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Global Forum for Road Traffic Safety

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

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Item 7 of the provisional agenda

Other business

A serial approach for the Group of Experts on drafting a new legal instrument on the use of automated vehicles in traffic instead of two parallel workstreams

Submitted by the expert from Sweden

The text reproduced below was presented during the informal session of the Group of Experts on drafting a new legal instrument on the use of automated vehicles in traffic on 27-29 August 2024. It proposes to formalize that a serial approach (meaning producing a non-binding outcome followed by a binding one) be implemented by the Group of Experts on drafting a new legal instrument on the use of automated vehicles in traffic instead of two parallel workstreams.

I. Background

1. At its eighty-third session on 23–26 February 2021, the Inland Transport Committee (ITC) approved the establishment of a new Group of Experts (GE.3 or the Group), which has been active for about three and a half years to date. Since its first meeting, the group of experts have carried out many activities, e.g. gathering knowledge about safe deployment of automated vehicles in international traffic, developing a scoping draft, conducting an analysis of any gaps in the conventions and resolutions under the auspices of the Global Forum for Road Traffic Safety (WP.1), identification of issues to be addressed, supported in its work by experts from industry, Non-Governmental Organizations and academia.
2. As a result of these activities the Group of Experts has, through a lot of efforts from volunteers, produced new knowledge and gained deeper insights into how to address issues on the safe use of automated vehicles in traffic. However, these results have not yet been collated into formal and agreed outputs from the Group to be submitted to WP.1 for discussion or decision.

II. Two approaches in parallel for the Group

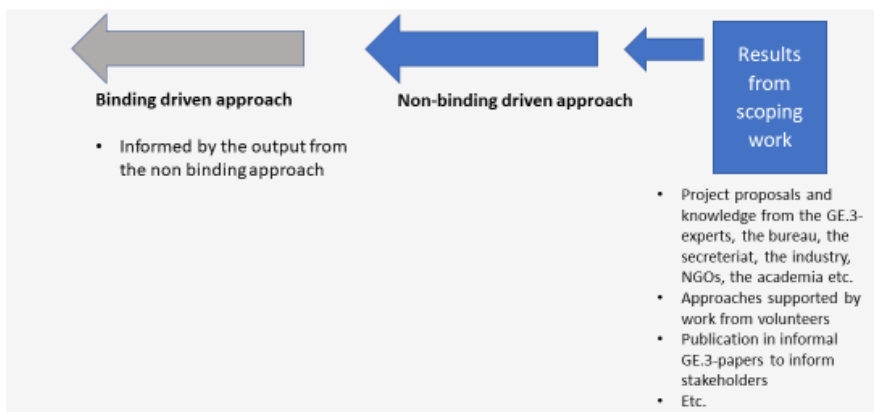
3. When following the discussions and conversations in the Group, two parallel approaches can be observed on how to support harmonisation and development of an output which is expected to complement the 1949 and 1968 Conventions on Road Traffic.
4. These two parallel approaches can be named the “non-binding driven approach” and the “binding driving approach”. It is important to note that they both share the same goal: to ensure road safety, in particular the safety of vulnerable road users¹.
5. The two approaches share not only the same goal but also the same knowledge requirements and can, by this, use the same methodologies to gain the needed knowledge e.g., projects within the Group carried out by work from volunteers, input from the Group’s bureau, the Group’s secretariat, industry, academia, the Informal Group of Experts on Automated Driving (IGEAD), the Working Party on Automated/Autonomous and Connected Vehicles (GRVA), and results published in informal papers of the Group to inform stakeholders etc.
6. The reason for processing the approaches in parallel is that they can learn from each other’s outputs and enable faster progress, which can be efficient. But it provides less transparency about how the outputs build on all the work and may appear to pre-empt the analysis.

III. Turning two parallel approaches into two supportive approaches in a series

7. Figure 1 below shows how the two approaches can be used in a series to support each other and support a “multiple outcome approach” aiming to acknowledge the needs of all contracting parties participating in the Group’s activities.

