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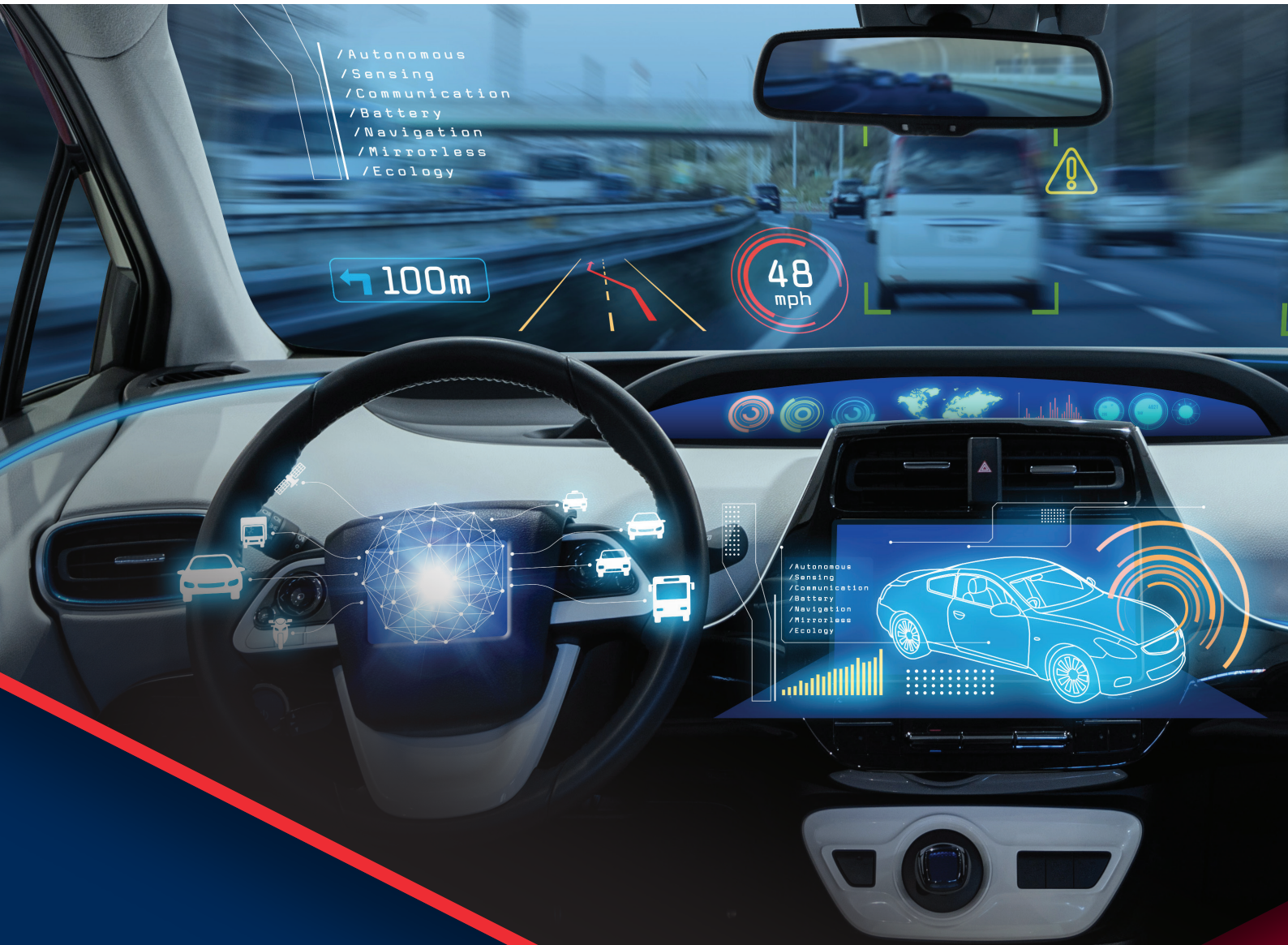

Global Driverless Vehicle Survey

2018

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Contents

INTRODUCTION

Driverless vehicles promise to eliminate (or at least substantially reduce) road accidents, massively increase the efficiency and utilisation of vehicles and transport infrastructure, eliminate time lost from driving in traffic and transform towns and cities by freeing parking and garage space.

As we witness global manufacturers and a panoply of new entrants race to develop fully driverless vehicles for the mass-market, an exciting new area of focus is the development of new laws regulating the testing and operation of driverless vehicles with a particular interest in the different approaches and level of progress in major markets throughout the world.

For many years Baker McKenzie has been advising its global clients in the transport and telecommunications industries on connected cars and systems associated with the early stages of automation in vehicles. Work in this area involves deploying the expertise of our world leading global Technology Media Telecommunications (**TMT**) and Automotive practice and industry groups.

Our TMT and Automotive global groups have pooled resources to produce this Global Driverless Vehicle Survey (**Survey**). The Survey provides a high-level insight into the development and deployment of rules to accommodate automated driving for 33 jurisdictions. It provides an outline of the key themes arising from the intersection between the most advanced digital processing technology and mobility on a global scale.

Considering the relatively recent development of functional prototypes of the driverless car, the Survey indicates a rapid development of new rules to accommodate and facilitate the testing of driverless vehicles and significant progress on the development of regulatory frameworks in most major markets.

EXECUTIVE SUMMARY

The key themes that have come from the Survey are:

1. **Legislation: The majority of respondent countries do not have specific regulations or rules relating to driverless vehicles.**

From our Survey, **12 out of 33 jurisdictions** have either legislation, regulations or rules that address or apply specifically to driverless vehicles (also called autonomous, self-driving, highly automated or robotic vehicles). The majority of these jurisdictions have amended their road rules to facilitate the testing of partial and/or fully driverless vehicles in specific circumstances, and usually on a case by case basis requiring approval. Of the 21 remaining jurisdictions, four countries (Poland, China, UAE, UK) have noted the existence of proposed regulations.

Overall, there appears to be a definitional barrier in current road laws. The definition of "driver," "driving" and "control" often refers to a human driver with an appropriate licence. For example, Mexico requires two hands on the steering wheel when driving on a federal highway or bridge. Therefore, current road laws in the majority of jurisdictions do not have the scope to consider driverless vehicles, and insofar as a consumer is concerned, using a driverless vehicle may result in a material breach of the driver's general obligations under existing road rules.

2. **Testing: Driverless vehicle testing has begun in public and private trials, and is likely to increase.**

From our Survey, **11 out of 33 jurisdiction**s have begun testing of driverless vehicles either in public (some with community participation) or in private (by companies, universities, governments and the military), or both.

Many tests are still in the research and development (**R&D**) stage and cover areas of testing the type of vehicle, controls (e.g. steering, braking etc.), speed and distance travelled. Vehicle prototype examples include cars, shuttle/mini buses and trucks, which are being tested on private test tracks and public roads. However, most jurisdictions still require a human driver "*on stand-by and ready to take over control of the vehicle*" (Germany).

Of particular note:

- In 2017, China completed a private trial on highways in Beijing at speeds of up to 100 kilometres per hour.
- In 2016, Spain tested both velocity management, passing and lane-changing procedures for 600 kilometres.
- In 2016, Ukraine reportedly tested a self-driving military armoured car.
- In 2017, UK's 'Autodrive' conducted testing of an Emergency Vehicle Warning, Intersection Collision Warning and an In-Vehicle Signage feature.
- In 2017, Russian technology companies, Cognitive Technologies and Rosselmash, have been conducting tests for driverless combine harvesters.
- In 2017, a Californian county began testing two driverless EasyMile shuttle buses on public roads without a steering wheel, breaks, accelerator or human operator.

3. **Government policy: The majority of jurisdictions' governments have expressed statements in favour of developing driverless vehicle technologies.**

The majority of jurisdictions (**22 out of 33**) surveyed have provided government policy statements and documents that encourage the continued development of driverless vehicles. Driverless vehicle technologies have been described as a "*key area… in the digital industrial revolution*" (Hungary) and recently, the UK Queen's speech in 2017 stated the "*Government's positive attitude toward driverless vehicles and infrastructure improvements*" (UK).

However, this outlook is tempered by the recognition of the need for "*a common framework of rules at an international level*" (Italy) and that "*one of the most important challenges for the implementation of these technologies, is the regulatory adjustment that must precede the use of these vehicles*" (Spain).

In addition, the broader issue of ethics behind driverless vehicles has been addressed in a recent German Federal Ministry report. The moral difficulty lies in the fact that dilemmatic decisions cannot be standardized in such a way to replace or anticipate the decision of a responsible human driver with the moral capacity to make correct judgments. As a driverless car will calculate a course of action based on data, data utilisation and security will also take on "*a new dimension as a result of autonomous driving*" (Germany).

It is clear that developments in automation technology are forcing governments to reflect on policies at both a national and international level.

4. **Liability: Potential liability issues associated with autonomous cars are not yet uniform, and therefore may require separate considerations of civil, criminal and product liability.**

At the time of our Survey, no jurisdiction had specific laws as to insurance or liability in the context of driverless and automated vehicles. However, the United States provided one example where the State of New York requires proof of insurance for at least USD $5 million prior to testing a driverless vehicle. Also, we note that the States of Michigan and Nevada have enacted laws that allocate liability when a third party modifies an automated vehicle or automated driving system without the manufacturer's consent.

As such, drivers, testing companies and manufacturers of driverless vehicles are all subject to general rules of civil (negligence, tort law), product and/or criminal liability to varying degrees of application. While Hungary requires the vehicle developer to undertake full liability for all damages caused by the use of an autonomous vehicle for development purposes, other countries such as Japan do not hold car manufacturers as solely liable for all damages. It is generally suggested that liability is borne by the insurer, unless for example, "*an owner makes unauthorised alterations to the vehicle or fails to maintain critical software updates*" (UK).

Some jurisdictions have begun to address the issue of driverless vehicle liability and insurance. For example, the Italian Government will have until 29 August 2018 to issue one or more legislative decrees aimed at regulating "*the installation on vehicles of the so-called "black boxes" or other similar electronic systems… in order to create technological platforms of an integrated urban development*" (Italy). Furthermore, in the UK, it is anticipated from the Queen's Speech of June 2017 that detailed proposed provisions to the new Automated and Electric Vehicles Bill "*will contain provisions regarding the liability and insurance regime for driverless cars*" (UK).

We hope you find the Survey interesting and informative.

