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Group of Experts on drafting a new legal instrument on the use of automated vehicles in traffic (LIAV)

Proposal to revisit the Group of Experts on drafting a new legal instrument (LIAV) terms of reference

Submitted by Canada, Japan, and the United States of America

This document, submitted by Canada, Japan, and the United States of America, contains proposals to revisit (or more precisely to revise) the Group of Experts on drafting a new legal instrument on the use of automated vehicles in traffic terms of reference as per paragraph 23 (c), Informal document No. 6/Rev.5, Inland Transport Committee.

Introduction

On February 24, 2023, the UNECE Inland Transport Committee (ITC) decided to endorse the extension of the mandate of the **Group of Experts on drafting a new legal instrument on the use of automated vehicles in traffic** until December 2024, with a focus to (1) undertake the assessment collectively of any gaps in the conventions and resolutions under the auspices of WP.1 and (2) identify the issues to be addressed. In its decision, the ITC also recommended that WP.1 revisit the **Group of Experts on drafting a new legal instrument on the use of automated vehicles in traffic's** Terms of Reference. The following proposal submitted by Canada, Japan, and the United States of America updates the Group's current Terms of Reference to reflect the ITC's 2023 decision.

Terms of reference of the Group of Experts on drafting a new legal instrument on the use of automated vehicles in traffic¹

1. The Group of Experts on drafting a new legal instrument on the use of automated vehicles in traffic (from hereon in referred to as the ‘Group’) is **established:**

- (a) **to conduct a comprehensive and thorough assessment of the need for ~~prepare~~ a new legal instrument on the use of automated vehicles in ~~domestic and international~~ traffic; and**
- (b) **if any need is identified, then to prepare a draft of a legal instrument.**

The Group is to first collectively conduct a thorough assessment of the road safety challenges posed by the use of automated vehicles in traffic including any gaps in the existing 1949 and 1968 Conventions or resolutions under the auspices of the Global Forum for Road Traffic Safety (WP.1).

Based on that assessment, the Group will identify any potential gaps in the 1949 and 1968 agreement and resolutions that would deter the ability of contracting parties to safely introduce automated vehicles into traffic.

The Group will present its assessment and recommendations to WP.1 for its review and approval by June 2024. Given the breadth of issues, the needs assessment may not be fully completed at that time, and depending on the findings, an extension of the Group’s mandate to continue its work may be warranted.

2. The Group is established as per the “Guidelines for the establishment and functioning of teams of specialists” (ECE/EX/2/Rev.1).

3. WP.1 is the Group’s ~~parent~~ **supervising** body. The ECE secretariat will provide secretariat services as per the relevant ECE rules and regulations. The working languages of the Group shall be English, French, and Russian. This is subject, however, to the provision of UNOG Conference Management services, such as document processing and simultaneous translation.

4. The ~~main~~ **outputs** of the Group ~~are~~ **is to identify the need for ~~draft~~ a new legal instrument, based on a complete assessment of any potential gaps in the 1949 and 1968 conventions and resolutions under the auspices of WP.1. and, develop recommendations for potential resolutions of those identified gaps. Recommendations will include a summary of the various resolutions considered, and the rationale for why recommended resolutions were chosen over others. Only if WP.1 determines a new legal instrument is necessary will the group prepare a draft legal instrument for WP.1 approval based on its findings. A draft legal instrument ~~which~~ is expected to address automated vehicles in traffic safety only and not hinder any contracting parties rights and obligations under ~~complement~~ the 1949 and 1968 Conventions on Road Traffic, or any other UN Convention or agreement. If needed, the new legal instrument may ~~It will~~ include, in addition to the typical sections on definitions and final clauses, a set of legal provisions for the safe deployment of automated vehicles in international traffic. These provisions will specifically aim to ensure road safety, in particular the safety of vulnerable road users.**

5. ~~The Group of Experts will have a two-year duration (with a possibility of extension), starting as of 1 July 2021.~~ 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 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.

¹ Technically adjusted from the Annex to ECE/TRANS/WP.1/2020/2/Rev.1. Technical adjustments reflected with strikethrough and bold.

7. The Group shall periodically ~~report to consult~~ **report to consult its supervisory body, with** WP.1. The number of formal consultations will not be fewer than two per year (coinciding with the regular WP.1 sessions).

- This Group is not to replace, **interfere, or hinder the work of** existing informal groups working under other UNECE Inland Transport Committee (ITC) working parties **on this matter.**
- It is critical for this Group to integrate views and inputs from **ALL Contracting parties from various regions of the globe as well as other relevant stakeholders such as but not limited to other UNECE bodies e.g. WP29 and relevant forums, academia, research institutions, industry and NGOs** in its deliberations.

8. The Group will hold at least two formal plenary meetings per year at the ECE premises in Geneva. In between the formal sessions, the Group may choose its own modus operandi.

9. The Group will – upon completion of its tasks - submit **its completed tasks** ~~the complete draft new legal instrument~~ to its ~~parent~~ **supervising** body for consideration and decision.

10. In conformity with the “Guidelines for the establishment and functioning of teams of specialists” (ECE/EX/2/Rev.1), participation in the work of the Group will usually be limited to representatives 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. It is highly recommended that the representatives nominated as per paragraph 10 have professional experience in road safety, traffic law, and/or transport policy. Nominations of representatives with academic and/or research experience in road safety, traffic law, and/or transport policy are also suitable. In addition, governments may consider nominating professionals whose expertise complements the qualifying expertise mentioned in this paragraph.

12. The Chair of this Group of Experts may, on occasion, invite **subject matter experts representatives from such entities as** intergovernmental organizations, academia, ~~or~~ research institutes, **industry, and nongovernmental entities as well as representatives from non-contracting member states and other relevant UNECE bodies** to participate in a consultative capacity ~~in relation to any matter of particular concern to that entity.~~
