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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

## Report of the Group of Experts on drafting a new legal instrument on the use of automated vehicles in traffic on its second session

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## **I. Attendance**

1. The Group of Experts (GoE) on drafting a new Legal Instrument on the use of Automated Vehicles in traffic (LIAV) met on 6 December 2021 in Geneva.
2. The meeting was chaired by Ms. B. Rudolph (Germany). Accredited experts from the following countries participated in the work in accordance with para. 10 of the Terms of Reference (ECE/TRANS/2021/6, Annex III): Australia, Austria, Belgium, Brazil, Bulgaria, Cambodia, Canada, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Lithuania, Luxembourg, Malaysia, Malta, the Netherlands, New Zealand, Poland, Portugal, Romania, Russian Federation, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zimbabwe.
3. The Chair opened the meeting by mentioning the current Coronavirus situation, the reason why the meeting was conducted in a hybrid format, with most of the delegations attending online.
4. The Secretary informed the Group that the exception regime due to Covid-19 allowed to meet in a hybrid format with two hours of interpretation in the morning and in the afternoon. He reported on efforts made to facilitate a longer meeting with different and more favourable times, especially for the Asian and American delegates, without success.

## **II. Adoption of the agenda (agenda item 1)**

*Documentation:* ECE/TRANS/WP.1/GE.3/2021/3

5. The Group of Experts considered the provisional agenda prepared for this session (ECE/TRANS/WP.1/GE.3/2021/3) and adopted it.
6. The expert from Italy, Chair of WP.1, inquired about the procedure for adopting the report of the September 2021 session and whether the corresponding document was translated into the three official languages English, French and Russian.
7. The Chair explained that the question of the expert from Italy would be addressed under agenda item 9.

## **III. Highlights of the September 2021 session of WP.1 (agenda item 2)**

*Documentation:* ECE/TRANS/WP.1/177

8. The Secretary informed the Group about the highlights of the WP.1 session in September 2021 having relevance for the Group of Experts. He reported that the Chair of the Group of Experts had stressed the need to focus the Group's discussions and outputs on their mandate. He referred to the session report ECE/TRANS/WP.1/177, paragraph 23 for more details. The Group of Experts noted the report from the Secretariat.
9. The Group agreed with the Secretary's suggestion to start every session with the relevant information stemming from the supervising body, WP.1.

## **IV. Eventual complementary addition with reference to the Rules of procedure (agenda item 3)**

*Documentation:* (ECE/EX/2/Rev.1, TRANS/WP.1/100/Add.1 and ECE/TRANS/2021/6, Annex III)

10. The Chair recalled on the importance of focusing on the substantive activities of the Group of Experts. Therefore, the Group agreed with the Chair's suggestion to proceed without adopting a further set of rules of procedures, but to operate based on the existing

Terms of Reference, rules and guidelines applicable to this Group through the documents ECE/EX/2/Rev.1, TRANS/WP.1/100/Add.1 and ECE/TRANS/2021/6, Annex III.

## V. Programme of work (agenda item 4)

*Documentation:* Informal document No. 1 and Rev.1

11. The Chair thanked France for organizing and hosting the informal meeting, held virtually on 30 November 2021. She felt that this informal meeting had been very productive to help with the development of the programme of work of the Group.

12. The Secretary informed the Group that the informal document No. 1 still included Japan in square brackets as author. He explained that Japan could not confirm its position internally, due to short time available to clarify this and, that he therefore issued a revised version of that document accordingly.

13. The expert from France, Vice-Chair of the Group, introduced informal document No. 1/Rev.1. She reported on the informal meeting held in November 2021 and its results, aimed at preparing discussions and saving time given the short duration of formal sessions. She informed the Group that thirty experts from various delegations followed the invitation from France and participated in the informal meeting. She explained that they worked for three hours on the basis of informal document No. 1 of the first session of the Group (Informal document No.1 GE.3-01-01), submitted by Germany and France. She explained that the experts removed the preamble included in the basis document. She concluded her report by informing that the Group drafted tasks and corresponding envisaged deadlines for all of the five key issues of the draft programme of work.

