


Economic Commission for Europe

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**
First session

Geneva, 1 September 2021

**Report of the Group of Experts on drafting a new legal
instrument on the use of automated vehicles in traffic on its
first session**

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I. Attendance

1. The Group of Experts (GoE) on drafting a new Legal Instrument on the use of Automated Vehicles in traffic (LIAV) met on 1 September 2021 in Geneva.
2. Accredited experts from the following countries participated in the work in accordance with para. 10 of the Terms of Reference (ECE/TRANS/2021/6, Annex III): Australia, Austria, Belarus, Belgium*, Brazil, Bulgaria, Cambodia, Canada, Czech Republic, Denmark, Estonia, Finland, France*, Germany*, Greece, Hungary, India, Ireland, Italy, Japan, Lithuania, Luxembourg, Malaysia, Malta, Morocco, the Netherlands, New Zealand, , Poland, Portugal*, Romania, Russian Federation*, Slovakia, Slovenia*, Spain, Sweden, Switzerland*, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland (UK), the United States of America (USA), Vietnam and Zimbabwe*.
3. An expert from the European Commission (EC) also participated upon invitation by the secretariat, following a consultation with the Chair of the Global Forum for Road Traffic Safety (WP.1).

II. Opening of the session

4. The director of the ECE Sustainable Transport Division opened the meeting by welcoming the experts from all continents in this first session. He recalled the importance of road safety related activities with still 1.36 million killed and some 50 million severely injured by road crashes. He stressed that the implementation of Sustainable Development Goals (SDG) target 3.6 aiming at halving the number of road fatalities and serious injuries needed every effort. He also recalled that, in July 2021, the General Assembly had proclaimed the Second Decade of Action for Road Safety, 2021 to 2030, reinforcing the SDG 3.6 target. He continued that reaching SDG 11.2 calling for safe, affordable, accessible and sustainable transport in cities and communities was crucial that the role of technical progress in achieving the SDG 3.6 target was essential. He reported on the achievements of the WP.1 with this regard, on amendments to the 1968 Vienna Convention on Road Traffic and the deliberation that led to the establishment of the GoE on LIAV. He wished every success to the group.

III. Adoption of the agenda (agenda item 1)

Documentation: ECE/TRANS/WP.1/GE.3/2021/1

5. The group considered the provisional agenda prepared for this session (ECE/TRANS/WP.1/GE.3/2021/1) and adopted it.
6. The expert from Italy, Chair of WP.1, inquired whether a running order had been prepared for the session.
7. The Secretary explained that the secretariat did not provide a running order document as the meeting duration, namely one day, would not require it and also because the secretariat wanted to leave flexibility for the elected Chair to conduct the session.

IV. Election of officers (agenda item 2)

Documentation: (ECE/EX/2/Rev.1, TRANS/WP.1/100/Add.1)

8. The Secretary informed the group that he had received information concerning the nominations (i) from the government of France of a candidate Vice-Chair, (ii) from the government of Germany of a candidate Chair and (iii) from the Russian Federation for a

* The delegations marked with a star attended in-person. Those not marked with a star attended the session remotely.

candidate Vice-Chair. He asked whether there would be other nominations. No other candidate was proposed.

9. The Secretary proposed to conduct the elections of officers as proposed in the provisional agenda prepared for the session.

10. The expert from Canada asked for what period of time the officers would be elected. The Secretary responded that, in the absence of Rules of Procedures for the Group of Experts, some guidance would be found in the Rules of Procedures of WP.1. He proposed that the election would be for two years. He stated that this duration could be revised (for future elections), if new Rules of Procedures were to be developed with this regard.

11. The expert of the United States of America suggested the candidates to take the floor individually to present their views, if they were elected, on their role and responsibility and their vision for the group. He expressed a concern that the candidates were all from the European continent and he invited them to make sure that perspectives from all around the world be considered.

12. The expert from Germany, candidate Chair, reported that the group of three candidates discussed their roles and their vision for the group. She explained that these thoughts were reflected in Informal Document No. 1. She responded to the concern raised by the United States of America and she expressed her determination to take measures to insure inclusiveness.

