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

Sixth session

Geneva, 4-5 May 2023

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

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I. Attendance

1. The Group of Experts on drafting a new Legal Instrument on the use of Automated Vehicles in traffic (LIAV) met on 4-5 May 2023 in Geneva.
2. In the absence of Ms. B. Rudolph (Germany), the meeting was chaired by the Vice-Chairs Ms. M. Molina (France) on 4 May 2023 and Mr. H. Berg (Sweden) on 5 May 2023. 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): Canada, Finland, France, Germany, Greece, Italy, Japan, Kyrgyzstan, Luxembourg, the Netherlands, Poland, Portugal, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America.
3. Experts from the following non-governmental organizations (NGOs) and academia participated upon invitation by the Chair: the University of South Carolina, the International Organization of Motor Vehicle Manufacturers (OICA). An expert from EUROMED participated upon invitation by WP.1. An expert from Waymo attended, upon invitation by the expert from the United States of America.

II. Adoption of the agenda (agenda item 1)

Documentation: ECE/TRANS/WP.1/GE.3/2023/1/Rev.1

4. The Chair recalled the reason for the preparation of a revised provisional agenda, to incorporate guidance from ITC and WP.1. The Group noted that the initial provisional agenda ECE/TRANS/WP.1/GE.3/2023/1 and thanked the secretariat for preparing a revised version in line with the recent guidance provided by the parent bodies. The Group considered and adopted it (ECE/TRANS/WP.1/GE.3/2023/1/Rev.1).

III. Adoption of the report of the fifth session (agenda item 2)

Documentation: ECE/TRANS/WP.1/GE.3/2022/10

5. The expert from Canada mentioned technical issues in the sound transmission for remote participants and proposed amendments to para. 12 to reflect Canada's position.
6. The Secretary informed the Group that proposals from the expert from Italy, Chair of WP.1, for clarifications were sent to the leadership of the Group. He explained that the text was reviewed by the leadership of the group. He suggested the Group to consider these clarifications.
7. The expert from Italy thanked the secretariat for presenting these editorial clarifications and supported the text displayed.
8. The Group of Experts adopted the report, noting the possibility to come back to the French and/or Russian version, with the following modifications (reproduced in ECE/TRANS/WP.1/GE.3/2022/10/Rev.1):

Para. 12., amend to read:

“12. Noting the reservations Canada has with the development of the draft of a new Convention on automated vehicles, the expert from Canada recommended the Group to coordinate with relevant forums, such the Informal Working Group on Functional Requirements for Automated and Autonomous Vehicles (IWG on FRAV), subgroup of the Working Party on Automated/Autonomous and Connected Vehicles (GRVA) under WP.29, to ensure consistency of terminology. She also suggested that a new legally binding instrument if deemed necessary remain flexible, so that it could conform with contracting parties' domestic circumstances.”

Para. 13., amend to read:

“13. The expert from Italy, Chair of WP.1, [...] skeleton/zero version. However, she asked about the analytical basis of the presented work.”

Para. 18., amend to read:

“18. The expert from Italy, Chair of WP.1, recalled the mandate of the Group, which was to prepare a draft new legal instrument on the use of automated vehicles with validity and relevance as global harmonizing tool, and not only in domestic and international traffic.”

9. The Group requested the secretariat to produce a revised version of the report.

IV. Activities performed since the December 2022 session (agenda item 3)

Documentation: Presentations 1 and 2

10. The expert from the Netherlands presented Presentation 2 with a summary of the activities performed by the drafting volunteers since the fifth session of the Group, in December 2022. She mentioned the contracting parties and international experts, contributing to the drafting and highlighted their competencies, as required by the Terms of Reference of the Group. She detailed the drafting work performed as well as the efforts made to address the input provided by the Inland Transport Committee at its meeting in February 2023, which led to the preparation of a scoping draft, which was aimed to be a tool for discussion.

