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

Eighth session

Geneva, 2-3 May 2024

Report of the Group of Experts on drafting a new Legal Instrument on the use of Automated vehicles in traffic on its eighth 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) (also called WP.1/GE.3) met on 2–3 May 2024 in Geneva. The session was chaired by the elected Chair, Ms. Birgit Rudolph (Germany).
2. 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): Belgium, Canada, Finland, France, Germany, Luxembourg, Netherlands (Kingdom of the), Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America.
3. The representatives of non-ECE member States also participated: Japan and Republic of Korea. An expert from academia participated upon invitation by the Chair: from the University of South Carolina.
4. The Chair thanked the Vice-Chairs, Ms. M Molina (France) and Mr H.-Y. Berg (Sweden), for chairing the two sessions in 2023 during her absence.

II. Adoption of the agenda (agenda item 1)

Documentation: ECE/TRANS/WP.1/GE.3/2024/1

5. The Group of Experts considered the provisional agenda prepared for this session and adopted it (ECE/TRANS/WP.1/GE.3/2024/1). The Group noted the correction to the date of the next session, scheduled on 2–4 September 2024 and that no informal document had been submitted for consideration under agenda item 3. The expert from the United States of America that the date fell during another meeting.
6. The secretariat informed the Group that the unauthorized use of images, or any other copyrighted material without prior and appropriate consent of the copyright owner is strictly forbidden and contrary to the rules and regulations of the United Nations and referred to ECE/TRANS/WP.1/187, para. 6. Given this, materials submitted to UNECE in any context must bear an appropriate copyright notice of the author, as follows: “Copyright [date] [author], all rights reserved. For reproduction permission and all other issues, please contact [author email].” In addition, all participants were informed that: “in submitting presentations or materials, they are representing that they own the rights to all content, text and images therein, that they have the permission of the owner, and/or that the content is licensed under a Creative Commons or public domain license. Any costs arising from unauthorized use of images, text, figures or other material shall be their full responsibility.” He added that the first requirement (related to the date, author and author email) was temporarily lifted, while the organization was reviewing practical implementation details. The Group took note of this information.

III. Highlights from the March 2024 session of the Global Forum for Road Traffic Safety (WP.1) (agenda item 2)

Documentation: (ECE/TRANS/WP.1/187, paras. 9, 11 and 25)

7. The secretariat informed the Group of Experts about the highlights from the March 2024 session of the Global Forum for Road Traffic Safety (WP.1).
8. He referred to ECE/TRANS/WP.1/187, para. 9. regarding the extension of the Group’s mandate by the Inland Transport Committee (ITC) until June 2025 (see decision 20 in informal document No. 6/Rev.4, eighty-sixth ITC session, February 2024).
9. He reported that WP.1 noted the work performed by the Group of Experts on LIAV, focused on assessment, and acknowledged the collaborative spirit.
10. He recalled that, at its September 2023 session and, on the basis of ITC decision 23 taken in February 2023, WP.1 requested that the GoE on LIAV work on merging Informal document No. 5 (September 2023) and Informal document No.11 (September 2023) as both

documents represented different approaches. To this end, the Group produced a merged document, which was submitted to WP.1 as informal document No. 5 (March 2024). WP.1 decided to continue to work on the Terms of Reference (ToR) of the Group of Experts on LIAV per Informal document No. 5 (March 2024) at its next session.

IV. Activities performed since the December 2023 session, and next steps (agenda item 3)

Documentation: Presentation 1

11. The Chair recalled the decision to perform a line-by-line review of the 1949 Geneva and the 1968 Vienna conventions on Road Traffic, as well as the 2018 and 2022 WP.1 Resolutions, and to consider three questions for each provision.

12. The Chair thanked the experts from Germany, United Kingdom of Great Britain and Northern Ireland and Sweden for preparing the three forms for collecting the responses to the three questions for each provision of the 1949 Geneva Convention and the 1968 Vienna Conventions on Road Traffic as well as the 2018 and 2022 WP.1 Resolutions.

13. The Group noted that the responses of the line-by-line were gathered and presented by the experts from Germany, Sweden and United Kingdom of Great Britain and Northern Ireland during the informal session scheduled on 10 April 2024. It also noted that some experts had requested the possibility to review the individual answers.

14. The expert from United Kingdom of Great Britain and Northern Ireland presented the summary of the answers received from the Contracting Parties (Presentation 1).

15. He recalled the decision of the Group related to this activity (see ECE/TRANS/WP.1/2023/4, para. 47) and the questions to be consider when reviewing each provision of the four documents considered:

(a) Is this provision ambiguous as it applies to ADS (if yes, is the provision not comprehensive of ADS? Is anything missing?)

(b) Does this provision compromise road user safety when it applies to ADS?

(c) Does this provision prevent the use of ADS in international road traffic (including cross border operations)? (If yes, what are the barriers/obstacles in this provision)?

16. He detailed the number of answers received. He explained that there were some clusters (groups of provisions), where some experts considered that the provisions were ambiguous in the context of automated vehicles. There were articles where there was consensus that the provisions would be clear, also in the context of automated vehicles in traffic. He pointed at an unexpected finding: the number of yes answers for the 2018 and 2022 Resolutions. These answers were justified with the non-binding nature of the two documents and scope for divergence in their interpretations. He concluded his presentation noting the difference of opinions on how the existing legal instruments apply to automated driving.