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Argentina

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Completion date	15 December 2017

1. Driverless Vehicles			
Question			**Argentina**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	Both. The National Traffic Law No. 24,449 and its regulatory decree No. 779/95 (together, the "Traffic Law") regulates vehicles and traffic at a national level. Also, at the federal level, the National Commission on Transport Regulation ("CNRT") is the national regulatory authority competent to issue rules and policies on traffic and has the power to issue ordinances and resolutions regulating several requirements that need to be met by vehicles circulating in Argentina (e.g., the obligation to comply with safety measures). Provincial authorities (such as the Transportation Secretariat of the City of Buenos Aires) are entitled to regulate traffic in their respective provincial level, defining local traffic policies, restrictions on the circulation of certain types of vehicles in specific hours/days, sanctions, etc.
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if so, please specify.	No.
	(iii)	Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	No.

1. Driverless Vehicles			
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**?		Regulations are silent on the issue of testing driverless vehicles on public roads. However, we are aware that in July 2015, the Government of the City of Buenos Aires tested driverless vehicles manufactured locally in a closed circuit belonging to the Argentine Automobile Club (not a public road).
	(i)	Does the driverless vehicle need to meet certain standards, or pass an approval process?	(i) N/A
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	N/A
	(iii)	Does the company need to obtain either a special licence or permission from a government authority?	N/A
	(iv)	Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	N/A
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	N/A
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and	N/A

1. Driverless Vehicles			
		regulations, please consider policy statements or guidelines issued by the relevant government authority.	
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	N/A
	(viii)	Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	Please refer to our response to question 1(b)(i) above.
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**?		Regulations are silent on the issue of consumers using driverless vehicles for personal use on public roads. However, from the interpretation of applicable regulations it could be understood that using driverless vehicles for personal use on public roads by consumers would be prohibited.
	(i)	Does the driverless vehicle need to meet certain standards, or pass an approval process?	N/A
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	N/A
	(iii)	Does the consumer need to obtain either a special license or permission	N/A

1. Driverless Vehicles			
		from a government authority?	
	(iv)	Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**?	N/A
	(v)	If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	N/A
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?		There are no vehicle safety rules expressly permitting, prohibiting, or restricting consumers from using driverless vehicles for personal use on public roads. Please also refer our response to question 1(c) above.
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.		Although there are no specific regulations, the use of driverless vehicles on public roads and the offering of driverless vehicles to be used in public roads in Argentina will be subject to the Traffic Law. Traffic Law provides that all vehicles in Argentina, either locally manufactured or imported, shall obtain a national license issued by the National Industry Secretariat in order to be enabled to circulate in public roads (*Licencia de Configuracion de Modelo).* On a general basis, if such license is obtained, car manufacturers, importers and/or car dealers will be subject to general consumer protection and fair trade regulations.

2. Regulatory Agencies and Policy Developments		
Question		**Argentina**
(a)	In the USA, the National Highway Traffic Safety Administration has	No, there is no similar policy nor any regulation on

2. Regulatory Agencies and Policy Developments		
	developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	automated vehicles in Argentina.
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	The government of the City of Buenos Aires has made public its support to the local development of new technologies, including the automotive industry. As explained above, in 2015 the government of the City of Buenos Aires tested driverless vehicles manufactured locally. (xv) The statements were provided in a press conference when testing such vehicles; therefore we are not able to provide a copy of the same.
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	None that we are aware of. (xvi) N/A.
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	• National Ministry of Transport. • National Commission on Transport Regulation (CNRT). • National Vehicle Safety Agency. • National Ministry of Science, Technology and Productive Innovation. • National Telecommunications Agency (ENACOM). • National Consumer Protection Agency. • National Fair Trade Law Commission. • Provincial Transportation Authorities (e.g., Transportation Secretariat of the City of Buenos Aires).

Australia

Jurisdiction	Australia
Responsible Baker McKenzie office	Sydney
Person(s) responsible for completing questionnaire	Patrick Fair, Sally Pierce
Completion date	10 January 2018

1. Driverless Vehicles			
Question			**Australia**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	Both. The Federal Government is responsible for ensuring that road vehicles are designed in such a way that they are compliant with the national standards for vehicle safety. These safety standards are documented in the Australian Design Rules, which are administered by the Federal Government under the *Motor Vehicle Standards Act 1989* (Cth) and therefore bind each of Australia's States and Territories. The Australian Design Rules are taken to be safety standards within the meaning of section 106 of the Australian Consumer Law, which is set out in Schedule 2 of the *Competition and Consumer Act 2010* (Cth). The governments of each State and Territory have jurisdiction over in-service vehicle standards, road rules, driver offences, enforcement, registration and licensing procedures. Road safety is regulated in New South Wales by the *Roads Act 1993* (NSW) and the *Road Transport Act 2013* (NSW) and the equivalent legislation in Victoria is the *Road Management Act 2004* (Vic) and the *Road Safety Act 1986* (Vic). In 1999, the National Road Transport Commission issued a set of model Australian Road Rules ("ARR**"**) in an attempt to unify road rules across the country, however there are a number of matters in the ARRs that are left to each jurisdiction. It follows that each State and Territory has implemented a modified version of the ARRs when adopting them in their jurisdiction.
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if	The State of South Australia has passed the *Motor Vehicles (Trials of Automotive Technologies) Amendment Act 2015 (SA)*, which allows motor vehicle manufacturers to test driverless vehicles or related technology on public

1. Driverless Vehicles			
		so, please specify.	roads. The legislation achieves a level of government oversight over the tests by granting the Minister a wide discretion to authorise trials on a case-by-case basis. In August 2017, the State of New South Wales passed the *Transport Legislation Amendment (Automated Vehicle Trials and Innovation) Act* to allow the trial of highly or fully automated vehicles in a pre-approved trial area. The trial area may be all roads in New South Wales. A default condition for approved trials is that a person approved by the Minister must remain inside the highly or fully automated trial vehicle at all times and be ready to take control if necessary. Neither the Federal government nor the governments of any of the remaining States or Territories have issued regulations specifically related to driverless vehicles. At present, the industry relies on Commonwealth, State and Territory exemptions that are granted on a case-by-case basis. However, the National Transport Commission ("NTC**"**) has commenced lobbying the Federal government for regulatory reforms that it contends are necessary to facilitate the legal entry of automated vehicles into the Australian market. The NTC's key projects are set out below. In May 2016, the NTC released a discussion paper on regulatory options for automated vehicles and in November 2016 followed a policy paper setting out the NTC's recommendations for regulatory reform. The Transport and Infrastructure Council, which comprises all of the Australian Transport Ministers, has approved all eight recommended actions outlined in the policy paper and charged the NTC with delivering the recommended regulatory reform agenda. These are described more fully in our response to question 2(a).
	(iii)	Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	Yes, the NTC has adopted the SAE International Standard J3016 for classifying automated vehicles.
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or		On a general note, current laws do not permit driverless vehicles to use public roads unless a human driver has

1. Driverless Vehicles			
	restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**?		proper control of the vehicle. However, States and Territories have road traffic exemption powers to allow testing of automated vehicles on public roads. They can also close roads to the public during testing. Notwithstanding the above, as mentioned in our response to question 1(a)(ii), enabling legislation has been passed in South Australia and New South Wales to facilitate the testing of driverless vehicles. To test driverless vehicles or related technology on a public road in each of these States, the criteria set out in our responses to question 1(b)(i) -(vii) below applies.
	(i)	Does the driverless vehicle need to meet certain standards, or pass an approval process?	Ordinarily a vehicle should meet the standards set out in the Australian Design Rules, however the Minister has the power to grant to the person proposing to undertake the trial, or the vehicle being tested, an exemption from the operation of any law the Minister deems appropriate.
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	There is no requirement for vehicles to be equipped with specific hardware or software, unless the Minister imposes a condition of this kind when providing his or her ministerial approval in respect of the trial.
	(iii)	Does the company need to obtain either a special licence or permission from a government authority?	Prior ministerial approval of the trial, in the form of an authorisation notice or order published in the Gazette, must be obtained. The Minister will determine the scope of the trial by deciding the areas in which it will be conducted, the duration of the trial, and whether any conditions are to be imposed on the trial. In New South Wales, the Minister will determine whether a vehicle must be registered or not for the purposes of the trial, or alternatively requires an unregistered vehicle permit.
	(iv)	Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	Ministerial approval will only be granted if public liability insurance has been obtained and such insurance covers death or bodily injury and damage to property. The New South Wales legislation specifies that the public liability insurance must be for at least $20 million, or such larger amount as the Minister may require in a particular case.
	(v)	If the company's driverless vehicle is	Under the common law doctrine of negligence, a manufacturer company will be liable for damages on the

1. Driverless Vehicles			
		involved in an automobile collision, will the company be liable for all damages associated with that collision?	basis that the manufacturer owes a duty of care to users to safeguard against the foreseeable risks of injury when testing or using the driverless vehicle for its intended purpose.
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	The South Australian legislation provides that within six months of the completion of each trial, the Minister must prepare a report for the Parliament's consideration. Parliament will examine the report to determine if South Australian law requires further development in order to facilitate future trials. In New South Wales, there is an express obligation on approved trial applicants to notify the Minister of any collisions, accidents or incidents associated with the trial that could have caused property damage, serious injury or death.
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	The provisions of the South Australian and New South Wales legislation are not expressly limited in scope to trials of driverless vehicles on public roads only.
	(viii)	Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	Yes, there are tests taking place on public roads in Australia. • In November 2015, a modified Volvo XC90 using driverless software was trialled on the Southern Expressway in South Australia, carrying passengers at speeds of up to 70 kmh during a series of demonstration runs. Several other trials are planned for South Australia, including transfers between Adelaide Airport's terminal and the long-term carpark using an automated shuttle bus. These trials are to be funded from the State Government's *Future Mobility Lab Fund* for the development of autonomous vehicle technology. • In Western Australia, the Royal Automobile Club (RAC) is presently trialling a driverless, electric shuttle bus in South Perth called the RAC Intellibus. It is a fully autonomous (level 4) vehicle and the trial involves a number of stages, each of increasing levels of complexity. • Western Australia is also testing driverless taxis with

1. Driverless Vehicles		
		NAVYA and the RAC. The trials have been publicly disclosed and booking a driverless taxi as part of the tests will reportedly be available to the public in 2018. • In November 2017 the Northern Territory government completed a six-month trial deployment of a driverless passenger vehicle in Darwin called the EasyMile EZ1. The driverless vehicle transported visitors between two precincts on a repeat loop. • During the course of 2017, in partnership with the Victorian State Government, Transurban commenced trialling a range of automated vehicles on the Monash-CityLink-Tullamarine corridor. The trials will collect data about how automated vehicles respond and interact with the road environment, including tunnels, road works, congestion, electronic speed signs and line markings. • In August 2017, the New South Wales government commenced work with HMI Technologies, the NRMA, Telstra, IAG and Sydney Olympic Park to conduct a two-year trial of a driverless shuttle bus. A comprehensive summary of the trials that are taking place throughout Australia can be found at: http://www.austroads.com.au/drivers-vehicles/connected-and-automated-vehicles/trials.
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**? (i) Does the driverless vehicle need to meet certain standards, or pass an approval process? (ii) Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions. (iii) Does the consumer need	In order to legally drive a vehicle on a public road in Australia, consumers must comply with the relevant driver licensing and vehicle registration requirements of each State and Territory. These requirements are generally consistent nationwide (i.e., all States and Territories have the same licence classes and it is an offence in each to drive an unregistered vehicle or a vehicle that does not display official identification plates). In NSW, Roads and Maritime Services, a body constituted under the *Transport Administration Act 1988* (NSW), is the authority responsible for driver licensing and vehicle registration. There are no regulations that are specific to the use of driverless vehicles by consumers in Australia. We have therefore not responded specifically to questions 1(c)(i) - (v) inclusive. However, the vehicle safety rules that apply to regular vehicles, as well as the road rules that apply to consumers driving them, will be relevant.