11. The expert from Sweden presented Presentation 1 on Grounded Theory, a qualitative inductive methodology for developing theories, aimed to put the drafting volunteers' outcome into a science perspective and showing that the drafting volunteers work in a scientific way. He recalled the two general scientific approaches for creating knowledge: the inductive method and the deductive method. He explained what the grounded theory and the role of data is to generate theories, based on patterns found in data.

12. He stated that the data and domestic proposals gathered for the scoping draft might not work fully globally but recommended to use the work of the drafting volunteers in a verification phase i.e., adding new data, change the current assessment, etc., of a new legal instrument and for further discussions, e.g., on gaps and the kind of instrument needed.

13. The expert from the United Kingdom of Great Britain and Northern Ireland welcomed the presentation and stated that grouping the gathered data into articles for a new legal instrument would be one option, but some of the subject matter might appear in other instruments, whether binding or non-binding. She added that the possibility of a totally different instrument for addressing the gaps was not excluded.

14. The expert from the United States of America stated that using the drafting volunteers informal group's scoping draft without the inclusion of the draft legal instrument and the documents behind would be very helpful when the group begins its work on a global assessment. The draft legal instrument should not be used for the validation and for the work that needed to be done. She pointed out that the actual global assessment should be the focus of the work that this group needs to accomplish and it is that assessment that is needed to support a global instrument.

15. The expert from Canada echoed the comments made by the United States of America and stated the importance of documenting the process, and how decisions were made including analysis of the substantive issues so this could be reviewed and scrutinized by WP.1 contracting parties. He mentioned that contracting parties would provide an alternative route in agenda item 5, and would try to find a common ground.

V. Highlights from the February 2023 session of the Inland Transport Committee and the March 2023 session of the Global Forum for Road Traffic Safety (agenda item 4)

Documentation: (ECE/TRANS/328, para. 30
ECE/TRANS/WP.1/183, paras. 20-21)
Presentation 4

16. The Secretary presented Presentation 4 to inform the Group about the highlights from the February 2023 session of the Inland Transport Committee and the March 2023 session of the Global Forum for Road Traffic Safety (WP.1), which led to changes in the agenda of the Group of Experts. He referred to the respective session reports for further details (ECE/TRANS/328, para. 30 and ECE/TRANS/WP.1/183, paras. 20-21).

VI. Activities and development of a workplan, based on the 2023 sessions of ITC and WP.1, and next steps (agenda item 5)

A. Assessment activities

Documentation: Informal documents Nos. 2 and 4
Presentations 3, 5 and 6

17. The expert from Finland presented, on behalf of the drafting volunteers, Presentation 3 titled “Assessment of gaps in the Conventions and Resolutions under the auspices of WP.1 and identification of the issues to be addressed”. She recalled the paradigm shift expected in road traffic safety rules, where the core responsibility centred on the driver could change with the introduction of automated vehicles in traffic. She explained that an examination of existing rules might not be sufficient to address this paradigm shift. She detailed the aim of the scoping draft, recalled the outcome of the need assessment survey published by the Group’s secretariat in December 2021 and March 2022. She highlighted risks related to the lack of clarity on roles, to take over requests, to skills, mode awareness and to data protection. She presented the content of the scoping draft and proposed possible next steps. She invited all contracting parties to engage into the discussion and also mentioned the surveys, that were conducted in December 2021 and March 2022 and analysed by Canada and Sweden, as an example for collaboration that could be reproduced for future tasks.

18. The expert from Germany welcomed the presentation and added that the scoping draft it is indeed a valuable tool. The expert from Poland stated that the need of a new legal instrument was proved sufficiently by the scoping draft and that the document stayed in line with all the identified risks and included best updated experience and knowledge. He expressed his favour of maintaining the scoping draft as a basis for further discussion and work of the Group.

19. The experts from Greece, France, the Netherlands, Portugal, Sweden and the United Kingdom of Great Britain and Northern Ireland supported the statement from Poland and highlighted that the scoping draft would be a very useful tool for discussion. The expert from Portugal invited the experts from Canada, Japan and the United States of America to contribute to the document to be able to reflect their views and needs as well. The expert from the United Kingdom of Great Britain and Northern Ireland added that the scoping draft integrated the knowledge gained from the activities carried out by GE.3 so far and was developed in an inclusive manner with contributions from country experts and invited experts; furthermore, the informal drafting group reached out well before the meeting to other countries not involved, offering briefing on the work to ensure that all had an opportunity to understand how the draft addressed gaps previously identified.