14. The Group reviewed informal document No. 1/Rev.1.

15. The expert from Canada expressed concerns regarding the May 2022 deadline for item 1(a) of the draft programme of work. He considered it to be too ambitious. He explained that drafting a new legal instrument had to be done thoroughly to make sure that it could remain valid and consistent for a reasonable period of time. He suggested that deadline should not be driven by the length of the Group's mandate as it could anyway be extended. He welcomed the flexibility provided by the text in the footnote.

16. The expert from the United Kingdom congratulated the Chair and Vice-Chairs for the programme of work and expressed his general support for the informal document No. 1/Rev. 1. He suggested to improve the language of item 1(a) of the programme of work to clarify the sentence and use the wording "can be complemented".

17. The expert from Germany stated his general support for the document No. 1/ Rev. 1 and thanked everyone who contributed to the work. He expressed Germany's support for ambitious deadlines, as they were necessary to keep up with the speed of technological evolution.

18. The expert from the Netherlands supported the informal document No. 1/Rev. 1 in general and the May 2022 deadline for item 1(a) of the programme of work. He stressed the importance of defining in detail the substantial objectives for the work of the Group.

19. The expert from Sweden advocated for ambitious deadlines as shown in the document as well as the wording proposed by the expert from United Kingdom of Great Britain and Northern Ireland. Moreover, he suggested to establish subgroups to be able to meet the deadlines of the programme of work.

20. The Chair welcomed the suggestion of the expert from Sweden and stressed the need for volunteers who could take on tasks associated with the deadlines. She asked the expert from Canada to lead this task from now on until the time of the next formal session, as he promoted the idea to conduct an assessment/ scoping of road safety challenges.

21. The expert from Canada stated that the countries who wanted to rush forward needed to provide support as well. He stressed again that it would take substantial time to develop a legal instrument and the Group should not rush into it.

22. The expert from Russia, Vice-Chair of the Group, spoke in favour of a prompt adoption of the informal document No. 1/Rev. 1. He considered its content as a basis on which the Group could ground itself.
23. The expert from Italy, Chair of WP.1, urged the Group to optimize their timing and proposed another version of item 1(a) to clearly define the tasks of the Group. Furthermore, she suggested to move the text ("subject to be changed or postponed") in the footnotes into a paragraph but she also called the Group to be firmer about the tasks and deadlines.
24. The Group discussed the proposed amendments to item 1(a) and 1(b) in the document.
25. The expert from the United Kingdom of Great Britain and Northern Ireland suggested to replace "road safety challenges" by "road traffic challenges".
26. The expert from Italy, Chair of WP.1, preferred to keep "road safety challenges".
27. The Secretary modified the text of item 1(a) of the programme of work accordingly, which was adopted by the Group.
28. The Group reviewed the text in item 1(b) of the programme of work.
29. The expert from Italy, Chair of WP.1, asked about the definition of the term "legal provision" and the difference between item 1(b) and 1(c) of the programme of work.
30. The Chair explained that the kind of legal instrument that the Group would develop would be clear, after the Group had accomplished the items 1(a) and 1(b) of the programme of work. She stated that item 1(c) described the task of the actual drafting of the legal instrument and that the description could not be more detailed, as the Group had not yet decided which legal instrument to develop.
31. The expert from Canada suggested to use the wording "recommended legal provisions" instead of "necessary legal provisions", as it led to more consistency with item 1(b) of the programme of work.
32. The expert from Austria remarked that using the wording "recommended" would lead to the assumption that the legal instrument would be non-binding and rather a recommendation.
33. The Chair recalled the purpose of the Group, to draft a legally binding instrument.
34. The expert from Canada noted that using "recommended" would not take anything away from the binding character of the instrument. He explained that the Group of Experts was advisory and therefore could only submit recommendations to WP.1, where the decision about the final approval would be made.
35. The expert from Sweden preferred to delete the wording "recommended" but would also agree on keeping it.
36. The Group decided to neither use the wording "necessary" nor "recommended".
37. The Chair proceeded to item 1(d) of the programme of work and welcomed the comment of Sweden on the informal document No. 1/ Rev. 1 to add "informal meetings" to the activities of the Group. She stressed that informal meetings were necessary to make sufficient progress towards the proposed deadlines.
38. The expert from Italy, Chair of WP.1, suggested to shorten the note of item 1(d), as mentioning all the tasks of the Group would raise more questions. She explained that, if the Group wanted to keep them, then it would be necessary to clarify all of them.
39. The Chair responded to the statement of the expert from Italy and suggested to use the wording "among others" instead of listing all the activities of the Group in detail. The Group adopted this suggestion.
40. The expert from Italy, Chair of WP.1, required to shorten item 1(e) of the programme of work and delete the sentence after the word "WP.1.", as it was not necessary to specify the scope of the report to WP.1.

