

## Open road for self-driving cars

### Article by Daniel Wuhrmann and Niklas Gatermann

The much-discussed amendment to Germany's Road Traffic Act has cleared its final hurdle and has now been [enacted into law](#) (only in German). [Federal Transportation Minister Scheuer pronounced](#) euphorically that "the way is now clear for self-driving vehicles to take to the road like any other car: we are the first country in the world to do so. We are setting international standards and Germany is now number one in this area." The amendment will serve as a foundation and as a transitional solution until harmonized regulations are adopted at the international level.

#### Routine operation possible in defined operating areas

Vehicles with autonomous driving functions, i.e. those which can operate on their own without a driver, may be used in defined operating areas in public road traffic provided that they meet certain (particularly technical) requirements. The term "operating area" is deliberately abstract. [According to the legislative intent for the law](#) (PF in German), the general intention was to allow self-driving vehicles in a wide range of operating areas, with due regard for local conditions. Operating areas are defined by the vehicle owner, but are subject to approval by the competent authority in accordance with state law. Possible operating areas include use in public transportation, service and supply, and logistics.

#### Level 4 automation requires a technical monitor

The key elements of the amendment to the Road Traffic Act are the technical rules for the design, quality and equipment of vehicles with autonomous driving functions which conform to Level 4 automation (fully automatic driving). These vehicles drive on its own, with no driver steering and without constant supervision by a technical monitor. The technical monitor had to be reintroduced in order to bring the law into conformance with international regulations. This "technical monitor" is a natural person who is responsible for remotely deactivating vehicles with self-driving capability in any individual case, or for placing the vehicle in a condition of "minimal risk."

#### Details need to be specified

Harmonized rules have yet to be adopted for autonomous driving functions, so that type approval cannot be issued for such vehicles. While the legal framework at the EU and UNECE level is still in the process of

development, the new § 1j of the Road Traffic Act authorizes the government to issue Ordinances in this regard. In other words, Germany will go its own way for the time being and the precise formulation and key content of the technical requirements for vehicles and their approval and use, as well as requirements for users and aspects relating to data protection and cybersecurity ([we were involved](#)), as well as liability questions, will be defined in an Ordinance (the "Ordinance on the Approval and Operation of Autonomous Vehicles"). It remains to be seen whether the adoption of these specific rules will prove helpful: whether Germany will actually become "number one" in autonomous driving will largely depend on these details.

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