

New rules for Level 3 autonomous driving

Article by Daniel Wuhrmann and Thorsten Deeg

After a few years in which little progress was made on the regulatory front in spite of the technological advances, the [UNECE World Forum for Harmonization of Vehicle Regulations has now adopted new international regulations for autonomous driving](#).

These new regulations create the basis for the as yet non-existent regulatory requirements concerning approval for Level 3 autonomous driving. At the moment, vehicles can only feature Level 2 autonomous driving, for which the driver has to constantly monitor the systems and must be ready to intervene to immediately take back control of the vehicle if necessary. In Level 3 autonomous driving, on the other hand, the driver is no longer required to constantly monitor the systems and is only required to take over, after a certain delay, if notified by the system that such an action is necessary. The system must be able to operate the vehicle on its own even if the driver does not take over.

But the new UNECE Regulations only allow Level 3 autonomous driving in certain cases, in conjunction with automated lane keeping systems (ALKS). Specifically, it only does so for roads which are not open to pedestrians and cyclists, and in which lanes of traffic moving in the opposite direction are separated by a physical barrier. Moreover, the system may only be used up to a speed of 60 km/h.

Regulations must be implemented in EU law to be valid

The regulations adopted by UNECE take effect in January 2021 but will remain non-binding until implemented into national or community law.

The background is that, in the European Union (as in many other countries in the world), vehicles cannot be registered without approval from the competent authorities. In the EU, such approval is typically granted based on Directive 2007/46/EC (as of 1 September 2020: based on Regulation (EU) 2018/858), which in turn refers to UNECE (technical) regulations. The new regulations will not become binding in the European Union (EU) until the references to the new UNECE rules are implemented into community law by the EU or once the relevant EU legislation itself is directly adapted to conform to the content of the UNECE regulations.

A precise date for implementation into EU law is not yet known. However, other countries (e.g. Japan) have already announced that they intend to apply the new regulations right away once they take effect in January 2021.

We will keep you informed about new developments concerning implementation within the EU.

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