17. The expert from Japan clarified the position of his country and stated that unclear definitions could be positive in the sense that one can interpret that the notion “driver” includes ADS. He stated that in his view the current 1949 Geneva Convention did not have any problem with regards to ADS at this moment.

18. The expert from United Kingdom of Great Britain and Northern Ireland explained his view that the lack of clarity would lead to interpretation, and that different interpretations may lead to problems in the implementation of the Conventions, if countries apply differing interpretations. He also clarified that the rules associated to the domestic deployment were not an issue, as some countries were already issuing national laws, but that the matter of concern was international traffic. Therefore, the absence of international provisions can be seen by some stakeholders as a barrier for international traffic.

19. The expert from the University of South Carolina proposed to reflect on the differences between inconsistencies, gaps and the lack of clarity. He argued that a new multilateral convention generally cannot change an existing multilateral convention.

20. The experts from Belgium, Finland, Germany, Luxembourg, the Netherlands, Slovenia, Spain, Sweden, Switzerland, and from United Kingdom of Great Britain and Northern Ireland recalled the importance of harmonized provisions that would support the safe deployment of automated vehicles in traffic, especially for cross-border operations.

21. The expert from Japan understood the need for harmonization, but he pointed out that a legally binding instrument should be a last resort for harmonization at this moment because ADS was still under development and legal responsibility systems for ADS are closely linked with civil law and criminal law systems in each country. He rather suggested to focus on more appropriate options phase by phase.

22. The expert from the Republic of Korea explained that there was no major issue with the deployment of Level 4 systems, he advised to develop provisions that would remain high level to avoid unnecessary burden.

23. The expert from Canada acknowledged the feasibility, given the outcome of the survey, to cluster the answers around certain issues. It was unclear to him if there was a consensus around these identified concepts and issued. He stressed the importance of the Group clearly identifying these issues and concepts to WP.1 as part of the assessment.

24. The expert from the United States of America expressed appreciation for the countries that did complete the survey, finding their answers helpful to better understand their specific concerns expressed. She recalled that the overall goal was to make sure that vehicle are safe on the road. She clarified that they did not identify any issue with the conventions with regards to ADS, while noting the interest of some contracting parties to discuss cross border traffic. She advised the Group not to wade into WP.29's jurisdiction and not to be too prescriptive in any amendments to text.

25. The expert from the University of South Carolina questioned whether the survey results could be used to support developments of a uniform interpretation, to argue that a particular interpretation is the best, or to argue that other interpretations are unreasonable.

26. The Secretary informed the Group that a secured collaborative platform dedicated to the exchange of information and data among the experts of the group had been created before the session. He detailed that he uploaded the 25 forms filled out by the Contracting Parties on the platform (wiki) and provided the access credentials to the experts from Contracting Parties. The experts requested to limit access to this platform to Contracting Parties.

27. The experts briefly reviewed the different articles of the 1949 and 1968 conventions on road traffic identified as clusters in Presentation 1.

28. The Group noted that the secretariat noted the comments in the form of short questions and that these questions would be posted on the wiki page.

V. Exchange of views and information on national and regional activities (agenda item 4)

29. The Group continued its exchange of information on national and regional activities related to automated vehicles.

30. The experts from Belgium, Canada, Finland, Germany, Japan, Luxembourg, Netherlands, Republic of Korea, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America, provided short updates on their current national activities related to ADS.

31. The Group noted the possibility to use the wiki to exchange information on this topic. The expert from Finland announced that she would share after the session a document to be uploaded on the platform.

32. The Group briefly exchanged on the national developments regarding remote driving.

VI. Reporting to the parent body (agenda item 5)

Documentation: ECE/TRANS/WP.1/GE.3/2024/3

33. The Group recalled that it had agreed to continue the edition of the session report annex in ECE/TRANS/WP.1/GE.3/2023/4.

34. The expert from the United States of America proposed to further review the document and modify its format as it should not be a summary nor provide a chronological report of the activities but focus on the achievements.

35. The expert from Germany suggested to further work on the content over the summer.

36. The Chair, in this respect, invited contracting parties to consider the submission of formal and/or informal documents to the next session, including proposals for fulfilling the reporting requirement according to the requirements for teams of specialists.

37. The Group agreed to review the draft full report on the achievements of the Group, so far, during its summer 2024 intersessional activities, before 27 August 2024.

VII. Other business (agenda item 6)

38. The Group discussed the activities to be performed until the next session. The experts from Germany, United Kingdom of Great Britain and Northern Ireland, Spain and Switzerland confirmed that they would inform the secretariat, after the session, if they could support the organization and facilitation of informal meetings until the next session. The Group agreed to seek a date in June 2024 for starting this activity. The Group agreed to continue the assessment, consider the notion of driver and, secondly, prepare the draft report on the accomplishments of the group so far.

VIII. Next session (agenda item 7)

39. The Secretary informed the Group of Experts that its ninth session was scheduled to take place on 2-4 September 2024. Following request from the experts from Canada and the United States of America, the Group decided to ask the secretariat to explore different dates.

40. The Group of Experts requested the secretariat to explore the possibility to organize the next session on 27 (all day) – 28 (a.m. only) August 2024.

IX. Adoption of the list of decisions of the eighth session (agenda item 8)

Documentation: ECE/TRANS/WP.1/GE.3/2024/2

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

42. The Group of Experts reviewed the document (ECE/TRANS/WP.1/GE.3/2024/2) and adopted it.