

Update on task 5 (Approval and Approval Marking)

Information sharing, peer review and mutual recognition of
ADS approvals

General update

- No further updates to previous draft of Section 4 (Approval) and Annex 2 (Approval Marking) – see GRVA-WS03-07
- Main open item is provisions on peer review / mutual recognition
- Additional text in Section 4 might also be required depending on discussions about ‘new regulatory approach’

Recall from GRVA-WS03-06

Some possible options for the UNR on ADS include:

Risks for CP / TAA

Scope of approval

- Normal approach - approvals issued unilaterally by one TAA and must be accepted by all CPs
- R155 approach - TAAs must publish details of how they go about assessing ADS, and then subsequently publish all approvals they grant for review and challenge
- Develop a new mechanism where Approval Authorities from other relevant CPs can be engaged in the approval process *before* an approval is granted
- Require TS to be accredited by the respective TAA of each receiving CP
- No mandatory mutual recognition – manufacturer must apply to TAA in each CP

Limited feedback, but general consensus that these two options are the ones worth exploring

Reminder - specific issues for ADS

The need for a solution is to *facilitate* the smooth operation of mutual recognition under the 1958 Agreement. There are two distinct issues to resolve:

- **Approval Authorities might be hesitant to issue approvals for an ADS which can operate in another Contracting Party's territory, as they likely have limited knowledge of the unique aspects of that territory and the expectations of its authorities**
- **Contracting Parties might be hesitant to allow vehicles onto their roads where either:**
 - **the performance of the Automated Driving System has been assessed by a Technical Service that their own Approval Authority has not been involved in the designation of
and/or**
 - **the documentation / evidence provided with the approval is insufficient to support national authorisation / permitting processes**

Traffic rules etc

- **Differing traffic rules, road designs, driving behaviours, etc between CPs are a significant issue for ADS approval**
- **Cyber security does not differ across borders, however the special provisions were deemed necessary in R155**
- **The same issue of requirements being high-level, outcome-base and open to broad interpretation also exists for ADS**
- **Even if traffic rules etc can be resolved by other means, there is still a need for special processes to facilitate smooth operation of Mutual Recognition**

Option 1 – R155 approach

Pros	Cons
<ul style="list-style-type: none">• Established process.• Fully under the control of granting TAA/TS and manufacturer.• Potential certainty for manufacturers regarding approval process and timescale, although this may not be the case in reality• Provides a level of transparency to third-party TAAs about the process undertaken to approve the vehicle	<ul style="list-style-type: none">• Does not give TAA/TS any assurance that they have done the right thing prior to issuing an approval.• Risk of approvals being challenged <i>after</i> they have been issued.• Risk of approvals being insufficient (either technically or administratively) to support authorisation / permitting processes in receiving CPs.• Uncertainty around any informal consultation made between granting and receiving TAAs• Process has been seen to fail for R155.

Ideas for new approach

- 'Granting' TAA notifies the 'receiving' TAA from each country in which the ADS can operate
- Authorities in receiving countries can (optionally) be involved in the approval process, review documentation / test reports, and notify the granting TAA of any concerns *before* the approval is issued
- If no concerns are raised, or if all concerns are resolved, the granting TAA can have confidence in the validity / acceptability of the approval they are granting
- Communication form to list countries in which the ADS can operate
- If concerns cannot be resolved bilaterally, the issues should be resolved according to Schedule 6
 - The granting TAA should consider excluding the receiving CP from the scope of the approval until issues are resolved
 - The granting TAA remains sovereign about what they issue, but should be aware that there is a high chance of challenge if they issue approval without resolving concerns of a receiving CP/TAA

Option 2 – New approach

Pros	Cons
<ul style="list-style-type: none">• Formal mechanism for granting TAA to engage with receiving CPs prior to approval issue*.• Confidence that approvals won't be challenged.• Confidence that approvals will be sufficient for national authorisation / permitting processes.• Increased certainty for manufacturers in terms of acceptance of approvals. <p data-bbox="631 1239 1253 1268">* This formalises a process that it likely to happen anyway</p>	<ul style="list-style-type: none">• New process, requires development.• Greater administrative burden on granting TAA• Issuing of approval could be delayed or complicated by feedback from receiving CPs.• Decreased certainty for manufacturers in terms of approval process / timescale.