13. The expert from France, candidate Vice-Chair, recalled the importance of automated vehicles for France. She recalled that France was keen to support developments on this matter at WP.1. She explained that France was therefore willing to support the activities of the group on legal instruments expected to complement the 1949 and 1968 Conventions on Road Traffic, both being Conventions ratified by France. She explained that her objective was that the group was collectively producing a text that can be submitted to the parent body, WP.1, a text that would make consensus and serve the purpose of road safety for all regions. She reaffirmed the willingness of the candidates to address the diversities of the regions represented in the group.

14. The expert from the Russian Federation, candidate Vice-Chair, recalled that most casualties in crashes were related to human factors. He thanked the expert from the United States of America for rightly expressing the importance of a unified approach related to automated vehicles. He stressed the importance of road safety and consensus building when it came to putting together the new legal instrument. He anticipated that following the coronavirus disease (COVID-19) situation, citizens may tend to use more road vehicles, including automated vehicles. He announced that the group would work on the basis of principles being the interest of all countries, including of course, those of the United States of America, and that he would seek to contribute to building consensus.

15. The experts from Belgium, the Netherlands, Slovenia and Sweden expressed support for the three candidates.

16. The expert from Spain supported the ideas expressed by the experts from Canada and United States of America.

17. The expert from Canada regretted that the discussion on the programme of work did not take place before the election of officers as he would have welcomed to be informed on the plans of the candidates to lead that group. He stressed the need for the elected officers to adopt a global view when conducting the debates. He also mentioned that the technology was in development. He therefore encouraged the leaders of the group to take this into consideration to avoid that the new convention developed would have to be amended.

18. The expert from Italy, Chair of WP.1, urged the Secretary to proceed according to the order provided by the agenda and to not mix the agenda items.

19. Following the self-introduction of the candidates, the group elected:

(a) The expert from Germany, Ms. B. Rudolph, as Chair for the sessions in 2021 and 2022 (2 years);

(b) The expert from France, Ms. M. Molina, as Vice-Chair for the sessions in 2021 and 2022 (2 years);

(c) The expert from Russian Federation, Mr. V. Lugovenko, as Vice-Chair for the sessions in 2021 and 2022 (2 years).

20. The experts from Australia (participating as observer in this session), Canada and the United States of America abstained from voting.

21. The expert from Canada clarified that he was not in the position to vote because of the current situation in his country, since the Canadian federal election was taking place on 20 September 2021.

22. Following this election, the session was chaired by Ms. B. Rudolph (Germany).

V. Eventual complementary addition with reference to the Rules of procedure (agenda item 3)

Documentation: (E/ECE/778/Rev.5, TRANS/WP.1/100/Add.1, ECE/EX/2/Rev.1)

23. The Secretary explained the rationale of this agenda item upon request. He explained that in absence of specific rules of procedures for the group, some references would be available. He proposed that the group would apply the Rules of Procedures of the parent body, WP.1 (TRANS/WP.1/100/Add.1), *mutatis mutandis*. He highlighted significant divergence between WP.1 and the group in terms of rules to apply, e.g., with regard to participation in the session and he anticipated that future clarifications of the Rules of Procedures for the Group could facilitate future debates.

24. The expert from Canada suggested the secretariat to distribute all documents, as apparently not everyone had the Terms of Reference for the group or the Rules of Procedures of ECE and WP.1. In doing so, a more fruitful discussion could be held at future meetings on the Rules of Procedures.

25. The experts from Belgium, France, Italy, United Kingdom of Great Britain and Northern Ireland, and Sweden expressed opinions.

26. The Chair proposed that the Bureau together with the secretariat prepares a document for review at the next session to support a discussion.