1. Driverless Vehicles		
	to obtain either a special license or permission from a government authority? (iv) Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**? (v) If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?	For vehicles to be registered, they must meet applicable standards including the ADRs for vehicle safety (e.g., headlamps, mirrors, and brakes), theft resistance, and emissions. The standards apply to vehicles newly manufactured in Australia or imported as new or second hand vehicles and supplied to the Australian market. In NSW, Roads and Maritime's Department for Vehicle Standards and Investigations is responsible for conducting investigations into compliance with the ADRs. While the ADRs do not currently contemplate driverless vehicles, they will continue to apply to automated vehicles that require a human driver to monitor and intervene if requested.
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	In May 2016, the NTC released a discussion paper on regulatory options for automated vehicles, which identifies key issues based on a comprehensive legal audit of Australia's Commonwealth, State and Territory legislation. After considering more than 80 submissions, in November 2016 the NTC released a policy paper setting out its recommendations for regulatory reform to support automated vehicles in Australia, with the aim to achieve clarity around the status and regulation of automated vehicles on Australia's roads. The NTC's recommendations are discussed in more detail in our response to question 2(a) below.

2. Regulatory Agencies and Policy Developments		
Question		**Australia**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	In November 2016, the NTC published its policy paper titled, *"Regulatory Reforms for Automated Road Vehicles."* setting out its findings and recommendations in response to a 12 month investigation into the potential regulatory barriers to driverless vehicles in Australia. The Transport and Infrastructure Council, which brings together Commonwealth, State and Territory Ministers with responsibility for transport and infrastructure issues, has subsequently endorsed the following policy recommendations made by the NTC: 1. Supporting on-road trails: The NTC proposed the development of national guidelines to support a consistent approach to on-road field testing and trials in Australia. In May 2017, the NTC (in collaboration with Austroads) released the *"Guidelines for trials of automated vehicles in Australia"*. The guidelines aim to provide clear guidance to trialling organisations on how autonomous vehicles can be tested on public roads. Where a trialling organisation requires an exemption or permit to carry out a trial on Australian roads, the relevant road transport agency must by satisfied that the organisation has addressed each issue set out in the guidelines. 2. Review of the exemption powers: The NTC recommended that State and Territory road and transport authorities review their exemption powers to ensure they have sufficient powers to undertake and manage on-road trials of automated vehicles, with a view to implement any necessary legislative amendments to their current exemption powers in 2018. 3. Clarifying the meaning of "control" and "proper control": The NTC proposed to develop national enforcement guidelines in collaboration with State and Territory police agencies in order to clarify the regulatory concepts of "control" and "proper control" for partial, conditional, highly, and fully automated vehicles. In November 2017, the NTC released the *"National enforcement guidelines for automated vehicles"* which have been approved by the Transport and Infrastructure Council. The guidelines confirm

2. Regulatory Agencies and Policy Developments		
		that the human driver is responsible for complying with road traffic laws when a vehicle has conditional automation engaged at a point in time. 4. Safety assurance: For vehicles that do not require a human driver for some or all of the time, the NTC proposed to develop a national performance-based assurance regime that assesses the safety of vehicles against agreed safety criteria, in conjunction with removing legal barriers. The NTC is currently carrying out a regulatory impact assessment on the legislative options to underpin any such safety assurance system and intends to commence consultation with industry on these options in the first half of 2018. 5. Clarifying the meaning of "driver" and "driving": The NTC proposed that legislative reform options be developed to clarify the application of current driver and driving laws to automated vehicles, such that they ensure that the law applies equally to an ADS entity and imposes legal obligations on them. 6. Review of insurance schemes: The NTC recommended that State and Territory governments review their compulsory third party and national injury insurance schemes to identify any barriers to accessing these schemes by occupants of an automated vehicle, with a view to implementing legislative amendments in 2018. 7. Access to data and privacy: The NTC proposed to develop options to manage government access to automated vehicle data for the purposes of efficient enforcement of traffic laws and determination of insurance claims, while simultaneously balancing access to vehicle data with sufficient privacy protection.
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless	Australia's transport ministers, though the Transport and Infrastructure Council, have agreed on the strategic priority of preparing for the deployment of driverless vehicles in Australia. The Transport and Infrastructure Council's regulatory intentions in relation to driverless vehicles are documented in the National Policy Framework for Land Transport Technology, which is underpinned by a 3 year action plan. A complete copy of the National Policy Framework and Action Plan can be

2. Regulatory Agencies and Policy Developments		
	vehicles? (i) If so, please provide a copy of the statements.	accessed here. Austroads is also working closely with key government and industry stakeholders via its "Connected and Automated Vehicle (CAV) Program" to drive the establishment of frameworks necessary to support the use of driverless vehicles on Australian roads. In August 2017, the Standing Committee on Industry, Innovation, Science and Resources issued a report titled *"Social issues relating to land-based automated vehicles in Australia"*. The report explores social issues that may follow the introduction of driverless vehicles in Australia. Its findings identify the benefits of automated vehicles as reduction in road accidents, as well as greater mobility for people. On the other hand, the report raises concerns about the apportionment of liability where an accident or incident takes place, as well as loss of employment for drivers.
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	At the time of writing, no.
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	• Federal: Department of Infrastructure and Regional Development. • Australian Capital Territory: Transport Canberra and City Services. • New South Wales: Smart Innovation Centre, Transport for New South Wales. • Northern Territory: Department of Infrastructure, Planning and Logistics. • Queensland: Department of Transport and Main Roads. • South Australia: Department of Planning, Transport and Infrastructure. • Tasmania: Transport, Department of State Growth. • Victoria: VicRoads. • Western Australia: Department of Transport.

Austria

Jurisdiction	Austria
Responsible Baker McKenzie office	Vienna
Person(s) responsible for completing questionnaire	Lukas Feiler, Franz Josef Arztmann
Completion date	8 December 2017

1. Driverless Vehicles			
Question			**Austria**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	In Austria, vehicles are primarily regulated at the Federal level. The *Austrian Motor Vehicles Act 1967*, a federal law that binds persons in each of Austria's federal provinces (Länder), regulates how motor vehicles have to be designed and equipped, registration and licensing procedures, international motor transport traffic, and compulsory civil liability insurance relating to accidents caused by motor vehicles. The *Austrian Motor Vehicles Act 1967* has been specified by a regulation of the federal government, the *Automatic Driving Regulation*. Road safety and road rules as well as driver offences and enforcement are regulated by the federal *Austrian Road Traffic Act 1960* and is also binding in all of Austrian's federal provinces.
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if so, please specify.	The *Austrian Motor Vehicles Amendment Act,* that was passed in 2016, allows certain driving tasks to be conferred from the driver to an automated or interconnected driving system. The *Automatic Driving Regulation* has been passed by the Federal Ministry for Traffic, Innovation and Technology to further elaborate on the Amendment Act. The *Automatic Driving Regulation* allows the testing of advanced driverless vehicles and related technologies on public roads. At the moment, the regulation allows the testing of the following use cases only: highway pilot with lane change assistant, self-driving minibuses, and self-driving military vehicles. However, more use cases are expected to be added to the regulation in the future. The Ministry for Traffic, Innovation and Technology, based on the advice of a committee of experts, decides on a case-by-case basis whether testing will be approved and issues

1. Driverless Vehicles			
			a permission for the testing, for a specific time period. The Ministry for Traffic, Innovation and Technology has furthermore published a *Code of Practice* to clarify measures to be taken by testing motor vehicle manufacturers and organisations in order to ensure security when testing automated and interconnected vehicle technologies on public roads.
	(iii)	Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	No, there has not been an adoption of the automation levels set out in SAE J3016 in any national legal act. However, the *Code of Practice* that has been published by the Ministry for Traffic, Innovation and Technology (see our response to question 1(a)(ii) above) refers to the five levels of automatization that are similar to the levels set out in SAE J3016.
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**?		Automobile manufacturers, system developers and research institutes are permitted to test driverless vehicles on public roads by the *Austrian Motor Vehicles Act 1967* and the *Automatic Driving Regulation*. However, testing may only be conducted in the specific use cases of highway pilot with lane change assistant and self-driving minibuses. Self-driving military vehicles may be tested by the Ministry of Defence and Sport exclusively.
	(i)	Does the driverless vehicle need to meet certain standards, or pass an approval process?	Yes, certain criteria has to be met. Systems can be tested on public roads only if they have been sufficiently tested before (between 300 and 10,000 test km, depending on the use case). This has to be proven to and approved by the Minister for Traffic, Innovation and Technology. The testing is limited to a certain time period and has to be covered by civil liability insurance.
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	Yes, test vehicles have to be equipped with data recorders for collisions. Furthermore, they have to be equipped with an emergency mechanism that is able to deactivate the system in order for the driver to take over control in a critical situation.
	(iii)	Does the company need to obtain either a special licence or permission from a government	Yes, prior approval by the Ministry for Traffic, Innovation and Technology must be obtained.

