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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

Sixth session

Geneva, 4-5 May 2023

Item 5(a) of the provisional agenda

Activities and development of a workplan, based on the 2023 sessions of ITC and WP.1, and next steps:

Assessment activities

Proposed Plan - GE3 Comprehensive Needs Assessment for a legal instrument on use of automated vehicles in traffic

Submitted by the representative of Canada

At the 85th Session of the Inland Transportation Committee, GE3 was tasked to undertake a comprehensive assessment of the need for a new legal instrument (LI) focused on the use of automated vehicles in traffic. This includes (i) an analysis of any gaps in the conventions and resolutions under the auspices of WP.1, and (ii) identify the issues to be addressed. The questions presented below serve as a minimum baseline for a comprehensive assessment to be deemed fulfilled. Refinement and/or additional questions may be required subject to WP1 direction.

The findings from this assessment, coupled with recommended next steps, will be presented to WP1 no later than September 2024 for decision (timeline aligns with the 85th ITC decision to extend the GE3 mandate to December 2024).

#	Question	Next steps
Risks and barriers posed by the use of automated vehicles in traffic		
1.	<p>What are the specific challenges associated with the use of automated vehicles in traffic in terms of road safety risks, and barriers to road traffic circulation that GE3 believes an international instrument could help to address? (In other words, what are the <u>specific problems</u> we are trying to solve through an international instrument?)</p> <p>Risks can be identified, for example, in connection with:</p> <ul style="list-style-type: none"> - User roles & responsibilities - Consumer and public awareness - Safe interaction with vulnerable road users (VRUs) 	<p>GE3 to undertake a comprehensive mapping and articulation of the issue(s), inclusive of (but not limited to):</p> <ul style="list-style-type: none"> o Producing a catalogue of risks with summaries of nature, impact, and level of each risk, and need to make common rules about it. o Consideration of anticipated use cases (e.g. where and how the technology will be used by different stakeholders as it evolves) o Taking stock of testing and commercial deployments to date and how it impacts different road users sharing the road with the automated vehicle. How does it impact safety and why is it a concern? o Country experiences on the use of an automated vehicle in road traffic safety o Stakeholder engagement on the use of an automated vehicle in road traffic safety o Analyzing relevant factors e.g., environmental impact, etc. <p><i>Recommend establishing small working groups to assess each risk in greater detail.</i></p> <p><u>Reference material</u> GE3 Meeting Dec 2021 - Key questions for needs assessment GE3 Meeting May 2022 - Summary report of Jan & March 2022 meetings</p>
2.	<p>What are countries' experiences with legislating/regulating the use of ADS systems domestically? What human concerns are being addressed?</p>	<p>- Take stock of country experiences and analysis conducted domestically - Some members have noted concerns about a "patchwork" of requirements forming. What road traffic requirements developed to date for automated vehicles are leading to this concern?</p>
3.	<p>What are industry experiences with testing and deploying AVs to date regarding their use in road traffic?</p>	<p>- Take stock of industry experiences/engage with industry stakeholders as part of this analysis</p>
4.	<p>What are other entities doing in this space e.g. WP29 and its subsidiaries?</p>	<p>- Assess the material presented to date and determine if any other entities/information is warranted</p>

		<p><u>Reference material</u> GE3 meeting Sept 2022</p> <ul style="list-style-type: none"> - Activities of other Working Parties and relevant Groups of the United Nations related to Automated Vehicles - PP Presentation of activities of other working parties /groups
5.	How would a new legal instrument on the use of automated vehicles in traffic impact stakeholders?	<ul style="list-style-type: none"> - GE3 to identify specific needs to be addressed after consultation with relevant stakeholders on the inability of the current UN frameworks to address the use of automated vehicles in traffic. - Assess any previous input and determine additional needs e.g. assessments from national, state, and local as well as international traffic safety bodies <p><u>Reference material</u> GE3 meeting May 2022</p> <ul style="list-style-type: none"> - Industry views on new legal instrument AVs (OICA)
Gap analysis of existing WP1 conventions and resolutions		
6.	How do existing WP1 Conventions and resolutions address the identified challenges (if at all)? Are there gaps?	<ul style="list-style-type: none"> - GE3 to develop a common template by June 2023 to be used by smaller working group to review each relevant convention and resolution and identify areas where there is sufficient coverage and areas for gaps in existing WP1 conventions and resolutions - GE3 should review WP29 templates as a guide to develop its common template. - GE3 should complete its work in time by September 2023 to present to WP1.
Assessment of LIs		
7.	What is the optimal instrument to address each of these individual challenges (e.g. conventions, protocols, resolutions? guidance etc.)?	<ul style="list-style-type: none"> - GE3 to summarize the factors identifying the instrument best suited. - Asses if the information presented to date is sufficient, particularly as it applies to individual risks <p><u>Reference material</u> GE3 meeting May 2022</p> <ul style="list-style-type: none"> - France international legal instruments <p>GE3 meeting Sept 2022</p> <ul style="list-style-type: none"> - Types of UN legal instruments - PP Presentation of types of UN legal instruments - Historical background of the Conventions related to road traffic and traffic safety

		<ul style="list-style-type: none"> - PP Presentation of historical background - PP Presentation from France on most optimal LI <p>GE3 meeting Dec 2022</p> <ul style="list-style-type: none"> - UK responses to concerns for a new legal instrument
8.	How can we “future proof” a potential instrument to ensure it is flexible, agile, and responsive to ongoing change?	<ul style="list-style-type: none"> - Secretariat to provide assessment of options e.g. assessing how other relevant LIs manage against evolving issues
9.	What is the cost-benefit of establishing a new legal instrument on the use of automated vehicles in traffic versus not?	<ul style="list-style-type: none"> - Determine as a group how to best proceed
Clarifying scope and definitions of vehicle automation for use in an instrument		
10.	How do we define automated vehicles in the context of the existing legal frameworks that advance road safety? What levels of automation are we speaking about (L2-5)?	<ul style="list-style-type: none"> - GE3 members collectively flesh out the definition of automated vehicles <ul style="list-style-type: none"> o Recommend using definitions as prepared by WP.29’s GRVA as its guidance for any future legal documents <p><u>Reference material</u></p> <p>GE3 meeting Sept 2022</p> <ul style="list-style-type: none"> - PP Presentation from France on findings from informal July 2022 meeting
11.	How do advanced driver assistance system (ADAS) technologies factor into the equation? Are existing instruments sufficient to address these technologies?	<ul style="list-style-type: none"> - Devise an explanation why lower levels of automations e.g. ADAS should or should not be included in a new legal instrument