27. The expert from Italy, Chair of WP.1, proposed to recap very carefully, as the group knew how she does when she was chairing WP.1. She explained, with reference to what was said by the Secretary, that the group had not “some” references but “the” references, because the document of ECE was the overarching document and the second document was the WP.1 Rules of Procedures. She continued, with regard to the proposal of the Chair, that it did not reflect what was said by the experts from Canada, France and United Kingdom of Great Britain and Northern Ireland. She recalled that they said that group would evaluate, at a later stage, whether it was worth spending time and efforts on elaborating new rules of procedures. She added that there was no suggestion to review a document at the next session and she suggested that the group could work on the legal instrument, instead.

28. The Chair summarized the input received and offered again that interested parties could develop a document, if deemed necessary.

29. The expert from Belgium, Vice-Chair of WP.1, agreed with the Chair of WP.1. The expert from Sweden, too. He clarified that he meant that the group should focus on this substantive task, but of course, if problems were to arise, that he would support a discussion on that matter.

30. The expert from Italy, Chair of WP.1, noted with satisfaction that the experts would have time to review the existing documents and that maybe the group would not need rules of procedures. She stated that the rules stipulate that the Group of Experts can either decide on rules of procedures during the first two meetings, or not. She added that the session report should mention that the group would consider at its next session, if it was appropriate to keep going with the WP.1 Rules of Procedures and focus on the work plan.

31. The group concluded that the documents could be reviewed until the next session and clarified that experts could submit formal or informal documents, as it is the case in the parent body.

32. The group discussed, after having started to consider item 4 of the agenda, the possibility for experts to submit documents on this matter, if any, for consideration at the next session. The expert from Italy, Chair of WP.1, questioned this option and asked who would submit documents to whom. The Chair explained that this option was simply a possibility for the experts who would desire it and she recalled the rules regarding the submission of documents for translation in the three official languages of UNECE.

33. The group agreed to resume consideration of this agenda item at its next session.

VI. Programme of work (agenda item 4)

Documentation: Informal documents Nos. 1 and 2 and Presentations 1 and 2.

34. The expert from France, Vice-Chair of the group, introduced informal document No. 1 on behalf of France and Germany. She recalled the aim of the group, provided views from France and Germany, and referred to existing documents and details concerning elements for a programme of work for the group. She recalled the statements from the expert from Canada concerning the technological evolution over time. She proposed to regularly consult a variety of experts, the Group's members, experts from other Working Parties as well as experts from academia and industry. The expert from Germany completed this introduction by recalling the main output of the group, namely, to draft a new legal instrument which was expected to complement the 1949 and 1968 Conventions on Road Traffic. He stressed that an analysis would be needed to reach that goal.

35. The expert from Italy presented Presentation 2. She recalled the main output expected from the group and explained that it was aimed to ensure road safety and in particular the safety of vulnerable road users. She added that the envisaged legal instrument was not a goal itself but was meant to serve as a tool, bridging the existing conventions, to accommodate automotive technology, and to create a harmonized, safe, and inclusive traffic environment. She advised the group to not be short sighted and to leap ahead, for casting the regulatory framework for the next decades. She provided considerations regarding the work plan. She recalled that legal instruments include, as defined in the 1969 Vienna Convention on the law of treaties: (i) Conventions, (ii) Agreements and (iii) Protocols. She concluded her presentation by showing the image of an iceberg, a symbolic figurative description of the task to be addressed by the group.

36. The expert from Sweden presented Presentation 1, introducing informal document No. 2 and advocating for the development of a model of the safe use of automated vehicles in traffic, to support the drafting of a new legal instrument. He quoted the following sentence "... safety focuses on the proper functioning of a system", taken from the publication of a vehicle manufacturer titled "Safety first for automated driving" (2019). He provided examples of existing models taken from various scientific articles and so-called grey reports. He proposed that the group agree on a model of what was a safe automated system. He volunteered to lead activities for developing such a model.

