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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**

Fifth session

Geneva, 12 December 2022

Item 4 of the provisional agenda

Current status and next steps

Report on the accomplishments of the Group of Experts on drafting a new legal instrument on the use of automated vehicles in traffic since its establishment

Note by the secretariat

The present document reflects the accomplishments of the Group of Experts (GoE) on drafting a new Legal Instrument on the use of Automated Vehicles in traffic (LIAV) since its establishment. It addresses the outcome of the five formal sessions as well as the four informal sessions that took place until the end of September 2022.

1. During the first session of the Group, which took place on 1 September 2021, the Group elected its officers and elaborated the programme of work for the period of which it was established. The Group agreed to further prepare the programme of work during an informal meeting, organized by France, and to review it at the next session.
2. WP.1 at its 83rd session in September 2021 acknowledged the work done during the Group's inaugural session and stressed the need to focus the discussions and outputs of the Group on its mandate (as per Annex III of ECE/TRANS/2021/6).
3. The second session of the Group took place in December 2021, during which the Group adopted the programme of work, clearly defining its objectives and activities and making a schedule for their implementation. In order to accelerate the work, the Group agreed to organized two informal sessions before the next formal session in May 2022.
4. The aforementioned activities of the Group aimed at increasing the relevance of the future legal instrument, whose drafting, according to the Group's Terms of reference (as per Annex III of ECE/TRANS/2021/6) is the Group's main output.
5. The Chair of the Group reported to WP.1 at its eighty-fourth session in March 2022. The WP.1 Chair emphasized the need to start focusing at the same time on the planned structure of the new instrument based on the current work on assessing safety considerations.
6. At the third formal session on 16 May 2022, the Group received a summary report of the informal meetings co-organized by Canada and Sweden, that took place in January and March 2022. The expert from Canada explained that the Group had informally exchanged views on road safety concerns that could be addressed by a new legal instrument, based on the outcome of the second survey distributed by the secretariat after the second formal session. He explained that Canada and Sweden proposed to develop a list of core road safety risks as well as a series of brief scoping papers on each of the core safety risks.
7. GE.3 noted the value of the exchange on road safety risks and requested the secretariat to provide information about activities of other working parties and relevant groups related to automated vehicles.
8. The expert from France made a presentation supporting their view that the new legal instrument should be a new convention. She stated that a new convention would be the best suited legal instrument to complement the existing 1949 and 1968 Conventions on Road Traffic as it would bring the advantage of high-level compliance and a uniform implementation of rules. She proposed to host an informal meeting before the 4th session of the GoE. The expert from the United States of America stated that the Group should focus its discussions on the content of a new legal instrument rather than its format. The expert from Italy, Chair of WP.1, recalled that the envisaged main deliverable of the Group, mandated by the Inland Transport Committee (ECE/TRANS/2021/6, Annex III, paragraph 4), was a new legal instrument, expected to complement the 1949 and 1969 Conventions and specifically aimed at ensuring road traffic safety, including vulnerable road users. She pointed out that due to this mandate the new legal instrument could not be an amendment to the existing Conventions. The expert from Australia suggested to work in parallel on analyzing the existing Conventions to elaborate the necessary changes as well as on defining and scoping safety risks related to automated vehicles to elaborate the input for the legal instrument, to make it future proof.
9. The Group had invited three experts from NGOs, one from the industry, one from a road safety NGO, and one from academia, who each had been invited to prepare a document with considerations of relevance to the Group.
10. The expert from OICA presented the challenges of the industry with regards to the introduction of Automated Driving Systems (ADS) in traffic. They explained the paradigm shift due to the fact that manufacturers of such products have the obligation to translate human-oriented driving rules into technical algorithms of the ADS. He proposed to the Group to focus on the harmonization of traffic laws as well as on the identification of existing requirements for humans that are not transferable to a machine.