¹ ECE/TRANS/2021/6 Annex III, Terms of reference of the Group of Experts on drafting a new legal instrument on the use of automated vehicles in traffic

Figure I
The two approaches in a series as two supporting approaches

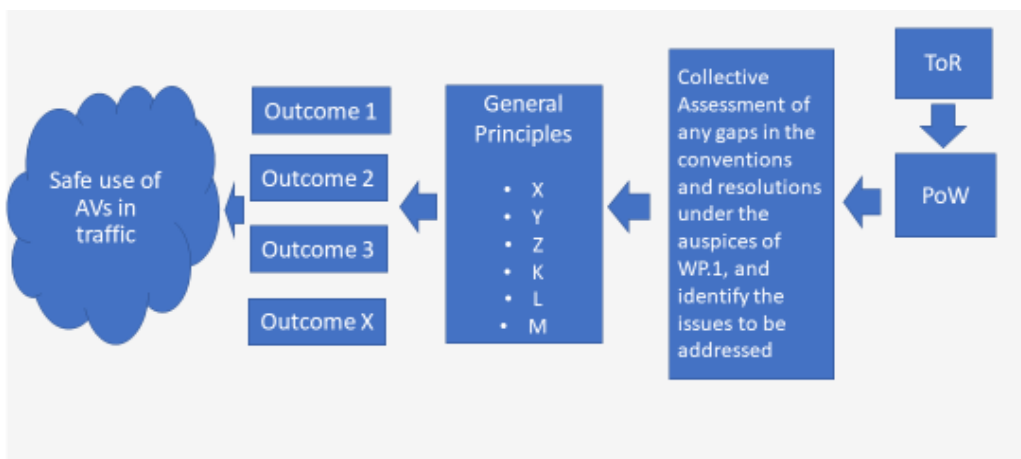


8. To bring the two approaches together, an agreed output from the non-binding approach in the Group is needed. This must form a published output in its own right such as guidelines, that later can be used as a base for a binding approach.

9. The Group of Experts has a common goal to identify and address any gaps in the existing legal instruments under the auspices of WP.1 which may pose a risk to road safety. The analysis of gaps carried out over the summer of 2024 revealed that contracting parties have a range of perspectives. Without further work, it may be difficult to identify a compromise output for the Group. The Group’s leadership has therefore tried to find a compromise by suggesting that the Group start to develop general principles for deployment of Automated Vehicles (AVs) in road traffic, informed by the collective assessment of any gaps in the conventions and resolutions under the auspices of WP.1.

10. Figure 2 shows what the Group’s bureau have proposed at its seventh session in Geneva, 30 November–1 December 2023.

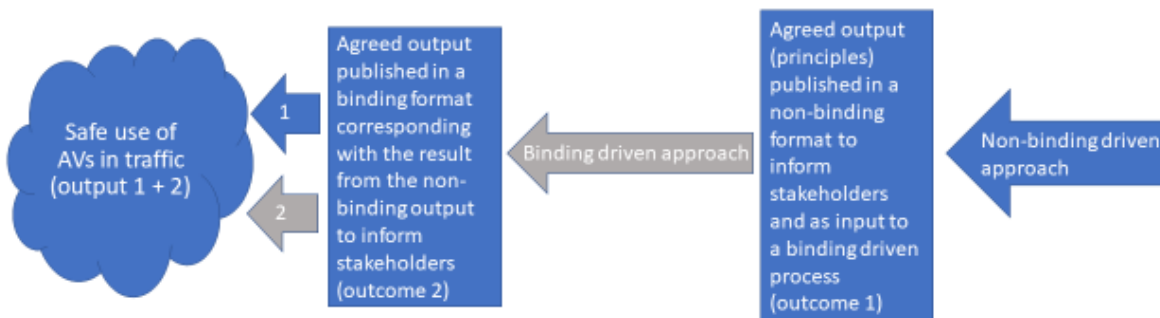
Figure II
Gaps analysis, leading to general principles that can be derived into multiple outcomes



IV. Using the non-binding output as a start for a binding approach

11. The objective for the Group is to ensure road safety in the deployment of AVs in road traffic. It is likely that, in order to achieve this outcome, each of the two approaches is needed. Figure 3 below show how the proposed development of principles by the non-binding approach can be used as input for a binding approach. Through the development of non-binding principles, which can then inform the development of a binding outcome, it will be possible to foster harmonization across different regions and meet the needs of all contracting parties.

Figure III
A proposed approach to meet the needs of CPs to ensure road safety of AVs in traffic



V. To discuss

12. In order to proceed with the working method described in figure 3 above, an acceptance is needed in the Group for a multi outcome approach. Sweden wishes to discuss the working model described above by asking the following questions as a basis for a discussion. Can the Group:

- (a) Accept a multi outcome approach, including the two approaches in a series?
- (b) Start developing principles based on all the knowledge the Group has produced so far?
- (c) Accept that the principles developed in the non-binding-approach may enter into a binding approach, for those who wish?