1. Driverless Vehicles			
		authority?	
	(iv)	Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	Yes. The testing has to be covered by civil liability insurance. Written confirmation of such insurance must be carried at all testing times.
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	Yes, unless the collision is caused by an inevitable event. Every test has to be covered by civil liability insurance that covers damages.
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	Planned tests must be notified to all competent territorial authorities (federation, states, municipalities) the test area as well as to competent road maintenance entities at federal, state, or municipality level. If special infrastructure is needed (e.g., special traffic light switch), competent authorities must be contacted for approval.
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	No. Austrian regulations on testing of driverless vehicles do not apply to testing on private property.
	(viii)	Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	Yes, there are tests taking place and have been publicly disclosed. Tests are currently conducted by the following companies: 1. MAGNA STEYR ENGINEERING AG & CO KG (MSE): testing of highway pilot with lane change assistant 2. AUDI AG: testing of highway pilot with lane change assistant 3. Salzburg Research Forschungsgesellschaft mbH: testing of a self-driving minibus

1. Driverless Vehicles		
		4. AVL-List GmbH: testing of highway pilot with lane change assistant 5. Kompetenzzentrum - Das virtuelle Fahrzeug Forschungsgesellschaft mbH: testing of highway pilot with lane change assistant
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**?	There are no regulations that are specific to the use of driverless vehicles by consumers in Austria. However, according to current Austrian law, driverless vehicles may only be tested (and used) on public roads by automobile manufacturers, developers of systems and research institutes. Therefore consumers are not allowed to use driverless vehicles for personal use on public roads. We have not responded specifically to question 1(c)(i) – (v) inclusive, as there are no regulations that are specific to the use of driverless vehicles by consumers in Austria.
	(i) Does the driverless vehicle need to meet certain standards, or pass an approval process?	
	(ii) Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	
	(iii) Does the consumer need to obtain either a special license or permission from a government authority?	
	(iv) Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**?	
	(v) If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with	

1. Driverless Vehicles		
	that collision?	
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?	According to current Austrian law, driverless vehicles may only be tested on public roads by automobile manufacturers, developers of systems and research institutes. Therefore consumers are not allowed to use driverless vehicles for personal use on public roads.
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	As part of a package of measures called the *Action Plan Automatization*, the Ministry for Traffic, Innovation and Technology published a *Code of Practice* in August 2017 that identifies key issues and recommendations. This *Code of Practice* is discussed in more detail in our response to question 2(a) below.

2. Regulatory Agencies and Policy Developments		
Question		**Austria**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	Yes, the Ministry for Traffic, Innovation and Technology has developed a *Code of Practice*, which is, however, considerably shorter than that of the National Highway Traffic Safety Administration. The paper groups the policy findings and recommendations into three main topics: 1. General Requirements: security measures, insurance obligation, cooperation with competent authorities and institutions, public relations, cooperation with fire brigade, emergency ambulance and police, and contact point for automated driving 2. Requirements for Test Drivers, Test Conductors, and Test Assistance: requirements for driver's license, training of test drivers and test conductors, duration of the testing, and test assistance 3. Requirements for the Vehicle: general requirements, maturity level of tested technologies, data recording, data protection, net security, processes for take over of automated/interconnected systems, error warning, and software level

2. Regulatory Agencies and Policy Developments		
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	The Ministry for Traffic, Innovation and Technology, in 2016, published an action plan for automated driving that covers the years of 2016, 2017, and the beginning of 2018, committed to promote automated driving in Austria through a process that includes all stakeholders in order to improve the overall transport system in Austria as well as support research programs (such as it has already done with programs like IKT der Zukunft and Mobilität der Zukunft). The action plan can be accessed at https://www.bmvit.gv.at/service/publikationen/innovation/mobilitaet/downloads/automatisiert.pdf
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	At the moment, testing of driverless vehicles is limited to three use cases. It is foreseen that more use cases will be added to the *Automatic Driving Regulation* according to demand and upon recommendation of a panel of experts.
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	• Ministry for Traffic, Innovation and Technology regulates at the Federal level. • The governors of each Federal province (Länder) regulates each respective province.

Belgium

Jurisdiction	Belgium
Responsible Baker McKenzie office	Brussels
Person(s) responsible for completing questionnaire	Daniel Fesler, Gregory Lebrun
Completion date	16 October 2017

1. Driverless Vehicles			
Question			**Belgium**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	Both. While mobility, transport and road safety are generally regulated at a Federal level, it has been increasingly under control of regional authorities since 2011. At the Federal level, road traffic is regulated by the *Royal Decree of 1st December 1975 on general regulation of road traffic police and the use of the public road* ("*Road Traffic Code*"). The technical conditions that vehicles must comply with are set forth by the *Act of 1 June 1985 relating to the technical conditions which every ground transportation vehicle on soil, its elements and its security accessories should conform with.* The *Royal Decree of 15 March 1968 on general regulation of the technical conditions which motor vehicles, their trailers, their elements and their security accessories should be conform with,* implements these conditions. The Regions are competent to amend the *Road Traffic Code* with respect to speed limits, road signalling, maximum authorised vehicle load, and dangerous and exceptional transports. They are also competent to regulate automobile inspection, as well as the regulation of monitoring of driving schools and driving examination centres for the issuance of driving licenses.
	(ii)	Has your jurisdiction issued regulations related	No Belgian hard law has been enacted at the moment. All the applicable regulations still concern 'car with

1. Driverless Vehicles		
	to driverless vehicles at any of these levels, and if so, please specify.	drivers in it'. The issue of autonomous cars, rather than driverless ones, is covered by the *Code of Practice for Testing Autonomous Vehicles in Belgium ("Code of Practice for testing in Belgium")* , which was published by the Federal Mobility Public Department in September 2016. It is based on the *Pathway to Driverless cars: A Code of Practice for Testing* compiled by the UK Department for Transport in July 2015. It lists the minimum conditions to guarantee road safety and minimise risks.
	(iii) Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	The automation levels set out in SAE J3016 have not been adopted in a Belgian hard law instrument at the moment. However, the *Code of Practice for Testing Autonomous Vehicles in Belgium* refers to those standard levels.
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**? (i) Does the driverless vehicle need to meet certain standards, or pass an approval process?	There is no specific regulation providing for standards that driverless cars need to meet. Therefore, testing driverless vehicles on public road is restricted by the standard requirements that every vehicle must respect to be put into circulation. *The Code of Practice-for Testing Autonomous Vehicles in Belgium* reminds that all planned tests must comply with the relevant legislation and that the company has to make sure that the vehicles involved are roadworthy, meet all the relevant requirements, and can be used in a way that is compatible with road traffic legislation prevailing in Belgium. At the international level, the *Vienna Convention on Road Traffic of 8 November 1968* provides that: "Every moving vehicle or combination of vehicles shall have a driver." It also states that "Every driver shall at all times be able to control his vehicle." These provisions are repeated in the *Road Traffic Code*. At the national level, several additional regulations are in place. Vehicles on the road have to be registered as required by the *Royal Decree of the 20th of July 2001 regarding the vehicles registering.* A car has to receive administrative authorization, have its identification included in a register, and be ascribed a registration

1. Driverless Vehicles			
			number. The technical condition the vehicle must meet are set in *The Royal Decree of 15 March 1968 on general regulation of the technical conditions which motor vehicles and their trailer, their elements and their security accessories should be conform with.*
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	The *Code of Practice for Testing in Belgium* provides that the automated vehicle being tested should be equipped with a data recording device that is capable of recording data from sensor and control systems linked to the automated functionalities, including other information associated with the vehicle's movements. It lists the minimum information that the device has to record. The code also provides that the vehicle sensor and control systems should be sufficiently developed to be capable of responding appropriately to all types of road users that may be encountered during the test.
	(iii)	Does the company need to obtain either a special licence or permission from a government authority?	The *Code of Practice for Testing in Belgium* states that, at the Federal level, an application form must be completed and filed to serve as an assessment tool by the Transport and Mobility Federal Service. Moreover, the use of the infrastructure is subject to regional authorizations. The Code provides that communication-related initiatives shall be coordinated with the competent authorities with regards to: - a clarification of the nature and details of the planned tests - where appropriate, the possible consequences of these tests for other road users, including the measures that have been taken to mitigate any risks - any and all "instructions" that may be issued to onlookers. It also provides the following: "once the necessary permits have been obtained and no less than 2 working days prior to the start of the trials, the testing organisation shall notify the police by e-mail of the times and locations of the test drive and of the registration data

1. Driverless Vehicles			
			of the test vehicles at a specified police e-mail address."
	(iv)	Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	*The Code of Practice for Testing in Belgium* states that all statutory requirements regarding the matters of insurance apply. This implies that under the *Law of the 21 November 1989 regarding the mandatory insurance of the liability concerning motor vehicles*, anyone conducting a test must be covered by civil liability insurance. According to this law, vehicles are allowed on the public road only if the civil liability they may cause is covered by an insurance policy that is in conformity with the law and that has not been suspended. The insurance must have been taken out by the owner of the vehicle. If the insurance was subscribed by another person, the owner's obligation is suspended during the term of this contract. In addition to such mandatory insurance, accessory guarantees can be subscribed to. They are not mandatory and their purpose is to indemnify the policyholder. For example the "omnium policy" covers losses in the case of theft, fire, damages, or any other such legitimate risk, which would be specifically included in the contract. Omnium policies normally apply even when the policyholder's liability in the accident causing the fire or the damages to the car is at stake. Insurers can however refuse to cover losses when they were caused by the policyholder's serious fault or gross negligence (e.g., driving under the influence, serious speeding offence, etc.).
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	There are three liability issues associated with autonomous cars. The first aspect concerns the issue of who will bear civil liability: the driver, its employer, and/or the owner of the car. The company could therefore be liable in one way or the other. The second aspect is related to criminal liability. In Belgium, criminal liability is personal. This means that a company cannot be held accountable for a collision resulting from the fault of a driver piloting a driverless car. Moreover, criminal liability must always arise from a demonstrated fault, which could be the fault of the driver but also that of another person such as a pedestrian or a

1. Driverless Vehicles			
			cyclist. A company could however face criminal liability if it appears to have put a defective car on the road, acting negligently or violating the law. The last aspect is related to the liability for a defective product. The Napoleon Civil Code, in force in Belgium, makes the manufacturer, importer, or even the supplier of parts of the vehicle liable for all damages resulting from a defect in the product delivered by them. This applies in both B-to-C and a B-to-B contexts. Hence, the company could be held liable if it qualifies as a manufacturer or importer of the car or parts thereof.
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	*The Code of Practice for Testing in Belgium* provides that during all tests, a driver has to be in the car. Even in a fully automated vehicle, the driver must have the capacity to resume manual control at any time. In some specific situations, the presence of a driver is not mandatory (please see our response to question 1(b)(vii) below). A test operator is also required. This is the person who oversees the testing of an automated vehicle. He must not be seated in the vehicle but must be at all times be able to override the automated operation of the vehicle. His presence is even more important when there is no test driver in the car.
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	The requirements differ according to the type of private property. Relevant for this distinction are two types of private properties. If it is a private property accessible to the public (e.g., a private field accessible to public), the above requirements will apply, nonetheless with a specificity – if the vehicle does not go over a speed of 30 kmh, the test can be conducted without a driver. In this case, monitoring by a test operator is mandatory. On the contrary, if the private property is not accessible to the public, no requirement need be met (save for the general obligation of prudence and diligence).
	(viii)	Are there any tests taking place? If so: (A) Have the tests been publicly	The AON insurance company conducted a test with 30 vehicles equipped with automated driving systems on 14 September 2016. This event was reported by the press.