37. The expert from Canada provided comments on the presentations of informal documents Nos. 1 and 2. He suggested to adopt a programme management approach for the group's programme of work. He stated the need to develop a robust plan with the corresponding milestones. He advised to conduct a scoping/needs assessment of road safety challenges posed by vehicle automation, which a new international legal instrument would in theory enable Contracting Parties to adequately address. He added that once the group had a thorough understanding of the safety issues, which the Group wanted a new instrument to address, then it should be prepared to examine the existing conventions, to see what potential gaps exist that may require a new complementary instrument. He continued that a report should be provided to WP.1 for their consideration and feedback based on this analysis. He stated that the step following the scoping exercise would be to analyse the existing road traffic conventions of 1968 and 1949 and that this analysis could help the group to develop recommendations to WP.1 on a potential way forward towards developing a legal instrument – identifying the recommended instrument type,

the scope of issues it would address (including a potential table of contents etc.), legal implications, and flexibility for amendments, given the state of the technology. He continued that, following that, the drafting of initial legal provisions, following WP.1 feedback, could take place. He also mentioned suggestions on periodical consultation with WP.1 and WP.29 and on reports to be delivered.

38. The expert from Canada expressed concerns regarding the proposal from Sweden. He explained that a model would be for functional requirements at WP.29 where the system's safety was considered, not only by focusing on road safety but also on vehicles' safety, on road users as well as on the infrastructure. He stressed the importance of the right collaboration between the groups. He anticipated that the group would hear from GRVA and WP.29. He concluded that it was too early to look at a model for the time being.

39. The experts from Spain and the United States of America supported the comments expressed by the expert from Canada.

40. The expert from Sweden felt that his position was close to the one expressed by the expert from Canada.

41. The expert from Belgium raised the question of what an automated vehicle was.

42. The expert from the United Kingdom of Great Britain and Northern Ireland endorsed the views expressed by the expert from Sweden. He explained that the group needed to develop a concept for what the group would be going to achieve and to update WP.1.

43. The expert from Italy, Chair of WP.1, appreciated the input received so far but wanted to draw attention of the group to some issues. She commended the expert from Canada for its framed approach. She recalled that the group was already tasked to draft a new legal instrument on the use of automated vehicles in traffic and that the scope of the group was already clear. She explained that this was the reason for the previous 2-year-long discussion on the Terms of Reference for the group. She stated that the work plan was about how to best draft the new legal instrument. She commented that the concept proposed by the expert from Sweden was very good but not straight to the point of what the group was doing at this point. She anticipated that an informal meeting would be needed before December 2021 to define mid- and long-term objectives, deliverables and final goals.

44. The expert from Japan appreciated the proposal made by the experts from France and Germany. She expected that the work would need to be based on the existing provisions and would be done to accommodate new technologies. She stressed the importance of traffic rules' harmonization. She supported to start with a scoping and needs assessment, to examine the existing conventions, and to identify what the challenges were. She noted that the group would work collaboratively, and that Japan would join informal meetings, if any.

45. The expert from Canada thanked the experts who supported a scoping exercise. He noted that the Inland Transport Committee, which had adopted the Terms of Reference for the group, did not provide direction on this. He stressed that it was therefore important to frame the work correctly and to conduct activities on identified road safety challenges in close consultation with WP.1.

46. The expert from the United Kingdom of Great Britain and Northern Ireland stressed that the group had a mandate and that it could develop a programme of work. He added that the Group of Experts did not have to consult WP.1 at every step.

47. The expert from Germany praised the group for its eagerness to work. He welcomed the idea of an informal meeting before the next session. He also presented his view on how much the group should consult its parent body.

48. The expert from Italy, Chair of WP.1, explained that WP.1 should not be involved at each step but should be involved on conceptual issues. She proposed that the group would focus on a timeline and a baseline and that by February 2022 the scoping of needs with regards to road safety challenges by automated vehicles would be completed.

49. The expert from Belgium, Vice-Chair of WP.1, worried that the group might be in the same situation at its December 2021 session. He proposed to develop a work plan.