20. The expert from the University of South Carolina proposed to look at the risks, that were mentioned in Presentation 3, may provide a basis for connecting the documents that had been offered for discussion.

21. The experts from Canada and the United States of America welcomed informal document No. 2 minus the draft legal instrument. That paper and Informal document No. 4 should be the starting point for conducting the assessment. They proposed to merge the ideas behind informal documents 2 and 4 to agree on a common way forward. They stressed the need for a transparent, documented analysis.

22. The experts from Canada, Japan and the United States of America introduced informal document No. 4. They presented a series of technical questions and proposed next steps in the form of a plan with 11 items to solve. These questions related to the topic of risks and barriers posed by the use of automated vehicles in traffic, gap analysis of existing WP.1 conventions and resolutions, assessment of legal instruments and clarifying scope and definitions of vehicle automation for use in an instrument. The experts from Canada, Japan and the United States of America stated that they preferred not to have a convention as a new legal instrument, due to the high administrative burden it would imply in their countries and because the uniformity expected from the implementation of the new legal instrument could be achieved using non legally binding international instruments. If the Group intend to have a convention as a new legal instrument, it must be put through a democratic due process in each contracting party, implying high administrative burden to explain the necessity of a new legally binding instrument with concrete evidence. Therefore, the experts from Canada, Japan and United States of America stated, contracting parties should concentrate and focus collectively on the assessment of the risks posed by the use of automated driving, and undertake the assessment of any gaps in the 1949 and 1968 Conventions and WP.1 resolutions.

23. The expert from Canada stated that further aspects needed to be taken into consideration for choosing a type of legal instrument, used including: the available evidence base, the pace of change that may require future updates to instruments, and, the flexibility and administrative burden for contracting parties to amend different instrument types. He suggested that a legally binding instrument would not necessarily guarantee uniformity on its own.

24. The expert from Japan supported what was said by Canada and the United States of America and proposed to introduce working rules for drafting a new legal instrument: (a) the identification if binding rules were necessary, (b) keeping the matters to be addressed in a legally binding instrument to a minimum, and (c) agreeing on other common-rules-to-be in a more flexible format such as a resolution.

25. The experts from Finland, Greece, Portugal, Sweden and the United Kingdom of Great Britain welcomed the proposal by Canada, Japan and the United States but raised their concerns about the resources needed to address all the items of the workplan, presented in informal document No. 4. The expert from Greece inquired about the number of informal working groups / subgroups that would be needed.

26. The expert from the University of South Carolina asked for clarification, if the proposed workplan would fulfil the mandate posed by ITC to write a new legal instrument and asked if it was envisaged to have one subgroup for each risk. The expert from the United States of America answered to the question raised, that the mandate of the Group had changed with the latest decision from ITC in February 2023. She proposed to have small informal working groups, conducting informal meetings in the interim between the formal meetings and proposed to establish a common template for elaborating and presenting the results of each group.

27. The expert from OICA addressed the question raised to industry in informal document No. 4 and offered collaboration to share experience if there was a need.

28. The expert from Waymo informed the Group that his company was offering fully autonomous vehicle services without a driver in various parts of the United States of America for three years already and that issues might have changed since WP.1 had started looking at it. He mentioned as an example that the question about responsibilities and insurance issues had been already addressed in the United States. His opinion was that the American automotive industry had not participated at any of the Group's meetings so far as no outcome of its work was expected. The expert from OICA stated that the statement above reflected the position of an independent entity but not reflecting OICA's position.

29. The expert from Finland proposed to address the challenge related to resources and workload by using innovative working methods. She suggested to split the task into subtasks to develop small documents and to use surveys to collect input. The expert from Italy supported this approach. The expert from the United States of America supported the spirit of this proposal but expressed words of caution with the use of surveys, as they are likely to collect opinions instead of scientific evidence justifying GE.3's activities.

