ”

II. 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).

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

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

34. This amendment should in fact be an amendment to Article 23.3 (Article 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 crossing for cyclists, and on level crossings.” ”

III. 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.” ”

35 bis At the thirty-fourth session of WP.1, the Working Group was asked to examine the text of the Convention, as compared to the text of the European Agreement, and see if this amendment is necessary, or if the present text of the Agreement perhaps could be deleted. The Working Group would point out that the significance of the Agreement on this point is that the first sentence in the text of the Convention is deleted. Our opinion is that this is a consequence of the Agreement’s text of Article 10 (Annex, paragraph 9 - insert additional paragraph (1bis (a)), whereas drivers shall take exclusively, where they exist, the ways, carriageways, lanes and tracks allotted to road-users in their category. The effect is that according to the Convention, Contracting Parties may forbid cyclists to use the rest of the carriageway, while according to the Agreement it is mandatory for cyclists to use the cycle lane (or track - according to the present texts). The Working Group concludes that the proposal must be maintained. The text should be corrected to fit the new text of Article 27.4 of the Convention, see paragraph 29 bis of this document.

35 ter The Working Group proposes:

“Amend the text relating to paragraph 4 to read:

“Moped drivers may be authorized to use the cycle *lane or cycle track* and, if considered advisable, be prohibited from using the rest of the carriageway. *Domestic legislation shall specify under what circumstances other road users may use the cycle lane or cycle track or cross them, maintaining cyclists’ safety at all times.*”

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. See comments in paragraph 2.

37 bis The Working Group proposes:

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.

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. See comments in paragraph 4.

39 bis. The Working Group proposes:

“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.” ”

II. Article 13.2 (Signs for built-up areas)

39 ter. Poland has proposed to amend Article 13.2, as a consequence of the new sign for built-up areas without the name of the area, as follows (TRANS/WP.1/2000/11):

“Amend Article 13.2 to read:

“Regulatory signs placed level with or shortly after a sign *indicating the beginning* of a built-up area shall mean that the rule applies throughout the built-up area, unless a different rule is notified by other signs on certain sections of the road in the built-up area.” “

39 quater. The Working Group agrees.

III. Article 26 bis: (Marking of lanes)

40. The Working Group suggests that WP.1 consider if the marking of cycle lanes is correctly described in Article 26 bis, paragraph 1. Article 26 bis, paragraph 1 is, literally spoken, only applicable for lanes and not for cycle lanes. In that case it seems up to Contracting Parties to decide what to do. If WP.1 feels that the marking of cycle lanes should unquestionably be the same as for other lanes reserved for certain categories (as described in paragraph 1), the Working Group suggests to amend paragraph 1.

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.” ”

IV. Article 29.2 (Blue marking)

41 bis. Poland has proposed that blue marking should be reserved for places where parking is allowed, but restricted in some way (TRANS/WP.1/2000/11). This would be in harmony with the provisions of Annex 1, Section C, Chapter II, paragraph 9 (c) (vii). The present text allows blue marking also for places where parking is allowed without restrictions. At its thirty-fourth session WP.1 preliminarily agreed in principle. The proposal from Poland was as follows:

“Amend Article 29.2 first sentence to read:

“If road markings are painted they shall be yellow or white, however, blue markings may be used for markings showing places where parking is permitted *but limited*.” ”

41 ter. The Working Group feels that this question has not been clarified enough, for instance as to the practices in different countries. The Working Group proposes that this question should be discussed at the next session of WP.1.

V. Annex 1 Section C Chapter II Paragraph 9 (a)(vii)(Blue band/blue lines on the kerb)

41 quinquies. Poland has proposed to amend Annex 1, Section C, Chapter II, paragraph 9 (c)(vii)(TRANS/WP.1/2000/11), to make it clear that all parking subjected to some restriction may be confirmed (not notified) by blue marking. The proposal is as follows:

“Amend Annex 1, Section C, Chapter II, paragraph 9 (c)(vii) to read:

“In zones in which the duration of parking is *limited*, *this limitation may be confirmed* by a blue band (etc. the rest of the text remains unchanged).” “

41 sexties. See comments in paragraph 41 ter.

VI. Other comments

42. There are several other rules for signs and road markings regarding lanes. As for the Convention, see Article 27, paragraphs 1 and 3, Annex 1, Section E, Chapter II, paragraphs 1 and 2 (paragraph 2 is clearly not relevant for cycle lanes), Annex 1, Section G, Chapter V, paragraphs 1, 2 and 8 and Annex 2, Chapter 2 G (this is for our purpose merely a repetition of Article 26 bis, paragraph 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.

D. PROTOCOL ON ROAD MARKINGS, SUPPLEMENTING THE CONVENTION ON ROAD SIGNS AND SIGNALS

I. Annex paragraph 6 (Ad Article 29 of the Convention)

43. See comments in paragraph 41 ter.