50. The expert from France was ready to contribute to deliberations during an informal session to be organized before the next official session.
51. The expert from Germany encouraged all interested parties to work together on the drafting of a programme of work.
52. The expert from Canada suggested that an informal session would focus on the question raised by the expert from Belgium and on the scoping with respect to road safety challenges. He added that drafting a report could be envisaged so that all parties can provide feedback.
53. The expert from Luxembourg supported the idea to organize an informal meeting, but he warned that the Group's programme of work could not be formally adopted in December 2021, due to procedural reasons.
54. The Secretary encouraged the experts to focus on the substance and promised to support the group by identifying procedural fast tracks, if possible.
55. The expert from Italy, Chair of WP.1, was not certain if she understood the Secretary but she disagreed with him, if his statement meant that the group would adopt informal documents. She agreed that the group could finalize the programme of work in December and that an informal meeting could be arranged before that session. She made the distinction between facilitating the task and endorsing documents which were not translated. The expert from the United Kingdom of Great Britain and Northern Ireland understood the concern expressed by the Chair of WP.1, if it was for the adoption of policies and legislations without formal documents, but suggested that other matters could be handled more informally; otherwise the group would work the whole year to define its programme of work, rules and ways to work.
56. The expert from Malta suggested envisaging the possibility to use written procedures.
57. The group agreed to review this item at its next session and to prepare for this with an informal meeting (see next agenda item).

VII. Arrangement of meetings (agenda item 5)

58. The secretariat provided information about the envisaged dates and meeting durations for further formal meetings in 2021 and 2022.
59. The expert from Sweden inquired about the short duration of each meeting (i.e. one day) and suggested to envisage two days.
60. The expert from Belgium, Vice-Chair of WP.1, noted the little time provided (four days) to perform the task of drafting a new legal instrument on the use of automated vehicles in traffic.
61. The Director of the ECE Sustainable Transport Division described the constraints related to the budget cycles determining the budget for the sessions of the group. He highlighted that, by the time when the budget for the years 2021 and 2022 was defined, the group had not been established. He explained the efforts made by the Division to allocate resources from other groups. He also detailed another constraint and explained that the number of parallel ECE meetings allowed to be organized at the same time on the United Nations Office in Geneva (UNOG) premises had been divided by three since the coronavirus disease spread. He added that ECE divisions were, at this point, somehow competing to organize sessions. He encouraged the Member States to provide support to finance additional meetings.
62. The group invited delegations to explore the possibilities to assist with the organization of additional (formal) meetings.
63. The group requested the secretariat to explore the possibility to organize the meetings at least over two days, in a time suitable for colleagues in other time zones.

VIII. Other business (agenda item 6)

64. The expert from France volunteered to host an informal meeting prior to the next formal meeting. The Vice-Chair, Ms. Molina, agreed to be the focal point for this meeting. The group noted that the informal meeting would be conducted in English only.

65. The expert from the Russian Federation did not strongly oppose to the organization of informal meetings but highlighted difficulties it could cause to his delegation. He wondered why the group was in such a hurry and if there was a real deadline for defining the programme of work. He concluded that his delegation would send experts to informal sessions without interpretation, as necessary.

66. The group thanked France for organizing an informal meeting, with the possibility for remote participation.

67. The group took note of the starting times of meetings for some delegations being in unfavourable time zones and stressed the need for the secretariat to pay attention at times in the different time zones when organizing meetings.

68. The group requested that the secretariat distribute, via email, a list of participants with contact details.

69. The Group of Experts discussed the participation at future sessions of other experts including experts from academia and research institute. The Chair agreed to consider this in line with paragraph 12 of the Terms of Reference.

IX. Adoption of the list of decisions (agenda item 7)

70. The Secretary briefly presented the draft list of decisions based on his notes during the session.

71. The group reviewed this document and endorsed it.

X. Next session (agenda item 8)

72. The group noted that the next session was scheduled to take place on 6 December 2021 (subject to change).

73. The secretariat informed that the third and fourth sessions were not confirmed but tentatively scheduled on 16 May 2022 and 7 November 2022 (subject to change).

Annex I**Elected officers for the sessions in 2021-2022**

<i>Chair/Co-Chairs</i>	<i>Name</i>	<i>Country</i>
Chair	Ms. Birgit Ulrike Rudolph	Germany
Vice-Chair	Ms. Marine Molina	France
Vice-Chair	Mr. Vladimir Lugovenko	Russian Federation
