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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 Legal Expert Group

At its thirty-sixth session, the Working Party requested the Group of Legal Experts (Luxembourg, Norway, Russian Federation and Switzerland under the chairmanship of Norway) to consider, inter alia, current proposals relating to the use of blue markings, priority at roundabouts, behaviour at pedestrian crossings, and incorporation of the distinguishing sign into the registration plate.

The Group of Legal Experts met in Luxembourg on 18 and 19 June 2001. Their recommendations appear below.

Introductory notes

At the 36th session of WP.1 the Legal Group was asked to examine/reexamine the following proposals.

Amendments as compared to the present text of the legal instruments are in italic characters.

Amendments as compared to the proposals, in principle adopted by WP.1, are in bold characters.

Priority at roundabouts

1. At the 36th session a proposal from Poland was presented (TRANS/WP.1/2001/18). The amendment to the Convention on Road Traffic Art. 18, previously endorsed by the Legal Group (TRANS/WP.1/2000/20 para. 17bis) and adopted by the Working Party should be an amendment to the Convention on Road Signs and Signals instead, since the rules regulating priority by signs are in the latter convention. The proposal was as follows:

- a) Delete the amendment to Art. 18 of the Convention of Road Traffic
- b) Amend Annex 1, Section D, paragraph 3 of the Convention of Road Sign and Signals to read:

“Sign D,3 “Compulsory Roundabout” shall notify drivers that they must follow the direction at the roundabout indicated by the arrows. If the roundabout is indicated by the sign D,3 together with the sign B,1 or B, 2, the driver in the roundabout has priority.”

2. The Legal Group agrees in principle.

3. At the same time the European Agreement version of Annex 1D3 should be deleted (Annex paragraph 21, delete the text regarding paragraph 3 (compulsory roundabout)).

4. The Legal Group thinks it is not necessary to describe this rule in the Convention on Road Traffic but is open to do so if WP.1 so wishes. In that case the earlier adopted proposal should for legal reasons be modified somewhat, but not in substance.

Behaviour at pedestrian crossings

5. ECMT had made the following proposal (TRANS/WP.1/1998/4 para. 1.4):

Amend Art. 21.2 b) of the Convention on Road Traffic to read:

*“If vehicular traffic is not regulated at that crossing by traffic light signals or by an authorized official, drivers shall approach the crossing only at a speed low enough not to endanger pedestrians using *it or who have clearly indicated their intention to do so*; if necessary, they shall stop to allow such pedestrians to cross”*

6. In TRANS/WP.1/1998/4 there are some interesting footnotes. Footnote 2 indicates that the ECMT Group on Road Safety has changed its proposal (after submission to ECE) from “indicate their intention” to “clearly intend”. The Legal Group finds this a significant distinction. And footnote 3 indicates that the present English text of the Convention is quite all right. WP.1 did at its 31th session clearly take a stand against the principle of pedestrians being asked to give some signal of intention, this being considered dangerous. The Legal Group is of the same opinion.

7. It seems that the French text (and the Russian text ?) is not in harmony with the English text. The phrase “about to use” is lacking. The Legal Group proposes that the French

(and Russian ?) should be brought into line with the English text. As an alternative the phrase “using, or about to use, (it)”, and the corresponding phrases in French and Russian, could be changed to “...using it, or (clearly) have the intention of using it;.....” in all three languages.

8. The ECMT proposal included an (almost - without the word “clearly”) identical amendment to subpara. (a) of Art. 21.2.

The Legal Group proposes the same solution for this proposal. The actual wording should be adapted somewhat, since the text of that subpara. is slightly different.

9. Amend Art 21.2 to read:

"(a); drivers turning into another road at the entrance to which there is a pedestrian crossing shall do so slowly and give way, if necessary stopping for this purpose, to pedestrians already using, or clearly have the intention to use, the crossing.

(b) approach the crossing only at a speed low enough not to hinder or endanger pedestrians using, or clearly have the intention to use it; if necessary they shall stop to allow such pedestrians to cross."

10. The Russian Federation has reservations to the term "clearly have the intention"

11. The Legal Group is of the opinion that Art. 21.2 should be considered in connection with Art. 21.3 and the European Agreement version of Art. 21.3. The expressions used should be the same unless there are specific reasons to have different rules for similar situations. For this purpose it is vital to have WP.1's opinion on the following questions:

- Art. 21.2 (a) states that drivers turning must give way to the pedestrians. Why should that not apply for the situations described in Art. 21.2 (b) as well?
- In that case the prescriptions in Art. 21.3 (l) hardly seem necessary. One could also question the need for the second subparagraph. Anyway the first subparagraph should be in line with Art. 21.2 (amend "about to use" to add "clearly have the intention of using it")
- Is there need for different rules in Art. 21.2 ("clearly have the intention") and the European Agreement version of Art. 21.3 (“stepped on to the carriageway")?