30. Upon question from the expert from the University of South Carolina and Germany's concern related to timing, the expert from the United States of America stated that perfection was not the goal of this exercise, but rather that a complete assessment was necessary to have a truly global instrument that could be accepted domestically. The expert from Canada clarified that his aim was not to wait until perfect data and evidence related to automated vehicles in traffic would be available, but rather to build enough evidence to make an informed decision on the need for an instrument and to determine what instrument types may be appropriate.

31. The expert from Portugal highlighted the jurisdictional issues related to the deployment of automated driving systems in international traffic and gave the example where the supervision centre of an automated vehicle fleet would be abroad, which could be addressed by this Group. He suggested other working methods, developing smaller documents addressing specific issues that could later be the basis for an international instrument.

32. The expert of Japan explained that as an island they may not have had the same sense of urgency to develop an international instrument and would like to hear the thoughts of European countries from this viewpoint. He also shared insights in their domestic legislation related to Automated Driving, that was developed at a fast pace to address pressing deadlines back in 2022.

33. The expert from EUROMED pointed out that one of the most important questions to be solved were related to (cyber) security and potential related terrorist risks and mixed traffic situations that is as an outcome of circulation of cars without drivers.

34. The expert from Germany also shared insights in their domestic legislation related to Automated Driving System (ADS) and stressed the importance to address uniformity to support the operation of such vehicles.

35. The expert from Canada has noted that it has been discussed repeatedly at WP.1 and GE.3 that there was a growing reality of a patchwork of regulations in Europe as contracting parties were passing laws and that this patchwork was driving the need for a common solution. He urged the European contracting parties to share concrete examples about this growing concern to support collective understanding of the problem and how we can address these challenges moving forward.

36. The Group briefly discussed that remote driving was not an ADS.

37. The Chair summarized the discussion and offered several options for organizing small groups dealing with the input from informal documents Nos. 2 and 4.

38. The Group elaborated a workplan collectively, as reproduced in Presentation 6. The Group decided to organize an informal session of GE.3, that would prepare a template and then be working on overarching topics, as well two subgroups.

39. The Group agreed that the common template would be produced within one month (deadline: 5 June 2023). The experts from France and the United States of America volunteered to host (virtually and in English only) and co-chair an informal meeting of GE.3 to collaboratively develop the template.

40. The Group assigned the relevant items and questions of the informal documents Nos. 2 and 4 to each subgroup. The Group endorsed the details in slides 2-3 of Presentation 6, defining the tasks of the two subgroups. The Group agreed that the subgroups would deliver first results for consideration at its next session.

41. The experts from Finland and the United States of America tentatively agreed to co-chair subgroup 1, to be confirmed. The experts from Canada and the Netherlands tentatively

agreed to co-chair subgroup 2, to be confirmed. The Group agreed that the subgroups could choose their own *modus operandi* in between the formal sessions.

42. The Group verified that a number of delegations would attend the meetings of the subgroups. The experts agreed to confirm their participation to the meetings until 5 June 2023.

43. The expert from the United States of America supported the idea suggested by the expert from Portugal and encouraged him, as well as the rest of the Group to reflect on the production of short and focused papers.

B. Identification of issues

Documentation: Presentation No. 5/Rev.1

44. The Chair called on the experts, during a tour de table, to share information with the Group on issues that their countries identified when regulating ADS, which could fall in the scope of the Group, and also, to share information on issues that their Countries were currently facing in this regard.

45. The experts from Canada, Finland, France, Germany, Greece, Italy, Japan, Luxembourg, The Netherlands, Poland, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America reported on their national activities and the challenges addressed by their countries in the domestic legislative activities related to ADS. The group also received a presentation by OICA (Presentation No. 5/Rev.1) and statements from the experts from EUROMED and the University of South Carolina.