1. Driverless Vehicles			
		disclosed? (B) Who is conducting the tests?	
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**?		
	(i)	Does the driverless vehicle need to meet certain standards, or pass an approval process?	The restrictions and standards applicable to consumers and the relevant vehicles are the same as the ones described in our response to question 1(b)(i) above.
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	The use of driverless vehicles by consumers is not regulated per se in Belgium. The same requirements as those mentioned in the *Code of Practice for Testing in Belgium* would theoretically apply to the use of driverless cars by consumers.
	(iii)	Does the consumer need to obtain either a special license or permission from a government authority?	No special license or permission is available for consumers to use driverless cars.
	(iv)	Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**?	As explained in our response to question 1(b)(iv), the *Act of 21 November 1989 regarding the mandatory insurance of the liability concerning motor vehicles* applies to the operation of any car on the road.
	(v)	If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	No. The consumer will only be liable if he acted negligently in driving the car or did not respect traffic regulations.

1. Driverless Vehicles		
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?	*The Vienna Convention on Road Traffic of 8 November 1968* and the *Road Traffic Code* restricts consumers from using driverless vehicles for personal use on public roads since they provide that " Every moving vehicle or combination of vehicles shall have a driver." It also states that "Every driver shall at all times be able to control his vehicle."
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	N/A

2. Regulatory Agencies and Policy Developments		
Question		**Belgium**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	The *Code of Practice for Testing in Belgium* can be regarded as such a similar policy.
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	The Belgian Federal Minister of Mobility, presented to the United Nations on 22 February 2017 his plan to make Belgium the European centre of new technology regarding autonomous vehicles. He said, "The United Nations, through the Vienna Convention should allow the use and development of the autonomous vehicles at their highest level of autonomy as from 2020. That is the reason why Belgium has filed an amendment project to article 8 of the Vienna Convention, in order to allow driverless cars." The Minister also stated that he would like to identify more clearly the liability issues when accidents occur.
(c)	Are there new laws or regulations being proposed in your	Even though no concrete regulation has been proposed yet, there is a strong will for progress in this field both at

2. Regulatory Agencies and Policy Developments		
	jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	the national and European level. As mentioned in our response to question 2(b) above, the Federal Minister of Mobility strongly supports the development of automated vehicles and participated actively to the elaboration of the *Code of Practice for Testing in Belgium.* At the European level, private actors in the telecommunication and automobile sector including Belgian ones, have formed an alliance, called European Alliance of Telecoms and Automobile (EATA), to coordinate the Member States' initiatives concerning automated vehicles. These initiatives could progressively lead to the adoption of a European regulation in this area.
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	As explained in our response to question 1(a)(i) above, depending on the subject matter, the Federal Mobility Public Department and/or the Regions will have the regulatory authority over driverless vehicles.

Brazil

Jurisdiction	Brazil
Responsible Baker McKenzie office	São Paulo
Person(s) responsible for completing questionnaire	Flavia Rebello, Henrique Frizzo, Gabriela Paiva Morette, Caroline Gonçalves, Alexandre Jabra
Completion date	October 27, 2017

1. Driverless Vehicles			
Question			**Brazil**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	Both. There are federal laws determining guidelines for traffic, such as the Brazilian Traffic Code (CTB) and other specific mandatory aspects of vehicles such as gas emissions. Also, at the federal level, CONTRAN (the National Traffic Council), which is the regulatory authority competent to issue rules and policies on traffic, has the power to issue ordinances and resolutions regulating several requirements that need be met by vehicles manufactured in Brazil (e.g., the obligation to have ABS and airbags). State and Municipal authorities (such as the departments of traffic - DETRANs - and secretariats) are entitled to regulate traffic in their respective federative level, defining local traffic policies, restrictions on the circulation of certain types of vehicles in specific hours/days, etc.
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if so, please specify.	No.
	(iii)	Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	No.
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT		Regulations are silent on the issue of testing driverless vehicles on public roads. In practical terms, we are aware that an autonomous car

1. Driverless Vehicles			
	companies) from **testing** driverless vehicles on **public roads**? (i) Does the driverless vehicle need to meet certain standards, or pass an approval process?		programmed by a public university in the State of Espírito Santo (UFES), in May 2017, travelled a distance of 74 km on public roads in Brazil. Also, information regarding other tests conducted by universities, such as the University of São Paulo (USP) can be found online. However, most of these tests are performed in private spaces or at least inside a university campus. (i) N/A
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	N/A
	(iii)	Does the company need to obtain either a special licence or permission from a government authority?	N/A
	(iv)	Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	N/A
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	N/A
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines	N/A

1. Driverless Vehicles			
		issued by the relevant government authority.	
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	N/A
	(viii)	Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	Please refer to our response to question 1(b)(i) above.
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**?		Regulations are silent on the issue of consumers using driverless vehicles for personal use on public roads.
	(i)	Does the driverless vehicle need to meet certain standards, or pass an approval process?	N/A
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	N/A
	(iii)	Does the consumer need to obtain either a special license or permission from a government authority?	N/A
	(iv)	Does the consumer need	N/A

1. Driverless Vehicles			
		to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**?	
	(v)	If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	N/A
(d)		In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?	There are no vehicle safety rules permitting, prohibiting, or restricting consumers from using driverless vehicles for personal use on public roads.
(e)		Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	Although there are no specific regulations, the use of driverless vehicles on public roads and the offering of driverless vehicles to be used in public roads in Brazil will be subject to general Brazilian laws, including consumer protection rules. Consumer protection, in Brazil, has its basis in the Federal Constitution and in federal, state, and municipal legislation. The main rule applicable to consumer protection matters is *Federal Law No. 8.078/1990* (the *Consumer Defense Code* or the "*CDC*"). Its rules address, among other matters: (a) product recall requirements; (b) consumer rights; (c) a liability regime covering liability for failure to ensure the quality and safety of products and services (legal warranties); (d) offer, presentation, and advertising requirements; (e) protection of consumer personal data; and (f) abusive practices and clauses. The *CDC* also includes rules on civil procedure for individual and collective claims, including class actions, as well as administrative and criminal sanctions. The *CDC* is a very protective law, which treats consumers as a "vulnerable party." Likewise, it is a public order rule, which is applied regardless of the parties' intention and even if a foreign law governs the relationship. The *CDC* sets forth that the offer and presentation of

1. Driverless Vehicles		
		products and services must contain correct, clear, and accurate information (always in Portuguese) about the characteristics, quality, quantity, composition, price, warranty, validity, and origin, among other data, as well as information of the hazards that they may cause to consumer health and safety. It is a very broad requirement, which is understood to oblige suppliers to provide all information that is necessary for consumers to make an informed decision when buying a certain product. The supplier, therefore, bears the burden of duty to inform consumers through documents, manuals, labels, packages, and advertisements of the products offered in Brazil. Furthermore, in regards to consumer health and safety, Article 10 of the *CDC* establishes a general product safety recall requirement, indicating that the supplier of products or services who, subsequent to the introduction of its products or services into the market, identifies the existence of unforeseen risks, shall immediately communicate such fact to competent authorities and warn consumers through advertising notices.

2. Regulatory Agencies and Policy Developments		
Question		**Brazil**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	N/A
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles?	N/A

2. Regulatory Agencies and Policy Developments		
	(i) If so, please provide a copy of the statements.	
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	N/A
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	• National Traffic Council (CONTRAN) has regulatory authority to issue rules and policies on traffic. • National Department of Traffic (DENATRAN) supervises and executes the rules defined by CONTRAN. • Ministry of Science, Technology, Innovation and Communications (MCTIC) • National Telecommunications Agency (ANATEL) • National Institute of Metrology, Quality and Technology (INMETRO) • National Consumer Secretariat (SENACON)

Canada

Jurisdiction	Canada
Responsible Baker McKenzie office	Toronto
Person(s) responsible for completing questionnaire	Jonathan Cocker
Completion date	15 December 2017

1. Driverless Vehicles			
Question			**Canada**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	Both.
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if so, please specify.	There is no current federal law enabling automated driving. Legislative power for laws on automated driving principally arises at the provincial/territorial level based upon constitutional law interpretations, which licence cars and drivers for use of roads within each province or territory There may be certain issues for which federal law can be relevant: • Transport Canada, the federal department responsible for transportation, has jurisdiction over interprovincial transportation safety, but does not licence vehicles generally. • The federal *Motor Vehicle Safety Act* ("*MVSA*") sets safety standards for vehicles. • The federal *Criminal Code* requirements for the safe operation of a motor vehicle would also be relevant to automated driving as they prohibit dangerous and careless driving.
	(iii)	Has your jurisdiction adopted the automation levels set out in SAE	Yes. *The Ontario Regulation 306/15 Pilot Project - Automated Vehicles, Highway Traffic Act, R.S.O. 1990,*

1. Driverless Vehicles		
	J3016 for the purpose of defining "driverless vehicle"?	*c. H.8* ("*Ontario Pilot Project*") has adopted these levels.
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**? (i) Does the driverless vehicle need to meet certain standards, or pass an approval process?	The only law enabling automated driving in Ontario is the *Ontario Pilot Project*. Under the *Ontario Pilot Project*, manufacturers of "automated vehicles," along with technology companies, academic and research institutions, auto parts makers, and automated systems companies may submit applications to the Ministry of Transportation for the opportunity to test their automated vehicles in the test project. The *Ontario Pilot Project* requires that a driver be present in the driver's seat of any test pilot automated vehicle at all times.
	(ii) Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	There are no legal requirements currently mandating specific equipment or software under the *Ontario Pilot Project*.
	(iii) Does the company need to obtain either a special licence or permission from a government authority?	Yes. The company must be approved under the *Ontario Pilot Project*.
	(iv) Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	No federal law mandates driver insurance requirements. No fault insurance would mean the driver is deemed liable and their insurance company will be obligated to compensate for harm suffered by the driver and their vehicle. Mandatory insurance is required for third-party damages under Ontario no-fault scheme. The mandatory insurance is required in order to register a vehicle for road traffic. It therefore only covers vehicles which can be and have been registered for road traffic. The minimum third party damage coverage is currently