12. The questions should be studied in detail by the Legal Group or some other group given the mandate by WP.1, if WP.1 adopts some principles on this.

13. There seems to be no need to amend Art. 20 (for instance Art 20.6 (b) (iii)).

Distinguishing signs

14. At its 36th session WP.1 in principle adopted the proposals from AIT/FIA to amend the Convention on Road Traffic in order to allow distinguishing signs to be incorporated into registration plates (TRANS/WP.1/2001/6), with the exception of annex 3 para. 3 (matters regarding the placing and the background colour of the distinguishing sign). WP.1 asked the Legal Group to consider legal aspects of the proposal, including comments made by the secretariat (informal document No. 3 for the 36th session)

15. The Legal group proposes:

(a) Add at the end of Article 37.1:

“The sign may either be placed separately from the registration plate or may be incorporated into the registration plate(s).”

(b) It is suggested by the secretariat to make it mandatory to have the distinguishing sign also on the front registration plate (if there is one), but only in the European Agreement.

(c) The Legal Group endorses the proposal from FIA regarding Art. 37.2.

(d) Amend Art. 37.3 to read:

“The composition of the distinguishing sign and the manner of displaying it or its incorporation into the registration plate shall conform to the conditions laid down in Annexes 2 and 3 to this Convention”.

(e) Amend Annex 1 para. 9 to read:

*“Contracting Parties may refuse to admit to their territories in international traffic any motor vehicle, or any trailer coupled to a motor vehicle, which displays (**no distinguishing sign or**) a distinguishing sign other than **one of those** prescribed in Article 37 of this Convention. **Contracting Parties may not refuse admission to a vehicle which has a distinguishing sign placed separately from the registration plate in conformity with the provisions of this Convention substituting a non-conforming distinguishing sign which is incorporated into the registration plate(s).**”*

f) Amend Annex 2 Heading and paragraph **3 and 4** as follows, and add a new paragraph 2 (5):

“Annex 2

REGISTRATION NUMBER **AND PLATE** OF MOTOR VEHICLES AND TRAILERS IN INTERNATIONAL TRAFFIC

(1. AIT/FIA’s proposal to add a new sentence in paragraph 1 is deleted)

3. Delete the word "**special**" from the first sentence).

4. ***Without prejudice*** to the provisions of ***Annex 5, paragraph 61 (g) of this Convention, the background of the registration plate on which the registration number and, where applicable, the distinguishing sign of the State in which the vehicle is registered, possibly completed by the flag or emblem according to the conditions defined in Annex 3, is displayed, may be of a retro-reflective material.***

5. ***The background of the part of the registration plate on which the distinguishing sign is incorporated shall be of the same material as that used for the registration number.***

- g) Annex 3 paragraph 1:
Delete the last sentence in the AIT/FIA proposal.
- h) Amend Annex 3 paragraph 2 to read:
“When the distinguishing sign is displayed separately from the registration plate, it must conform to the following conditions:
- i) The Legal Group endorses the FIA proposal regarding Annex 3 paragraph 2.1.
- j) The Legal Group endorses the FIA proposal regarding Annex 3 paragraph 2.3.
- k) Annex 3 paragraph 2.5:
The Legal Group proposes to modify this paragraph and to move it to the end of annex 3, as a ***new paragraph 4.***
- l) Amend annex 3 paragraph 3 to read:
“When the distinguishing sign is incorporated into the registration plate(s), the following conditions shall apply:”
- m) ***Add new paragraphs 3.1 and 3.4 (3.2 and 3.3 will be discussed later):***

“3.1 The letters shall have a height of at least 0.02m, taking as a reference a registration plate 0.110 m high.

3.4 For motorcycles and their trailers and/or for registration plates taking up two lines, the size of the letters of the distinguishing sign as well as, where applicable, the size of national flag or emblem or the symbol of the regional economic integration organization which the country belongs to may be appropriately modified”.
- n) The FIA proposal of Annex 3, paragraph 3.4 has been moved to annex 2, paragraph 5.