41. The Secretary modified the informal document No. 1/Rev. 1 accordingly. The Group adopted the informal document No. 1/Rev. 1 as amended in session and as reproduced in Annex I.

## VI. Substantive activities (agenda item 5)

*Documentation:* Informal document No. 2 and Presentation 1

42. The Chair recalled the purpose of the survey "Safe Deployment of Automated Vehicles in International Traffic", which was prepared by the Secretariat and distributed prior to the session. She acknowledged the short time for filling in the survey, noted the answers received, and welcomed the survey as it offered the opportunity to spark the debates of the Group under this agenda item.

43. The Secretary introduced Presentation 1 with the outcome of the survey. He highlighted the efforts made by the participants to provide answers. He informed that he drafted this survey on the basis of questions raised by the expert from Canada during the preparation of the first informal session of the Group in November 2021. He explained that these questions raised were reproduced in informal document No. 2, tabled by the expert from Canada. He reported that the survey was technically supported by Forms (Microsoft), which provided embedded tools for presenting the answers received. He highlighted that the survey mostly contained open questions and that the tool offered a semantic analysis generating word clouds, in blue in Presentation 1. He reported that he found out, while reviewing the answers received, that the automatic generation of word clouds was, in some limited case, not fully accurate. He stated that he added in red, on the relevant word clouds, some key words taken from the answers, which the tool had failed to identify. He concluded his presentation by highlighting that the survey (based on open questions) did not allow a simple and quantitative analysis. He therefore offered to recirculate the questionnaire with multiple choice options, based on the key words highlighted in the presentation derived from the answers received.

44. The expert from Italy, Chair of WP.1, asked for a clarification, whether the words marked in red were words taken from the answers received. The Secretary clarified that he had only added key words derived from the answers.

45. The expert from Canada appreciated the effort and the number of questions included from Canada's informal document No. 2. He supported the idea to recirculate the survey with multiple choice options and suggested to add, for each question, a free text field. He insisted that enough time is granted to the experts for providing answers, e.g., mid-January 2022. He stated that Canada would be happy to work with the Secretary and other countries to analyse the results of the revised survey.

46. The expert from the United Kingdom of Great Britain and Northern Ireland thanked the Secretary for his work and appreciated that the results of the survey led to useful insights and were helpful to move forward. He proposed to also consider the resolution for automated vehicles from 2018 and to analyse which reasons led to the development of this resolution, in order to save work on performing new surveys.

47. The experts from Slovenia and France supported the recirculation of the revised survey and the publication of answers. (The secretariat published the anonymized answers in informal document No. 3 after the session.)

48. The Group agreed that the Secretary would recirculate a follow-up survey, including multiple choice options and additional space for comments, with the possibility to provide answers until mid-January 2022.

49. The Chair asked if the experts would agree that their answers would be published online. The Group agreed with the Chair's suggestion and that the answers to the survey should be published in an informal document with an introductory note recalling that experts' answers did not necessarily represent the overall position of a country and hence did not mean that a country could be bound by the answers given.

## **VII. Other business (agenda item 6)**

50. The Group inquired whether there were volunteers for hosting informal meetings, preferably at least two, before the next formal session of the Group. The Chair suggested to organize the first meeting towards the end of January and the second one latest mid-March 2022. The expert from France, Vice-Chair of the Group, offered her help for organizing the meetings.

51. The expert from Sweden volunteered to host the first informal meeting of GE.3 in 2022 towards the end of January, held virtually and in English only.