11. The expert from academia (University of South Carolina) presented initial thoughts on “road safety challenges posed by the use of automated vehicles in traffic that an international legal instrument could adequately address”, explaining that he had focused on possible instruments, both legally binding and non-binding, and on the domestic as well as the international level.

12. The expert from ETSC presented elements that should be addressed at UNECE level regarding the lack of commonality in terms of Human Machine Interface, mode confusion, over trust or over reliance and driver monitoring. He called for the establishment of a system of robust oversight and investigation. The expert from Austria expressed his assumption that many of the problems listed should rather be addressed on a technical basis and therefore by the World Forum for Harmonization of Vehicle Regulations (WP.29) and its subgroups.

13. The Group concluded that any delegation could at any point in time prepare working documents for the Group’s next sessions, contributing to item (a) of the Group’s programme of work (as per ECE/TRANS/WP.1/GE.3/2022/3), and in parallel, could start defining the skeleton of the new legal instrument, including its key aspects, to prepare for item (b) of the Group’s programme of work.

14. The fourth meeting of the Group, an additional meeting thanks to UNECE and UNOG, took place on 1-2 September 2022. During this two-day session the Group reviewed the input prepared by France for the informal meeting that took place in July 2022. This input reviewed article by article the content of the 1949 and 1968 Conventions on Road Traffic and included suggestions for each of the articles that could be addressed by a new convention.

15. The secretariat informed the Group on the activities of other Working Parties and relevant Groups of the United Nations related to autonomous vehicles, provided information on the historical background of the Conventions related to road traffic and traffic safety, and on the types of legal instruments within the United Nations. The Group welcomed the secretariat’s presentations. The one on other Working Parties’ activities was helpful to identify some technical aspects that are already addressed by GRVA, one of the sub-groups of WP.29, which could be of potential interest to GE.3. The presentation on the history of the previous conventions was useful to identify the necessary process, the amount of work and material needed to draft a new convention, and the presentation providing an overview of legal instruments within the United Nations complemented the presentation made by France at the Group’s third session in May 2022.

16. The Group discussed, on the basis of the input prepared and presented by the expert from France, which included a summary of the comments received by France on their presentation at the Group’s informal meeting in July 2022. The Group agreed to proceed as follows:

(a) To start drafting text (through short drafts) for a new legal instrument in the style of a new convention, complementing the existing 1949 and 1968 Conventions on Road Traffic.

(b) To keep the scope rather broad at a first stage, including definitions and systems that may not finally be part of the new convention. It was agreed that the scope would be streamlined over time as the drafting, the technical progress and knowledge would advance.

17. In order to make progress along those lines, the Group decided on a different format for activities undertaken in between sessions. There will be no informal meeting hosted by an expert delegation. Instead, a number of experts of the Group volunteered to meet and to start writing text that could be included in the first draft of a new convention.

18. A series of four virtual meetings is expected to take place between the fourth session of the Group in September 2022 and before the fifth session of the Group in December 2022.

19. The Chair of the Group and the secretariat reported to WP.1 at its 85th session in September 2022. The Chair informed WP.1 about the aforementioned modalities in between sessions, chosen in order to start preparing a first draft in a “convention format” for the creation of a new legal instrument on the use of automated vehicles in traffic. She explained that these activities were supported by volunteers from a number of countries while three countries still expressed concerns and reservations regarding the drafting as they considered

the need to accomplish preliminary activities before drafting. WP.1 noted that the Group intends, at its forthcoming December 2022 session, to begin the initial review of the first draft of the text prepared by the volunteering experts. WP.1 agreed to the Group's request to extend its mandate for additional two years.

20. [The Group will develop a paragraph reporting on its December 2022 session, based on its deliberation.]

21. The Group at its fifth meeting on 12 December 2022 discussed the present report on its accomplishments to date and requested the secretariat to submit the report to WP.1, the Group's parent body, in order to share the achievements and conclusions of its work to the wider UNECE membership [pending approval by the Group].
