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Convention on Road Traffic (1968):

**Automated driving-Amendment proposal to Article 34 in the
1968 Convention on Road Traffic**

Revised Amendment proposal to the 1968 Convention on Road Traffic

**Submitted by Belgium, Finland, France, Luxembourg, Portugal,
Russian Federation, Sweden and Switzerland**

1. This document submitted by the Governments of Belgium, Finland, France, Luxembourg, Portugal, Russian Federation, Sweden and Switzerland proposes to insert two new definitions under Article 1 i.e. Article 1 (ab) and Article 1 (ac), and to insert new Article 34bis in the 1968 Convention on Road Traffic to ensure greater levels of legal certainty due to increasing vehicle automation.
2. In the French version of ECE/TRANS/WP.1/2020/1/Rev.1, the proposed definition of an automated driving system (new Article 1 (ab)), the word "ininterrompue" has been replaced by "prolongée".

I. Proposed amendments

Article 1

Definitions

Add new definitions (ab) and (ac), to read:

“(ab) “Automated driving system” refers to a vehicle system that uses both hardware and software to exercise dynamic control of a vehicle on a sustained basis.

(ac) “Dynamic control” refers to carrying out all the real-time operational and tactical functions required to move the vehicle. This includes controlling the vehicle’s lateral and longitudinal motion, monitoring the road, responding to events in the road traffic, and planning and signalling for manoeuvres.”

Insert new Article 34bis to read:

Article 34bis

Automated driving

The requirement that every moving vehicle or combination of vehicles shall have a driver is deemed to be satisfied while the vehicle is using an automated driving system which complies with:

- (a) domestic technical regulations, and any applicable international legal instrument, concerning wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles, and
- (b) domestic legislation governing operation.

The effect of this article is limited to the territory of the contracting party where the relevant domestic technical regulations and legislation governing operation apply."

II. Explanatory Memorandum for the Proposed Amendment to the 1968 Convention on Road Traffic

1. The proposed amendment to the 1968 Convention on Road Traffic inserts two new definitions in Article 1 and new Article 34bis.
2. The Global Forum for Road Traffic Safety (WP.1) has recognized the potential of vehicles using automated driving systems to increase road safety.
3. This proposed amendment to the 1968 Convention achieves the shared goal of enabling a consistent approach among parties to the 1968 Convention to facilitating the responsible use of automated driving systems, under conditions that are acceptable to them.
4. The proposal accomplishes this shared goal by “deeming” the driver requirement, i.e. that every moving vehicle shall have a driver, to be satisfied under the conditions explained below. This approach respects the Convention’s substantive requirements. This deeming provision does not apply to “vehicle systems which influence the way vehicles are driven” as mentioned in Article 8 (5bis).
5. Under the proposed amendment, the “deeming” provision applies only to a vehicle that is actually using an automated driving system. As provided in the two new definitions in Article 1, (ab) and (ac), an automated driving system is a “vehicle system that uses both hardware and software to exercise dynamic control of a vehicle on a sustained basis,” which means that the automated driving system “carries out all the real-time operational and tactical functions required to move the vehicle.”
6. The proposed amendment further conditions the “deeming” provision on additional safeguards. In particular, the automated driving system must comply with legal requirements related to both vehicle design and vehicle operation, as set out in paragraphs 7 and 8 respectively.

7. This automated driving system must comply with law related to vehicle design, which is the basis for type approval or self-certification. Some of this law may be domestic in origin and “domestic legislation” is a term defined in the 1968 Convention. “Domestic technical regulations” refer to requirements set by the party in whose territory the automated driving system is used. Some may be international in origin: applicable international legal instrument[s] concerning wheeled vehicles, equipment and parts which can be fitted and/or used on wheeled vehicles” refers to requirements established under an international agreement accepted by that party. These may include the 1958 and 1998 agreements on technical regulations.

8. Furthermore, the automated driving system must comply with “domestic legislation governing operation”. This language can be imported easily and directly into parties’ domestic legal frameworks. Under this provision a party could also impose additional requirements for the operation of automated driving systems.

9. Moreover, the last sentence of the proposed amendment limits its effect to the territory of the contracting party where the requirements for design and operation apply. This ensures that no party is obliged to accept, or to take action to prevent, the use of automated driving systems in its territory merely because another party allows them.
