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**Economic Commission for Europe****Inland Transport Committee****Eighty-second session**

Geneva, 25–28 February 2020

Item 4 (h) of the provisional agenda

**Strategic questions of a horizontal policy or regulatory nature:****Road safety****Establishment of a Group of Experts on drafting a new legal instrument on the use of automated vehicles in traffic****Note by the Bureau of the Global Forum for Road Traffic Safety and the secretariat**

This document, submitted by the Bureau of the Global Forum for Road Traffic Safety (WP.1) and the secretariat, contains a brief description of recent activities of WP.1 in the area of automated driving as well as terms of reference of a Group of Experts to be established to draft a new legal instrument on the use of automated vehicles in traffic. The terms of reference have been consulted with government representatives of WP.1.

The Committee **is invited to approve** the establishment of the new Group of Experts.

1. At its sessions, the Inland Transport Committee has regularly pointed out the importance for the Global Forum for Road Traffic Safety (WP.1) to seek novel institutional approaches on the issue of more advanced vehicle automation vis-à-vis the driver's role (ECE/TRANS/248, para. 42 (d)), and to scale up and speed up regulatory and other initiatives, on automated, connected and autonomous vehicles which aim to provide better road safety; to enable a future safe coexistence of automated and traditionally operated vehicles on roads; and their interaction with other road users and infrastructure, environmental protection, energy efficiency and traffic management (ECE/TRANS/270, para. 42 (c) and ECE/TRANS/274, para. 36).
2. At its seventy-ninth session (17–20 September 2019), WP.1 requested the secretariat begin procedures to set up a formal group of experts on preparing a new convention on the use of automated vehicles in road traffic (ECE/TRANS/WP.1/169, para. 28).
3. The above request is a recent example of WP.1 continued high interest in vehicle automation and traffic rules over the last several years. For example, in December 2017, WP.1 began developing a draft resolution in this area, which was adopted as non-binding guidance in 2019 (ECE/TRANS/WP.1/2018/4/Rev.3), titled "Global Forum for Road Traffic Safety (WP.1) Resolution on the deployment of highly and fully automated vehicles in road traffic" (ECE/TRANS/WP.1/165, para. 14). In May 2018, a special WP.1 session was held (<http://www.unece.org/trans/roadsafe/wp12018.html>) while in February 2019, an ITC side-

event jointly organized by WP.1 and the World Forum for the Harmonization of Vehicle Regulations “Automation in Transport: Safe deployment of automated vehicles in traffic” was successfully organized and hosted during the eighty-first ITC session (ECE/TRANS/288/Add.1, Annex III; and ECE/TRANS/WP.1/S/167). Finally, in March 2019, WP.1 extensively discussed how to incorporate high levels of automation (i.e., situations where there may not be a human driver inside a moving vehicle), including a possibility of developing a new convention to provide an international framework for vehicle automation (ECE/TRANS/WP.1/167, para. 24).

4. As a result of the subject’s great importance, in consideration of the high interest expressed by governmental delegates to WP.1, and in order to serve the general need for international legal foundations of traffic rules to keep up with the fast changing vehicle technology, WP.1 has decided to set up a formal Group of Experts. The Group is to focus on this complex issue and draft a new legal instrument.

5. The Group of Experts will have the following terms of reference (Annex).

## Annex

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

1. This Group of Experts is established to prepare a draft new legal instrument on the use of automated vehicles in domestic and international traffic.
2. The Group of Experts is established as per the “Guidelines for the establishment and functioning of teams of specialists” (ECE/EX/2/Rev.1).
3. The Global Forum for Road Traffic Safety (WP.1) is the Group’s parent body. The ECE secretariat will provide secretariat services as per the relevant ECE rules and regulations.
4. The main output of the Group of Experts is to draft a new legal instrument which will include, in addition to typical sections on definitions and final clauses, a comprehensive and exhaustive set of legal provisions (i.e., legally binding rules) applicable to human drivers and/or automated driving systems as well as the road users’- including human drivers’- interaction with automated driving systems. In general, the draft text is to address all issues pertinent to the safe deployment of automated vehicles in internationally harmonized traffic (traffic rules, minimal technical capabilities of automated vehicles, mutual recognition of appropriate elements such as registration certificates, number plates, training, and driving permits). The draft new legal instrument is expected to complement the 1949 and 1968 Conventions on Road Traffic.
5. The Group of Experts will have a two-year duration (with a possibility of extension), starting as of 1 July 2020. The Group’s rules of procedure are contained in the “Guidelines for the establishment and functioning of teams of specialists” (ECE/EX/2/Rev.1) as well as in other applicable ECE documents.
6. 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.
7. The Group of Experts shall periodically consult with the Global Forum for Road Traffic Safety (WP.1). The number of formal consultations will not be fewer than two per year (coinciding with the regular WP.1 sessions).
8. While the Group may choose its own *modus operandi* (e.g., communicating by electronic means or by video conference), it will hold at least two formal plenary meetings per year at the ECE premises in Geneva.
9. The Group of Experts will – upon completion of its task - submit a complete draft new legal instrument to its parent body for consideration and decision.
10. In conformity with the “Guidelines for the establishment and functioning of teams of specialist” (ECE/EX/2/Rev.1), participation in the work of the Group will be limited to “eminent specialists” 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.
11. The “eminent specialists” nominated as per paragraph 10 above will be required to have law degrees. Professional experience in practicing transport and/or traffic law is essential, while academic and/or research experience in these areas is highly desirable. In addition, governments of the Contracting Parties to the 1968 Convention on Road Traffic and those of the 1949 Convention on Road Traffic, may consider nominating professionals whose expertise complements the above-described legal proficiency. Maximum two experts per Contracting Party may be nominated.
12. While it is envisaged that the new draft legal instrument will be available in English, French, and Russian texts (done in a single copy and equally authentic), the “eminent specialists” should be fluent in oral and written English given that the text should preferably be initially developed in English.