1. Driverless Vehicles			
			CAD $200,000, though it is common within the industry for drivers to be insured for claims up to CAD $1,000,000. Claims in excess of this coverage are potentially the subject of civil tort claims, for which damages for actual loss in excess of the insurance proceeds can be sought.
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	Anyone who culpably contributed to the accident is liable. Car manufacturers would be liable for both prosecution under the *MVSA* and a form of strict liability in the event the automated vehicles were deemed to be non-compliant with *MVSA* standards.
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	In addition to the above and general safety obligations for vehicles the following requirements must be satisfied: • any prescribed federal *MVSA* requires for automated driving systems • compliance with SAE Standard J3016 • a mechanism that easily disengages automated driving system • safety alerts for driver if system fails and causes driver to take control or stops the vehicle
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	The above requirements apply to *Highway Traffic Act* public roads only and don't apply to private property.
	(viii)	Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	1) Under the *Ontario Pilot Project*, manufacturers of "automated vehicles," along with technology companies, academic and research institutions, auto parts makers, and automated systems companies may apply to the Ministry of Transportation for the opportunity to test their automated vehicles in the test project. We understand that the following three companies ultimately applied to participate in the *Ontario Pilot Project*: • The University of Waterloo will be operating a Lincoln MKZ hybrid sedan, dubbed Autonomose. • The Erwin Hymer Group, an international

1. Driverless Vehicles		
		automaker with a research centre in Waterloo, will be testing a Mercedes-Benz Sprinter Van. • BlackBerry QNX will test a 2017 Lincoln and will be developing its software in association with the pilot project. 2) Transport Canada is conducting an eco-technology initiative focused on studying new and environmentally beneficial technologies, including automated vehicles. For more information, please see https://www.tc.gc.ca/eng/programs/ecotechnology-vehicles-program.html. 3) The Motor Vehicle Safety Group of Transport Canada and the National Highway Traffic Safety Administration have a working group under the Regulatory Cooperation Council ("RCC") to conduct joint research and testing with the intention of introducing aligned requirements or directives in the longer term on automated driving. For more information, please see https://www.tc.gc.ca/eng/acts-regulations/tc-usdot-872.html. 4) The Canadian Council of Motor Transport Administrators AV Working Group is a secretariat representing all transport ministries in Canada and Transport Canada. The objectives of the working group are: • to increase knowledge and educate committee members about automated, autonomous and connected vehicles with a specific focus on the role of jurisdictions; and • to develop a road map to help Canadian jurisdictions plan a nationally harmonized regulatory framework. For more information, please see http://ccmta.ca/en/.
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**?	Registration and operation of an automated vehicle are permissible in Ontario under the O*ntario Pilot Project*, subject to all of the terms and conditions of the pilot program.
	(i) Does the driverless vehicle need to meet	The *Ontario Pilot Project* requires that a driver be present in the driver's seat of any pilot automated vehicle at all

1. Driverless Vehicles			
		certain standards, or pass an approval process?	times.
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	None are specified under the *Ontario Pilot Project*.
	(iii)	Does the consumer need to obtain either a special license or permission from a government authority?	For the operation of an *Ontario Pilot Project* vehicle, operator permission is required.
	(iv)	Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**?	No fault insurance would mean the driver is deemed liable and the driver's insurance company will be obligated to compensate for harm suffered by the driver and their vehicle. Mandatory insurance is required for third-party damages under Ontario no-fault scheme. The mandatory insurance is required in order to register a vehicle for road traffic. It therefore only covers vehicles which can be and have been registered for road traffic. The minimum third party damage coverage is currently CAN $200,000, though it is common within the industry for drivers to be insured for claims up to CAN $1,000,000. Claims in excess of this coverage are potentially the subject of civil tort claims, for which damages for actual loss in excess of the insurance proceeds can be sought.
	(v)	If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	Anyone who culpably contributed to the accident is liable. Car manufacturers would be liable for both prosecution under the *MVSA* and a form of strict liability in the event the automated vehicles were deemed to be non-compliant with *MVSA* standards.
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for		Aside from the following automated driving requirements, there are no specific activities generally required in operating a vehicle. Under the *Ontario Pilot Project*, the

1. Driverless Vehicles		
	personal use on public roads?	driver is required under section 13 to: • remain in the driver's seat and monitor the vehicle's operation (the *Ontario Pilot Project* does not define the content of this "monitoring" obligation); • carry a copy of the approval to operate the automated vehicle and present it when required by law enforcement; and • in the event of a collision or traffic stop, the driver must alert law enforcement personnel that the vehicle is being tested as part of the *Ontario Pilot Project*. While not express in the *Ontario Pilot Project*, the obligation to monitor and assume "dynamic driving tasks" can reasonably be understood as precluding "side tasks." More generally, there is a prohibition on the use of either wireless communication devices or entertainment devices while operating a vehicle under section 78.1 of the *Highway Traffic Act, R.S.O. 1990, C H.8*. We don't however believe this section would be applied to authorize automated drivers.
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	Please see our discussion of *Ontario Pilot Project* above.

2. Regulatory Agencies and Policy Developments		
Question		**Canada**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	There is no current federal law enabling automated driving.
(b)	If not, has the government or a government representative in your	In general Canada has been slow to seize opportunities presented by automated driving. For example, the federal

2. Regulatory Agencies and Policy Developments		
	jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	government tendered for possible suppliers of "human factors" related to automated vehicles and appears to have had little response. For more information, please see https://buyandsell.gc.ca/procurement-data/tender-notice/PW-16-00755308.
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	There are studies being conducted in the Province of Alberta and by the federal government. New laws are anticipated.
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	Canada-US Regulatory Cooperation Council ("RCC"), which includes the Motor Vehicle Safety Group of Transport Canada and the U.S. National Highway Traffic Safety Administration.

China

Jurisdiction	China
Responsible Baker McKenzie office	Shanghai
Person(s) responsible for completing questionnaire	Zhenyu Ruan, Cora Wu
Completion date	15 December 2017

1. Driverless Vehicles			
Question			**China**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	Vehicles are primarily regulated at the national level. The Constitution of the People's Republic of China ("PRC Constitution") provides that all administrative, judicial, and procuratorial organs of the nation are created by the National People's Congress to which they are responsible and under whose supervision they operate. Under this centralized top-down structure, the legislative power to pass laws on vehicles lies at the national level.
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if so, please specify.	No, but relevant policy documents and draft provisions have been promulgated at the national level. Please refer to our responses to questions 2(b) and 2(c) below.
	(iii)	Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	What China has adopted is not exactly the same, but fairly similar. In the draft *Guidelines for the Establishment of National Standards System of Telematics Industry (Intelligent & Connected Vehicles)* ("*Draft Guidelines*"), which was promulgated on 12 June 2017 for solicitation of public comments, it is proposed that Intelligent & Connected Vehicles ("ICVs") be categorized into the following levels: 1. Driving Assistance (DA), 2. Partial Automation (PA), 3. Conditional Automation (CA), 4. High Automation (HA), and 5. Full Automation (FA).

1. Driverless Vehicles		
		According to the *Draft Guidelines,* the above-mentioned levels are based on the widely accepted automation levels defined by SAE, but also reflect the complexity of the road conditions in China.
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**?	Testing of driverless vehicles on public roads is not permitted in China. An official from the Ministry of Industry and Information Technology ("MIIT") stated at a seminar on 19 July 2016 that the road test regulations for driverless vehicles are being formulated and road tests can only be conducted for vehicles in conformity with such regulations. As the regulations have not been issued, it is still illegal to conduct road tests in China. In addition, Article 51 under the *Highway Law of the People's Republic of China* provides that highway roads are not permitted to be used by motor vehicle manufacturers and other units as a testing ground to test the brakes of motor vehicles. Notwithstanding the lack of legal basis, special ad hoc approval for road testing is possible. To facilitate testing of driverless vehicles, China's first national-level zone for ICV testing opened in Shanghai on 7 June 2016, which was followed by approvals of six additional national-level pilot zones in Zhejiang, Jing-ji (Beijing and Hebei), Chongqing, Jilin, Wuhan, and Jiangsu. Reportedly, China is actively formulating road testing rules. In September 2017, the Equipment Industry Division of the MIIT prepared a first draft for the *Administrative Norms on Adaptability Testing of ICV on Public Roads*, and held a seminar to discuss the first draft. On 15 September 2017, an official of the National Development and Reform Commission ("NDRC") mentioned at a regular press briefing that the NDRC is coordinating among relevant authorities to formulate the road testing regulations on an expedited basis. On 7 November 2017, the director of Tongji Automobile Safety Research Institute mentioned at the 2017 World ICV Conference that China's first license for road testing of driverless vehicles is expected to be issued in June 2018.