C. Workplan content and next steps

Documentation: Informal document No. 3

46. The expert from France presented the proposal from France, Germany and Sweden for a revised programme of work of the Group of Experts, in order to reflect point (a) of decision No. 23 adopted by the Inland Transport Committee at its eighty-fifth session (ECE/TRANS/328, para. 30). The proposed changes were intended to update the timeframes and scope, to reflect the extension of the mandate until December 2024, and to incorporate the content of decision No. 23 (a) items (i) and (ii).

47. The Group decided to put item (c) in the document in square brackets, and requested the secretariat to distribute this document with an official symbol for consideration at the next session.

VII. Reporting (agenda item 6)

48. The experts recalled the purpose of the Annex in ECE/TRANS/WP.1/GE.3/2022/10 and agreed to extend it with the outcome of this session. The Group requested the two Vice Chairs to present this report to the Global Forum for Road Traffic Safety for consideration at its September 2023 session (see Annex to this report).

VIII. Other business (agenda item 7)

49. The Group agreed on activities to be performed via informal meetings until the next session in November 2023 as reported under agenda item 5(a).

50. The Group discussed rule 12 of its Terms of Reference and felt that the participation rules in GE.3 could be revisited to encourage additional stakeholders' involvement.

IX. Next session (agenda item 8)

51. The Secretary informed the Group that following the request of the WP.1 Chair at the eighty-sixth session (see report ECE/TRANS/WP.1/183, para. 21), the seventh session of the Group had been extended. The session is scheduled to take place on 30 November to 1 December 2023.

X. Adoption of the list of decisions of the sixth session (agenda item 9)

Documentation: Draft report

52. The Secretary presented the draft report of this session.

53. The Group reviewed this document and adopted it.

Annex

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

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 six 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 of Experts, at its fifth session, received a presentation of the zero draft (informal document No. 1, GE.3-05-01), a document submitted by the experts from Finland and the Netherlands on behalf of the drafting volunteers of the Group and prepared during seven informal meetings.

21. The Group also took note of the proposal for the further assessments to draft a legal text as raised by Canada, Sweden and United States of America at the WP.1 September 2022 session. The Group took note of informal document No. 2 GE.3-05-02, prepared by the expert from the UK in consultation with the drafting volunteers, which addresses the need for the further assessments.

22. The Group re-elected Ms. B. Rudolph (Germany) as Chair of GE.3 for the sessions in 2023 and 2024. The group also re-elected Ms. M. Molina (France) and elected Mr. H. Berg (Sweden) as Vice-Chairs for the sessions in 2023 and 2024.

23. The Group endorsed ECE/TRANS/WP.1/GE.3/2022/11 as amended and requested the WP.1 Chair to present it to ITC at its 2023 session.

24. The Group, at its sixth meeting on 4-5 May 2023, was informed of and acknowledged the decision of ITC, at its February 2023 session (ECE/TRANS/328, para. 30): the decision related to the endorsement of the extension of the mandate of the Group on drafting a new legal instrument on the use of automated vehicles in traffic until December 2024, with a focus to (i) undertake the assessment collectively of any gaps in the conventions and resolutions under the auspices of WP.1, and (ii) identify the issues to be addressed.

25. In accordance with the decision mentioned in paragraph 24, the Group decided, during its sixth session, to structure its work so as to undertake the assessment collectively of any gaps in the conventions and resolutions under the auspices of WP.1, and identify the issues to be addressed. To support this work, and after consideration of informal documents prepared by the experts from Canada, Japan and the United States of America, respectively by Finland, Germany, Greece, Luxembourg, the Netherlands, Poland, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland, the Group of experts decided to create two different groups:

(a) One group (group 1) to work on gaps related to safe deployment and use of automated vehicles in road traffic as well as gaps related to entities responsible for automated driving.

(b) A second group (group 2) to work on gaps related to automated vehicles with a driver in the vehicle, as well as gaps related to automated vehicles without a driver.

(c) To support and guide these groups, the Group of Experts decided to have an informal GE.3 session within a month to prepare a template to ensure consistency in the activities of the two groups. (Further activities of GE.3 include the elements in the presentation 6 of that session.)

26. The outcome of the work performed by the two groups would be reviewed at the seventh session.

27. The Group at its sixth session on 4-5 May 2023 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.
