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Convention on Road Traffic (1968)-Automated driving

Position statement on automated driving

Submitted by Germany

This informal document contains a position statement by Germany on automated driving.

Position statement on automated driving

Comments by Germany

As was already stated at the 78th meeting, Germany is seeking an internationally harmonised legal situation in the field of automated driving. Germany considers the UNECE WP.1 Resolution of September 2018 sufficient for enabling the safe use of vehicles with the highest levels of automation in real world operations within the meaning of the resolution as well as for gathering experience with regard to the need for further regulation. The UNECE WP.1 Resolution of September 2018 clarifies the requirements that such vehicles have to meet in order to be compatible with the Vienna and the Geneva Conventions.

What is more, Germany considers amending the Vienna and Geneva Convention in a way that is as harmonised as possible very important. If only the Vienna Convention were changed, further divergences between both Conventions would be created which, in turn, would result in different international legal frameworks.

We would like to comment on individual proposals as follows:

Proposals for amending Article 8 and other Articles of the Vienna Convention

The proposal for amending Article 8 and other Articles of the Vienna Convention would inevitably result in the Vienna and the Geneva Conventions drifting further apart. Already when the work process for amending the Vienna Convention begins, most of the State Parties to the Geneva Convention would be excluded. This has to be avoided. In addition, the 78th session has shown that many countries share these and other concerns about such amendment of the Vienna Convention.

Proposals regarding an Article 34bis of the Vienna Convention

Germany does consider the proposals for amending Article 34 of the Vienna Convention critical. Such an approach would not only represent an isolated amendment of the Vienna Convention; there is also the risk of both Conventions diverging from one another. Moreover, the fact that these amendments would also entail divergent legal regulations within the entire group of States Parties to the Vienna Convention serves as an aggravating factor. Compliance with the harmonised obligations under the Vienna Convention would be doubtful.

This would mean that any international harmonisation efforts would be abandoned without replacement and the international legal situation would be left fragmented. It is exactly the responsibility of UNECE WP.1 to prevent this from happening.

To the extent that the proposals are aimed at giving the States Parties creative freedom to gain initial experience with the highest levels of automation, we would like to make reference to the fact that the UNECE WP.1 resolution of September 2018 already grants such freedom.

Proposal for a new convention

Germany is very pleased to take up the proposal made by the Chairperson of UNECE WP.1 at the 78th session to develop a new convention, if necessary, and, in doing so, create a new international framework. The scope of such a new convention would then need to be discussed.

On the basis of the resolution of September 2018 on the use of highly¹ and fully² automated vehicles in road traffic as well as the resolution on secondary activities that is still to be adopted, important experience with regard to the application of the new technologies can be gained. This experience is necessary to formulate appropriate rules for a new convention. From a German perspective, it would be helpful if this process were accompanied by the Informal Group of Experts on Automated Driving of UNECE WP.1 (IGEAD) which has already successfully carried out preparatory work on various topics. It would be a good idea for UNECE WP.1 to entrust IGEAD with this accompanying process and the task of drawing up a proposal for the scope of a new convention. In any case, the new convention should complement the Vienna and Geneva Conventions in a meaningful manner, and it should ideally be supported as a Convention by all Contracting Parties. The cooperation of the States Parties to both the Vienna and Geneva Conventions is desirable and necessary. States parties to both conventions are already represented in IGEAD. However, this new important task could also be taken as an opportunity to call on other States Parties to both Conventions to participate in IGEAD.

¹ Highly automated vehicle – SAE Level 4.

² Fully automated vehicle – SAE Level 5.