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Economic Commission for Europe

Inland Transport Committee

Global Forum for Road Traffic Safety

**Group of Experts on drafting a new legal instrument
on the use of automated vehicles in traffic**

Second session

Geneva, 6 December 2021

Item 4 of the provisional agenda

Programme of Work

**Key questions to support a needs assessment for the
development of a new legal instrument for automated
vehicles**

Submitted by the representative of Canada

This document proposes key questions to facilitate a discussion and decision by WP.1/GE.3 on conducting a needs assessment for the development of a new legal instrument for automated vehicles.

I. Background

1. On September 1, 2021, the Group of Experts on drafting a new legal instrument on the use of automated vehicles in traffic (GE.3) held its first meeting.
2. In a joint position statement, France and Germany presented their vision for GE.3's programme of work, in which they suggested that a starting point for the group should be to conduct an analysis of the 1949 and 1968 Conventions on Road Traffic.
3. In response to the proposed workplan, Canada recommended that prior to pursuing an analysis of the two existing conventions on road traffic, the group should consider conducting a scoping/needs assessment of road safety challenges posed by vehicle automation that international legal instruments should enable contracting parties to adequately address. Having a clear sense of the unique road safety challenges and needs posed by the introduction of automated vehicles will enable contracting parties to carry out a more thorough assessment of potential gaps and limitations of the 1949 and 1968 conventions for supporting the safe use of automated vehicles on public roads.
4. To facilitate a discussion and decision by GE.3 on conducting a needs assessment, Canada has provided the following list of questions which could potentially be used to structure such an assessment.

II. Guiding Questions

5. Note: This list is non-exhaustive. We would invite members to propose other questions as they see fit.
 - (a) What are the road safety risks posed by automated vehicles that we believe may require intervention by road safety authorities?
 - (b) What do we know about the potential scope/nature of these risks at this early stage in AV development (for example, how likely are they to manifest themselves? How frequent or severe do we anticipate these risks to be for road safety?)
 - (c) Are these challenges completely novel and/or unique to automated vehicles? How do they differ from conventional road safety issues with human drivers that may already be addressed by international legal instruments?
 - (d) Do we have sufficient information at this time to appropriately define the problem and identify safety expectations in a legal instrument?
 - (e) What are the potential risks faced by contracting parties if a new/existing legal instrument is not developed/adapted to address these issues?
 - (f) Are there other tools that might be more appropriate to address certain risks/provide direction to contracting parties at this early juncture?

III. Considerations

6. In conducting this assessment, a program of work will need to be determined including determining:
 - (a) Which stakeholders to consult on road safety risks as part of GE3 analysis.
 - (b) How discussion/analysis should be carried out (i.e. workshops, etc.).
7. Following the scoping exercise, GE.3 may want to consider preparation of a report to WP.1, providing an overview of the findings from the assessment and proposed recommendations.