52. The Group agreed to start working, during the first informal meeting, on the milestone adopted under item 1(a) of the programme of work. The Chair inquired whether the expert from Canada could support the Swedish delegation with the organisation of the first informal meeting. She added that Canada could host the second informal meeting latest mid-March, with the support of the expert from Sweden, as this topic was a key concern of the Canadian delegation.

53. The experts from Canada and Sweden confirmed their willingness to host both informal meetings in January and March 2022 respectively, held virtually and in English only (without interpretation).

54. The expert from Canada announced his willingness to prepare a report on the activities performed during the informal meetings, in consultation with the Bureau.

55. The Group recalled the requests to the Secretariat to organize formal session with starting times that accommodate, to the extent possible, the various time zones of the delegations. The Secretariat answered that they would try to get more time resources for official meetings and thus more flexibility on timing to avoid inconveniences.

## **VIII. Adoption of the list of decisions (agenda item 7)**

*Documentation:* Decisions for silence procedure

56. The Secretary briefly presented the draft list of decisions concerning agenda items 1 to 7, based on his notes during the session.

57. The Group reviewed this document and endorsed it. It discussed items 8 and 9, as follows.

## **IX. Next session (agenda item 8)**

58. The Group noted that the next session was scheduled to take place on 16 May 2022 (subject to change).

59. The Secretary informed the Group that the fourth session, which was tentatively scheduled on 7 November 2022, might be moved to December (subject to change) in order to allow for Group activities in September. He agreed to come back to the delegates with more information in due course based on further developments.

## **X. Adoption of the report of the first session (agenda item 9)**

*Documentation:* ECE/TRANS/WP.1/GE.3/2021/2

60. The Chair consulted the Group on the adoption of the report of the first session. The expert from Italy supported its adoption. The Group of Experts adopted the report and agreed that, given the fact that the translations into French and Russian were not finalized, necessary corrections in these languages could be agreed on at next sessions.

## Annex

### **Proposal for the programme of work of the Group of Experts on drafting a new legal instrument on the use of automated vehicles in traffic**

This text below proposes the programme of work of the Group of Experts (GoE) on drafting a new Legal Instrument on the use of Automated Vehicles in traffic (LIAV). It is based on the joint paper of France, Germany and Sweden (Informal document No. 1/Rev. 1) at the first session of the GoE on LIAV, which had been drafted during an informal session of the group, convened by the expert from France, Vice-Chair of the group. The text below reflects the amendments agreed during the second session.

#### **Programme of Work**

1. The main milestones of the Group of Experts include the following:

(a) Conduct an assessment of road safety challenges posed by the use of automated vehicles in traffic that an international legal instrument could adequately address, which could later be used in an analysis of how the 1949 and 1968 Conventions on Road Traffic can be complemented.

Envisaged deadline: May 2022<sup>1</sup>

(b) Identify the recommended instrument type, the scope of issues by drafting a table of contents etc.) and legal implications.

Envisaged deadline: December 2022<sup>1</sup>

Note: this work would be conducted, keeping in mind the early stage of the technology development.

(c) Draft of an initial set of legal provisions for the safe deployment of automated vehicles in international traffic.

Envisaged deadline: May 2023<sup>1</sup>

(d) Reports to WP.1, not fewer than two per year (coinciding with the regular WP.1<sup>2</sup> sessions).

Envisaged milestones: March 2022, September 2022, March 2023, September 2023.

Note: Considering that the subject of automated vehicles in traffic is still rather recent and constantly evolving, the Group may find it relevant to invite and listen to a wide range of qualified experts. The expertise of the colleagues at the World Forum for harmonization of vehicle regulations (WP.29), and in particular those at the Working Party on Automated/Autonomous and Connected Vehicles (GRVA), could notably help the Group with its tasks. Activities of the Group could, amongst others, include informal meetings.

(e) At the end of the period for which it has been established, the Group will submit a report (in line with the provisions contained in [ECE/EX/2/Rev.1](#)) on its timely accomplishments to WP.1.

Envisaged deadline: May 2023<sup>1</sup>.

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<sup>1</sup> Subject to be changed or postponed.

<sup>2</sup> Global Forum for Road Traffic Safety.