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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

Eighth session

Geneva, 2 and 3 May 2024

Item 5 of the provisional agenda

Reporting to the parent body

Proposal for a draft report of the Group of Experts on drafting a new legal instrument on the use of automated vehicles in traffic for its second term

Note by the secretariat

The text reproduced below is based on the annex to the report of the seventh session (see ECE/TRANS/WP.1/GE.3/2023/4). The annex includes a note mentioning that the text should be further edited at the next session. The below provides draft additions and is submitted to the Group for their consideration and agreement at its May 2024 session.

I. Preamble

1. The Inland Transport Committee (ITC) established, at its February 2021 session, a new Group of Experts tasked with drafting a new legal instrument on the use of automated vehicles in road traffic, as requested by Global Forum for Road Traffic Safety WP.1 (ECE/TRANS/WP.1/173, para. 27; ECE/TRANS/WP.1/2020/2/Rev.1; and ECE/TRANS/2021/7, Annex III, Decision No. 16) for a two-year period, starting from July 2021.
2. The Inland Transport Committee extended the mandate of the Group in February 2023 until December 2024. The May 2023 session of the Group of Experts belonged to the first two-year term. It is mentioned in this report as the Group implemented the guidance received from ITC for the second term, starting from this session.

II. Activities of the Group of Experts on drafting a new Legal Instrument on the use of Automated Vehicles in traffic (LIAV) from May 2023 to December 2024

A. May 2023 session

3. The Group, at its sixth meeting on 4-5 May 2023, was informed of and acknowledged the decision of ITC, at its February 2023 session (ECE/TRANS/328, para. 30). The decision related to the endorsement of the extension of the mandate of the Group on drafting a new legal instrument on the use of automated vehicles in traffic until December 2024, with a focus to (i) undertake the assessment collectively of any gaps in the conventions and resolutions under the auspices of WP.1, and (ii) identify the issues to be addressed.

4. In accordance with the decision mentioned in the paragraph above, the Group decided, during its sixth session, to structure its work so as to undertake the assessment collectively of any gaps in the conventions and resolutions under the auspices of WP.1, and identify the issues to be addressed. To support this work, and after consideration of informal documents prepared by the experts from Canada, Japan and the United States of America, respectively by Finland, Germany, Greece, Luxembourg, the Netherlands, Poland, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland, the Group of experts decided to create two different groups:

(a) One group (subgroup 1) to work on gaps related to safe deployment and use of automated vehicles in road traffic as well as gaps related to entities responsible for automated driving.

(b) A second group (subgroup 2) to work on gaps related to automated vehicles with a driver in the vehicle, as well as gaps related to automated vehicles without a driver.

(c) To support and guide these groups, the Group decided to convene an informal session within a month to prepare a template to ensure consistency in the activities of the two groups. (Further activities of the Group include the elements in the presentation 6 of that session.)

B. Intersessional work

5. The experts from France and the United States of America moderated the informal (online) session of the Group on 13 June 2023. They presented a draft template that could form the basis for the activities of the two subgroups established in May 2023. It was accepted by the Group and recommended for use by the two subgroups.

C. Reporting to the eighty-seventh session of WP.1 from 25-29 September 2023

6. See session report ECE/TRANS/WP.1/185, paras. 27-30 (reproduced below):

“27. The two Vice-Chairs of the Group of Experts (currently acting as co-Chairs due the Chair’s long-term absence) informed WP.1 about the on-going discussions, outcomes, and on the Group’s general progress to date, focusing on the Group’s last session in May 2023. ECE/TRANS/WP.1/GE.3/2023/2 (especially its Annex) contains a comprehensive report on the Group’s activities to date. Recently, the Group’s efforts concentrated on responding to WP.1 invitation to comprehensively and cohesively address the February 2023 ITC decision (para.23, Informal document No.6/Rev.5). The co-Chairs also informed WP.1 that the next LIAV session will take place on 30 November – 1 December. Finally, the co-Chairs expressed their appreciation to all LIAV participants for their cooperative and constructive work.

28. The two Vice-Chairs of the LIAV Group of Experts initially requested to extend the duration of the current Inland Transport Committee mandate for an additional two and a half years. While France, Finland, Germany, Luxembourg, Poland, Portugal, Sweden and the United Kingdom, expressed their support for the request, Canada, Japan and the United States of America asked for more information about why an extension was necessary and opposed this request for extension without further information.

29. In a compromise, the Vice-Chairs proposed to extend the duration of the mandate until June 2025. This extension allows the Group of Experts sufficient time: i) to complete its assessment as outlined in the February 2023 ITC decision (para. 23, Informal document No.6/Rev.5) and ii) to present its results to WP.1 before the expiry of the current mandate.

30. WP.1 supported this proposal to seek an extension of the duration of the mandate until June 2025 to complete and report on the tasks specified in the February 2023 ITC decision. WP.1 requested the Chair to report to the ITC in 2024 on this request.”

D. December 2023 session

7. The Groups received, at its seventh session on 30 November–1 December 2023 an oral report from the expert from France on the activities performed during the informal meeting of the Group held on 13 June 2023, which produced a template for the purpose of the two subgroups. Following the informal meeting, the Group received presentations from the 2 subgroups outcomes.

8. The expert from Sweden, Vice-Chair of the Group, presented, on behalf of the Group’s bureau, two alternatives ways forward for the Group, one starting from the gaps analysis, leading to general principles that can be derived into multiple outcomes that would support the safe use of ADS in traffic and harmonization; and the second option being to start from general principles that can be focused on to perform a gap analysis and derived in outcomes that would support the safe use of ADS in traffic and harmonization.

9. Following discussions within the Group, the expert from France, Vice-Chair of the Group, presented (on behalf of the Group’s bureau) a set of three questions aimed to support the collective assessment of any gaps in the conventions and resolutions under the auspices of WP.1. She explained that the questions were based on the input received from the two subgroup Co-Chairs, OICA/CLEPA, the University of South Carolina, Poland, Japan, and Germany. She also offered a modus operandi for the way forward including the organization of informal (online) meetings in English only.

10. The Group decided on its way forward, building on the outcome of the two subgroups and input received during the session from the Group’s bureau. The Group concluded to focus its activities on the assessment of the gaps in the conventions and resolutions under the auspices of WP.1, guided by a list of three questions agreed during the session.

11. The Group performed the activity requested by WP.1 (ECE/TRANS/WP.1/185, para. 14) and merged informal documents Nos. 5 and 11 (of the eighty seventh session of WP.1).

12. The Group exchanged information and views on national activities related to its work.

E. Intersessional work

13. The experts from Germany, Sweden and the United Kingdom of Great Britain and Northern Ireland produced and circulated to the Group three questionnaires to inform the line-by-line review of the existing international legal instruments on road traffic (for the 1949 and 1968 Conventions, and for the 2018 and 2022 Resolutions). (...)

F. Reporting to the parent body

14. (Forthcoming)

G. May 2024 session

15. (Forthcoming)

H. December 2024 session

16. (Forthcoming)