- o) The Legal group proposes:

Add a new paragraph 4 in annex 3:

*“ The **relevant** provisions of annex 2 paragraph 3 shall apply to the distinguishing sign”*

Blue markings – blue bands

16. As a result of the questionnaire from Poland (TRANS/WP.1/2001/3), Poland modified the original proposal of Art. 29.2 of the Convention of Road Signs and Signals (TRANS/WP.1/2000/11) at the 36th session of WP.1:

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 duration of parking is limited*”

17. The Legal Group feels that this text covers the practice in most countries. It should be noted that no country seems to use blue marking without some sort of restriction being applied to the parking. In order to cover all practices the text should be made more general, however, to allow for other types of restrictions, such as parking place reserved for certain categories (Croatia, Israel), payment or days (Israel). The easiest way to do this would simply be to use the phrase “permitted but restricted”. It also seems better language to delete “markings” in the first line. The text then would be:

Amend Art. 29. 2 first sentence to read:

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

18. As an alternative the following text is proposed (the conclusion of the Legal Group):

“If road markings are painted they shall be yellow or white, however blue may be used for markings showing places where parking is ***subjected to some conditions or restrictions (limit of duration, payment, category of user etc).***”

19. Poland has maintained the original proposal to amend Annex 1 Section C Chapter II para. 9 (c) (vii) of the Convention on Road Signs and Signals:

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). ”

20. The Legal Group agrees to a certain extent. One reason behind the proposal is to take away the possibility to show the restriction only by the blue band or marking on the kerb. The Legal Group agrees entirely. The other reason is to make the text harmonious with Art. 29. The Legal Group will point out that this provision deals with marking (line) on the kerb (not actually mentioning the colour of the line) or blue bands on trees etc. for a particular purpose, namely to indicate (or confirm – according to the proposal from Poland) that duration of parking is limited, but not subject to payment. This provision does not necessarily

correspond to Art. 29.2. which deals with blue marking (on the road) for other (more general) purposes. It hardly seems necessary to use blue marking if there are parking meters, see subpara. (vi) (of the Convention).

However, the Group is of the opinion that blue markings, lines or bands should not cover different rules. If that actually is the case remains to be seen. The questionnaire was limited to ordinary blue markings. The Legal Group is in favour of deleting this subparagraph entirely. If it is amended as proposed by Poland, the only element that is added (except perhaps for the variety of placing (road/kerb) and perhaps the colour of the line on the kerb), compared to Article 29.2, as amended, is the possibility to confirm the restriction by a blue band on trees and lampposts etc. The Group feels that this is a possibility that is no longer needed. Another point is that not all restrictions are being notified by the sign C, 18 (para 9 of the Convention deals with signs C, 18, 19 and 20). Some restrictions are notified by sign E, 14a, with additional panels.

21. The Legal Group proposes:

Delete Annex 1 Section C Chapter II Paragraph 9 (c) (vii) of the Convention on Road Signs and Signals.

22. The Legal Group feels that the Protocol on Road Markings, supplementing the Convention on Road Signs and Signals should be brought into line with Art. 29 of the Convention on Road Signs and Signals. It should be noted that the following proposal is harmonious also with the alternative amendment to Art. 29:

Amend Annex paragraph 6 (Ad Article 29 of the Convention) to read:

“Paragraph 2

This paragraph shall be read as follows:

“The road markings shall be white. The term “white” includes shades of silver or light grey.

However:

- markings showing places where parking is subjected *to some conditions or restrictions* may be blue;

(the rest of the text unchanged). ”

A minor amendment suggested by the Russian Federation

23. It has been suggested by the Russian Federation to delete the word “and” at the end of the Vienna Convention on Road Traffic, Article 41.2 b). The secretariat pointed out that this question is relevant for the English and Russian text. In the French text Article 41.2 c) starts with “ou” (or).

24. Since it seems obvious that no one needs three different driving licences, not even two (the amendment requiring the holder of an IDP also to produce the DDP is a special case, only relevant if the DDP does not conform to either of the two options of the Convention), it does not seem important whether “and”, “or” or neither of the words are used. The meaning is the same. However, the three different languages should be in harmony. The Legal Group therefore proposes, as perhaps the simplest way, to amend the text of Art. 41.2 (b) and (c), as presented in document TRANS/WP.1/2000/20, in the following manner:

- a) English text: Delete the word “and” from Art. 41.2 b)
- b) Russian text: Delete the word “(*)..” (and) from Art. 41.2 b)
- c) French text: Delete the word “ou” (or) from the beginning of Art. 41.2 c)

(*) Note for the translator/secretariat:

The word “and” in Russian