1. Driverless Vehicles			
	(i)	Does the driverless vehicle need to meet certain standards, or pass an approval process?	Not applicable, as the road test regulations for driverless vehicles have not yet been published. On a general note, any vehicle is subject to type approval/homologation and registration requirements in China. Accordingly, driverless vehicles need to pass the same requirements unless otherwise provided by any future regulations.
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	Not applicable, as the road test regulations for driverless vehicles have not yet been published. That said, under the *Draft Guidelines*, an ICV is defined as a future generation of vehicles equipped with advanced in-car sensors, controllers, actuators, and other devices and integrated with modern communication and network technology. Such a definition is highly likely to be reflected in the technical standards to be formulated.
	(iii)	Does the company need to obtain either a special licence or permission from a government authority?	Not applicable, as the road test regulations for driverless vehicles have not yet been published. An official from the Standardization Institute of China Automotive Technology & Research Centre stated at a seminar held in June 2017 that pursuant to a proposal submitted to relevant authorities, a permission/approval scheme will be implemented for testing driverless vehicles on public roads.
	(iv)	Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	Yes, the company testing a driverless vehicle needs to obtain mandatory traffic accident liability insurance. No, such insurance requirements are applicable to any vehicle driving on roads within the territory of China. It is a type of compulsory liability insurance whereby insurance companies compensate for personal casualties or property losses caused by road traffic accidents of insured vehicles to victims other than the persons in vehicles and the insurant within a certain limit of liability.
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	Yes. The current liability regime applicable to driverless vehicles is a mix of tort liability and product liability. For a given road accident, the driver/owner who caused the accident will be held liable under the *Road Traffic Safety Law of the PRC* ("*RTS Law*") and the *Tortious Liability Law of PRC*. If the accident is a result of a defect of the

1. Driverless Vehicles			
			vehicle in question, the manufacturer of the defective vehicle will be held liable under product liability regulations. Under either scenario, the company testing the driverless vehicle will be held liable for the damages associated with the collision.
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	According to the official mentioned in our response to question 1(b)(iii) above, it is contemplated under the proposal that, before applying for the approval of testing driverless vehicles on public roads, the applicant should complete: (i) closed road trials of no less than 5,000 km, and (ii) at least 50 reality testings for each aspect to be tested on public roads. In addition, the driverless vehicle to be tested on public roads will be subject to random inspections by a third-party technical verification organization certified by the state, to ensure that the vehicle being tested is compliant with the safety requirements.
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	The requirements applicable to testing on public roads, if any, are equally applicable to testing on private property, because the traffic rules shall also apply in non-public areas. The *RTS Law* provides that traffic rules also apply to private parking areas that, although managed by an entity, allow public vehicles to pass through. For private property that is not accessible to the public, general principles of driving shall always apply (e.g., that a driver shall drive the vehicle safely and cautiously according to the traffic rules). Furthermore, the local office of the Ministry of Public Security ("MPS") (i.e., the police department in China) will also refer to the traffic rules when handling a case when an accident occurs in a non-public area.
	(viii)	Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	Yes, there are tests taking place on public roads in China, despite the MIIT official's statement referred to our response to question 1(b)(iii) above. • On 2 December 2017, four intelligent buses equipped with the Alpha Bus Intelligent Driving System (a conditional automation level system) were tested on public roads in Futian district, Shenzhen, at an average speed of 10-30 kmh and covering a distance of 1.2 km. • On 5 July 2017, Yanhong Li, the CEO of China's largest search engine Baidu, livestreamed himself

1. Driverless Vehicles		
		riding a driverless vehicle on Beijing's Fifth Ring Road, which led to a public debate on traffic regulations. Previously in December 2015, Baidu announced the completion of its first trial of the driverless vehicle on highways in Beijing, at speeds of up to 100 kmh. • In April 2016, the first long-distance testing of driverless vehicles in China was carried out by Chang'an Automobile. Two driverless cars started their journey from the southwest city of Chongqing, passing through Xi'an and Zhengzhou, and arrived in Beijing, covering a distance of nearly 2,000 km. • In September 2015, Yutong, a Chinese bus maker, announced that it had conducted a successful trial-operation of its driverless bus that covered around 32.6 km on an intercity road in central China's Henan Province. • In November 2012, the Military Transportation University carried out the driverless vehicle testing of a modified Hyundai Tucson on the Beijing-Tianjin Expressway, at an average speed of 79.06 kmh and covering a distance of 114 km.
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**? (i) Does the driverless vehicle need to meet certain standards, or pass an approval process? (ii) Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions. (iii) Does the consumer need to obtain either a special	Generally speaking, the current legal framework in China does not permit consumers to use driverless vehicles. Although there are no rules or regulations that contain an explicit prohibition, insofar as consumers are concerned, using a driverless vehicle would result in a material breach of the driver's general obligation to drive the vehicle safely and cautiously. For example: • Article 62 of the *Implementation Rules for the RTS Law* provides that the driver shall not take any actions that may interfere with the safety of driving such as using mobile phones. Based on the current administrative and judicial practice, such "actions that may interfere with the safety of driving" have been generally understood to include the act of taking one's hands off the steering wheel while driving, regardless of whether the circumstance is special. • Additionally, according to the *Driving Test Contents and Methods* (No. GA 1026-2017, a national standard issued by the MPS that is used in driving license tests), taking both hands off the steering wheel during

1. Driverless Vehicles		
	license or permission from a government authority? (iv) Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**? (v) If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	a driving test conducted in China will directly lead to failure of the test, which means the participant is not qualified. In light of the above, we have not responded specifically to questions 1(c)(i) - (v) inclusive.
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?	According to the *RTS Law*, a vehicle which is permitted to be registered shall meet the national technical standards for the safety of vehicles. Currently, there are no technical standards applicable to vehicles that allow automated or driverless driving, and thus currently it is not possible to register and operate driverless vehicles in China.
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	Unless otherwise provided under any future regulations, the rules that apply to regular vehicles and related driving behaviours will also apply to driverless vehicles.

2. Regulatory Agencies and Policy Developments		
Question		**China**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your	No, there is no similar policy in effect in China.

2. Regulatory Agencies and Policy Developments		
	jurisdiction?	
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	Yes, the development of driverless vehicles has been mentioned or referred to and is generally encouraged under various recent national policy documents such as: 1. *The Notice on China Manufacturing 2025*, issued by the State Council, is the first 10-year action plan aiming to transform China from a manufacturing giant into a world manufacturing power. Article VI(6) states that it is imperative to, among other things, grasp the core technologies for low-carbon, information-based, and intelligent automobiles. For a copy of the notice, please see http://www.gov.cn/zhengce/content/2015-05/19/content_9784.htm. 2. The *National Scientific and Technological Innovation Planning for the 13th Five Year[s] [Plan]* issued by the State Council, is the blueprint designed for technological innovation development during the 13th five-year plan (2016-2020). Article V(6) and article V(10) of chapter 2 provides that priority shall be given to the development of automated driving technology and driverless vehicle technology. For a copy of the plan (available in Chinese only), please see http://www.gov.cn/zhengce/content/2016-08/08/content_5098072.htm. 3. The *Notice on Enhancing the Production Testing and Application Management of Automated Driving Maps*, issued by the National Administration of Surveying, Mapping and Geo-information ("NASMG"), is an official notice outlining the instructions to surveying, mapping authorities and institutions, as well as automobile R&D institutions with respect to new geo-information products such as automated driving maps. Article 3 states that relevant policies with respect to automated driving maps are being studied and formulated. For a copy of the notice (available in Chinese only), please see http://xy.jxgtt.gov.cn/resource/uploadfile/xy/201603/20160325092940588.zip. 4. The *Circular on Issuing the Three-Year Implementation Plan for "Internet Plus" Artificial Intelligence*, issued by NDRC and other authorities, is the action plan that aims to promote the development

2. Regulatory Agencies and Policy Developments		
		of artificial intelligence technology and industry in China. Article III(4) states that the development and application of driverless vehicle technology to ensure the gradual maturity of driverless vehicle technology and products shall be encouraged and promoted. For a copy of the plan (available in Chinese only), please see http://www.ndrc.gov.cn/zcfb/zcfbtz/201605/t20160523_804293.html. 5. The *Standardization and Quality Improvement Plan for Equipment Manufacturing Industry* issued by the General Administration of Quality Supervision, Inspection and Quarantine ("AQSIQ"), is a plan aiming to guide the upgrading of China's equipment manufacturing industry. Article VII(6) provides that the standardization system of the ICV is being developed. For a copy of the plan (available in Chinese only), please see http://www.miit.gov.cn/n1146290/n4388791/c5180173/content.html. 6. The *Medium and Long Term Development Planning of Vehicle Industry*, issued by the MIIT, NDRC, and the Ministry of Science and Technology, is a plan designed to implement the strategy of building a world vehicle manufacturing power. The document provides that the ICV shall be a breakthrough point for industrial transformation and upgrading and that relevant technology standards shall be formulated. For a copy of the plan (available in Chinese only), please see http://www.miit.gov.cn/n1146290/n4388791/c5600433/content.html.
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	The MIIT and the Standardization Administration of China ("SAC") jointly issued the *Draft Guidelines* for public comments on 12 June 2017, which aims to establish a national system of standards for ICV, so that the standards can lead and support the development of the ICV industry. The *Draft Guidelines* contain several key points relating to driverless vehicles, including but not limited to the: 1. Definition of ICV: As mentioned in our response to question 1(b)(ii) above, an ICV is defined as a future generation of vehicles equipped with advanced in-car

2. Regulatory Agencies and Policy Developments		
		sensors, controllers, actuators, and other devices and integrated with modern communication and network technology, which are able to achieve certain goals and realize certain functions. 2. Two phases of standardization: The plan is to establish the ICV standards system in two phases including (i) a standards system supporting driver assistance and low-level automated driving by 2020; and (ii) a standards system supporting high-level automated driving by 2025. 3. Structure of the standards system**:** The ICV standards system will be based on the technological logical structure and the product physical structure. 4. Levels of automated driving: As mentioned in our response question 1(a)(iii) above, ICVs are categorized into five levels, which are similar to the SAE levels. 5. Framework of ICV standards system: The framework of the standards system for ICVs includes: (i) basic standards, (ii) general specifications, (iii) product and technology application, and (iv) relevant standards. The MIIT and SAC further jointly issued the drafts soliciting public comments for (i) the *Guidelines for the Establishment of National Standards System of Telematics Industry (Overall Requirements)*, (ii) the *Guidelines for the Establishment of National Standards System of Telematics Industry (Information Communication)*, and (iii) the *Guidelines for the Establishment of National Standards System of Telematics Industry (Electronic Products and Services)* on 25 September 2017. These draft guidelines set out the framework for formulation of standards in the Telematics/ICV industry with a view to accelerating the development of the whole industry.
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	• The Ministry of Industry and Information Technology, which administers the automobile industry and is in charge of the issuance of the type-approval/homologation of vehicle products. • The Ministry of Public Security, which administers road traffic safety and is in charge of the registration

2. Regulatory Agencies and Policy Developments		
		of vehicles. • The Ministry of Transport, which supervises road transportation and the logistic industry. • The General Administration of Quality Supervision, Inspection and Quarantine, which is responsible for compulsory certification in China. • The National Administration of Surveying, Mapping and Geo-information, which is in charge of surveying and mapping matters. • Cyberspace Administration of China, which is responsible for cybersecurity administration and regulation in China.

