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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**

**Seventh session**

Geneva, 30 November – 1 December 2023

Item 2(b) of the provisional agenda

**Substantive activities**

**Draft revised Terms of Reference of the GoE on LIAV**

**Note by the secretariat**

This document was prepared on the basis of Informal Documents No. 5 and Informal Document No. 11 of the September 2023 session of the Global Forum for Road Traffic Safety (WP.1), upon request by WP.1 to the Group of Experts to work on merging these two documents aiming to submit a consolidated text to WP.1 in March 2024.

## **I. Introduction**

1. This note is submitted for review by the Group of Experts on LIAV at its the December 2023 session, in line with para. 14 of ECE/TRANS/WP.1/185.
2. It addresses the request from the February 2023 session of the inland transport committee, as well as the request by WP.1 at its September 2023 session to merge the amendment proposals to the Terms of Reference of the group received by several contracting parties.

## **II. Positions of contracting parties**

### **A. Commonalities**

3. Contracting Parties expressed support for:
  - (a) Undertaking the assessment collectively of any gaps the conventions and resolutions under the auspices of WP.1.
  - (b) Identifying issues to be addressed.
  - (c) Prioritizing the assessment and the identification of issue before engaging in drafting a legal instrument.
  - (d) Stating that mandate extensions may be warranted to complete the assigned the tasks.
  - (e) Clarifying the reporting to WP.1.
  - (f) Clarifying the participation rules.
  - (g) Avoiding duplications and interference with other legal instruments managed by UNECE.

### **B. Open points during the discussion in September 2023**

5. One proposal clarified:
  - (a) The prioritization of the tasks.
  - (b) The necessary authorization of WP.1 to draft a legal instrument, if needed.
  - (c) That a legal instrument may not be needed.
6. The other proposal clarified:
  - (a) That the overall goal will be to draft a legal instrument, to support the contracting parties that already expressed their needs for such a document.
  - (b) That the assessment would inform the drafting,

## **III. Proposal for a document merging the positions expressed**

8. The merged version of the amendment to the Terms of Reference should recall the objective of the group, detail the working methods and participation. It may also detail the role of the secretariat.

## **Annex**

20. This annex contains a first draft revised terms of reference for the WP.1/GE.3 based on the two documents submitted to WP.1 (Informal documents 5 and 11 of the 87<sup>th</sup> WP.1 session.

## **Proposed revised terms of reference of the group of experts on drafting a new legal instrument on the use of automated vehicles in traffic.**

### **I. Scope of the tasks and achievements expected**

1. The Group of Experts shall be set up as a subsidiary body of the Global Forum for Road Traffic Safety (WP.1) and will focus its work on the following areas:

(a) Conduct an assessment of the need for a new legal instrument on the use of automated vehicles in traffic, then;

(b) If needed prepare a draft legal instrument and a non-legally binding document. In case the group would conclude that it would be premature to develop a new legal instrument, the group may develop a (non-binding) guidance document to address the pressing needs of the contracting parties.

2. It is recognized that the two tasks may require more time than the usual 2-year term given to group of experts, and therefore that, depending on the findings, an extension of the Group's mandate may be warranted to continue the work.

### **II. Method of Work**

3. The Group of Experts will undertake collectively the assessment of any gaps in the conventions and resolutions under the auspices of WP.1 related to automated driving systems' use in traffic, and identify the issues to be addressed.

4. The Group will identify the need for draft a new legal instrument, based on a complete assessment of any potential gaps in the 1949 and 1968 conventions and resolutions under the auspices of WP.1. and, develop recommendations for potential resolutions of those identified gaps. The recommendations may be drafted in a way that might simplify subsequent tasks.

5. Once the previous tasks are completed, and if determined to be needed, WP.1 will instruct the Group to draft a legal instrument which is expected to address automated vehicles in traffic safety only. (In case it would be determined that a new legal instrument is not needed, the group may advise WP.1 on other actions, such as producing a report with the findings and recommendation or develop amendments to documents under the auspices of WP.1.)

6. The draft legal instrument, if drafted, will not hinder any contracting parties' rights and obligations under complement the 1949 and 1968 Conventions on Road Traffic, or any other UN Convention or agreement. If needed, the new legal instrument may include a set of legal provisions for the safe deployment of automated vehicles in international traffic. These provisions will specifically aim to ensure road safety, in particular the safety of vulnerable road users.

### **III. Reporting and knowledge exchange among relevant stakeholders**

7. The Group of Experts will report to WP.1 on its activities at each WP.1 session. This may include an oral report, a presentation if needed, and the session reports.

8. The Group of Experts is encouraged to seek contributions from the Contracting Parties to existing Conventions and Agreements managed by WP.1 and WP.29. The Group of Experts will liaise with other WP.1 and WP.29 bodies, following guidance from WP.1, in order to ensure as much consistency as possible between rules on the use of ADS and regulations on the performance of ADS produced by WP.29.

## IV. Rules of Procedures

9. The Group of Experts is established as per the “Guidelines for the establishment and functioning of teams of specialists” (ECE/EX/2/Rev.1).
10. [The Group’s rules of procedure are guided by the “Guidelines for the establishment and functioning of teams of specialists” (ECE/EX/2/Rev.1) as well as in other applicable ECE documents.
11. The Group’s rules of procedures are these of the supervising body, *mutatis mutandis*.]
12. The Global Forum for Road Traffic Safety (WP.1) is the Group’s supervising body. The ECE secretariat will provide secretariat services as per the relevant ECE rules and regulations. The working languages of the Group shall be English, French, and Russian. This is subject, however, to the provision of UNOG Conference Management services, such as document processing and simultaneous translation.
13. The Group of Experts is established without the need for additional resources. Support work will be provided within the existing capacities of the ECE secretariat. UNOG resources will be used for simultaneous interpretation, document translation, and conference services.
14. The Group will hold at least two formal plenary meetings per year at the ECE premises in Geneva. In between the formal sessions, the Group may choose its own *modus operandi*.
15. Participation in the work of the Group is limited to representatives officially nominated by the governments of the Contracting Parties to the 1968 Convention on Road Traffic and those of the 1949 Convention on Road Traffic.
16. [Specialized agencies, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council, may, in accordance with paragraphs 122 and 133 of the Terms of Reference of the Economic Commission for Europe (“ECE” or “the Commission”), participate in a consultative capacity in the Group.
17. Non-governmental organizations not in consultative status with the Economic and Social Council may, subject to the approval of the Group and respecting the principles set forth in Economic and Social Council resolution 1996/31, parts I and II, participate with consultative status in discussions.]
18. The Chair of this Group of Experts may, on occasion, invite representatives of any intergovernmental organizations, academia, or research institutes, to participate in a consultative capacity in relation to any matter of particular concern to that entity.