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Global Forum for Road Traffic Safety

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Item 5 of the provisional agenda

**Draft revised Terms of Reference of the Group of Experts on
drafting a new legal instrument on the use of automated
vehicles in traffic**

**Submitted by the Chair of the Group of Experts on drafting a new legal
instrument on the use of automated vehicles in traffic**

This document is based on Informal Documents No. 5 and Informal Document No. 11 of the September 2023 session of the Global Forum for Road Traffic Safety (WP.1), prepared upon request by WP.1 to the Group of Experts to work on merging these two documents

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: **agreed**

[(a) Undertake the assessment collectively of any gaps in the conventions and resolutions under the auspices of WP.1, and

(b) Identify the issues to be addressed.]

(Following comments from UK, Belgium and Canada)

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. **agreed**

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. **agreed**

[4. The Group will **assess** the need for drafting 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.)]

(Following comments from USA, Canada Belgium Poland)

6. The draft legal instrument, if drafted, will not hinder any contracting parties' rights and obligations under the 1949 and 1968 Conventions on Road Traffic, or any other United Nations 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. **agreed**

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. **agreed**

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 **direction** 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. **agreed**

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). **agreed**

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. **agreed**

11. The terms of reference applicable to the group are those of the supervising body, mutatis mutandis. **Agreed**

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. **agreed**

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. **agreed**

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. **agreed**

[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.

or

15. Participation in the work of the Group is opened to:

(a) Countries which are specified in paragraph 7. of the Terms of Reference of the ECE (document E/ECE/778/Rev.5), and

(b) Countries which are covered by paragraph 11. of the Terms of Reference of the ECE and which are contracting parties to the 1949 Convention and/or the 1968 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.

or

18. The Chair of this Group of Experts may, on occasion, invite any expert to participate in a consultative capacity.]