Colombia

Jurisdiction	Colombia
Responsible Baker McKenzie office	Bogota
Person(s) responsible for completing questionnaire	Carolina Pardo, Sandra Castillo
Completion date	8 September 2017

1. Driverless Vehicles			
Question			**Colombia**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	Both. Colombia is not a federated state but rather a centralized government state with a national central government and laws. The lower level is comprised of Departments, the equivalent of states or provinces, and districts, special geographic areas corresponding to specific cities, generally larger ones, and their respective laws. The national government, through the Ministry of Transportation, has the duty of developing policies related to vehicles in Colombia. The Ministry of Transportation has a specialized agency in charge of formulating and developing policies at a national level for road safety, which is the special administrative unit National Road Safety Agency. At the district and municipal levels, the main cities of the country also have secretaries in charge of transit and mobility, which also have the duty of developing policies at a more local level. The *National Transit Code* is a nationwide statute regulating the rules governing the driving of motor vehicles in Colombian roads and driving offenses related thereto. However, local governments in certain cities and districts, also have certain prerogatives concerning the regulation of circulation of vehicles in their territories.
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if so, please specify.	No. There have not been any legislative or regulatory developments related to driverless land vehicles. The Colombian Aeronautic Agency (Aeronáutica Civil) has issued the most relevant and recent regulation concerning driverless devices in Colombia and is related to the operation of aircrafts piloted at a distance or more commonly known as drones, by namely *Regulatory*

1. Driverless Vehicles		
		Circular No. 2 of 2015. While aeronautic regulation is certainly different to that of land motor vehicles, this regulation will certainly be studied by the Ministry of Transportation of when the policy development agenda of the said entity will include driverless vehicles.
	(iii) Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	No
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**? (i) Does the driverless vehicle need to meet certain standards, or pass an approval process?	No.
	(ii) Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	N/A
	(iii) Does the company need to obtain either a special licence or permission from a government authority?	N/A
	(iv) Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	N/A

1. Driverless Vehicles			
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	N/A
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	N/A
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	N/A
	(viii)	Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	Not that we are aware of.
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**?		There are no regulations permitting, prohibiting, or restricting consumers use of driverless vehicles for personal use on public roads.
	(i)	Does the driverless vehicle need to meet certain standards, or pass an approval process?	N/A

1. Driverless Vehicles			
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	N/A
	(iii)	Does the consumer need to obtain either a special license or permission from a government authority?	N/A
	(iv)	Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**?	N/A
	(v)	If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	N/A
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?		There are no vehicle safety rules that permit, prohibit, or restrict consumers use of driverless vehicles for personal use on public roads
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.		N/A

2. Regulatory Agencies and Policy Developments		
Question		**Colombia**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	No. The National Road Safety Agency has developed road safety policies. However, none of them focus on automated or driverless vehicles.
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	No.
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	No.
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	• Ministry of Transportation • National Road Safety Agency • National Infrastructure Agency • District and municipal secretaries, departments of transit and mobility

Czech Republic

Jurisdiction	Czech Republic
Responsible Baker McKenzie office	Prague
Person(s) responsible for completing questionnaire	Martin Hrodek, Dušan Hlavatý, and Agneša Šukolová
Completion date	15 December 2017

1. Driverless Vehicles			
Question			**Czech Republic**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	The Czech Republic is a state comprised of regions. Vehicles are primarily regulated at the state level. The most relevant regulations regarding driverless vehicles are the following: • *Act No. 13/1997 Coll.* concerns roads. • *Act No. 361/2000 Coll.* concerns road traffic. • *Act No. 56/2001 Coll.* concerns conditions for the operation of vehicles on roads. • *Decree of the Ministry of Transport No. 341/2014 Coll.* deals with the approval of technical capability and the technical conditions for the operation of vehicles on roads. • *Decree of the Ministry of Transport No. 104/1997 Coll.* deals with implementing the act on roads.
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if so, please specify.	No.
	(iii)	Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	No. However, under the applicable legal regulations, a human driver must monitor the driving environment. Therefore, it is not possible to operate an autonomous vehicle of level 3 or higher.

1. Driverless Vehicles		
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**? (i) Does the driverless vehicle need to meet certain standards, or pass an approval process?	On a general note, current laws do not permit driverless vehicles to use public roads unless a human driver has proper control of the vehicle. The road authorities may close roads for the purpose of the testing upon request. N/A
	(ii) Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	N/A
	(iii) Does the company need to obtain either a special licence or permission from a government authority?	N/A
	(iv) Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	No. There are no insurance requirements specific to driverless vehicles.
	(v) If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	The question of liability for damages associated with collision involving a driverless vehicles has not been sufficiently answered yet. It is expected to be addressed by Czech legislators as a part of the process of adopting rules specific to driverless vehicle, which has been only contemplated so far. The general rule is that liability for damages arises when there has been a breach of a statutory or contractual obligation provided that there is a causal relationship between the breach and the damages. Therefore, the manufacturer may be liable for a breach of its obligation that leads to damages. However, it may be difficult to prove that a failure of the driverless vehicle leading to

1. Driverless Vehicles			
			damages was caused by a breach of an obligation imposed upon the manufacturer. The collision may also be a result of multiple causes which may lead to multiple liabilities. Furthermore, special categories of liability for damages may be relevant such as liability for operation of vehicle.
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	N/A
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	Testing on private property is not prohibited. We are not aware of any requirements specific to testing a driverless vehicle on private property.
	(viii)	Are there any **tests** taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	To our knowledge, tests of driverless vehicles on public roads have not taken place so far. However, the following tests of intelligent transport systems have been taking place in the Czech Republic: • testing by C-Roads Czech Republic as part of the C-Roads Platform, a project co-financed by the European Union • testing by Intens Corporation
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**?		Yes, current regulations prohibit the personal use of driverless vehicles for on public roads by consumers
	(i)	Does the driverless vehicle need to meet certain standards, or pass an approval process?	N/A

1. Driverless Vehicles			
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	N/A
	(iii)	Does the consumer need to obtain either a special license or permission from a government authority?	N/A
	(iv)	Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**?	N/A
	(v)	If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	The question of liability for damages associated with collisions involving a driverless vehicles has not been sufficiently answered yet. It is expected to be addressed by Czech legislators as a part of the process of adopting rules specific to driverless vehicle, which has been only contemplated so far. The general rule is that liability for damages arises when there has been a breach of a statutory or contractual obligation provided that there is a causal relationship between the breach and the damages. Therefore, the consumer may be liable for a breach of its obligation that leads to damages. For example, the consumer may be liable for a breach of its obligation to pay full attention to the driving and monitor the situation on the road. The collision may also be a result of multiple causes which may lead to multiple liabilities. Furthermore, special categories of liability for damages may be relevant such as liability for operation of vehicle.
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for		There are no rules specific to driverless vehicles. Under the regulation applicable to road traffic and vehicles in general, the driver must pay particular attention to driving and closely monitor the road situation.

1. Driverless Vehicles		
	personal use on public roads?	While driving, the driver cannot in any way hold a telephone or other speech or recording device. Furthermore, the vehicle must comply with the technical requirements and conditions for operation on public roads set out in the applicable regulation.
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	Driverless vehicles cannot be used on public roads except for public roads that have been closed by the relevant road authority. The closure of the road may be subject to conditions set out by the road authority.

2. Regulatory Agencies and Policy Developments		
Question		**Czech Republic**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	No.
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	In 2015, the Ministry of Transport issued an *Action Plan for the Deployment of Intelligent Transport Systems* (*ITS*) *in the Czech Republic until 2020* (with the prospect of 2050). It is available at https://www.mdcr.cz/getattachment/Dokumenty/Strategie/ITS/Akcni-plan-rozvoje-inteligentnich-dopravnich-syste/001-ap-its-main-document.pdf.aspx. In 2017, the Ministry of Transport indicated that it would support construction of a circuit for testing of driverless vehicles and the motorway between Brno (Czech Republic) and Bratislava (Slovakia) could be also used for testing of driverless vehicles in cooperation with Slovakia. The motorway between Ústí nad Labem (Czech Republic) and Dresden (Germany) could be also used for testing of driverless vehicles. A group of experts has been established within the Czech government to discuss the conditions of such testing in cooperation with the

2. Regulatory Agencies and Policy Developments		
		Automotive Industry Association. In 2017, Ivan Pilný, the Czech Minister of Finance, declared that BMW contemplates building a test centre for autonomous cars in the Czech Republic (either in Ústí nad Labem or Karlovy Vary region). The city of Ústí nad Labem contemplates to order a feasibility study relating to use of autonomous buses in its public transport system. Investment Group Accolade contemplates building a test circuit in the Western Bohemia.
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	No.
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	• Ministry of Transport of the Czech Republic • Czech Telecommunications Office • Czech Office for Personal Data

France

Jurisdiction	France
Responsible Baker McKenzie office	Paris
Person(s) responsible for completing questionnaire	Arnaud Cabanes, Pierre-Edouard Pivois, and Magalie Dansac Le Clerc
Completion date	11 September 2017

1. Driverless Vehicles			
Question			**France**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	France is a centralized state with administrative authorities administrative governments at local levels. Vehicles are regulated at the state level. French local authorities do not have legislative power regarding automated driving.
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if so, please specify.	The only regulation related to driverless vehicles to date is *Ordinance n° 2016-1057 dated 3 August 2016* ("*Ordinance*"), which was ratified on 1 February 2017. The *Ordinance* enables the experimentation of partially or fully automated driving (délegation partielle ou totale de conduite) on public roads. Its entry into force is subject to a decree that has not been enacted yet.
	(iii)	Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	In the *Report for the Président de la République* related to the *Ordinance*, it is explicitly stated that the automation levels set out in SAE J3016 were used to define "driverless vehicle" to mutualize results of experiments and follow international standards, such as the Association Française de Normalisation ("AFNOR") and International Organization for Standardization ("ISO"). Given the current state of the legislation, we understand that the *Ordinance* should cover vehicles defined by Society of Automotive Engineers ("SAE") from levels 2 to 5. In the *Ordinance*, "driverless vehicle" is translated as "a partially or fully automated driving (vehicle)" (véhicule à délegation partielle ou totale de conduite).
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT		The above-mentioned *Ordinance* enables large-scale testing on a case-by-case basis. Testing on public roads will require ministerial authorization issued by the Ministry of Transportation that is granted if conditions, which have

1. Driverless Vehicles		
	companies) from **testing** driverless vehicles on **public roads**? (i) Does the driverless vehicle need to meet certain standards, or pass an approval process?	yet to be defined (the relevant decree has not been issued yet and we don't know when it will be published), are fulfilled. It follows that testing may not be conducted on public roads in France.
	(ii) Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	The above-mentioned Ordinance does not require that the vehicle be equipped with specific hardware or software but it will be subject to the conditions defined by the Decree.
	(iii) Does the company need to obtain either a special license or permission from a government authority?	Pursuant to article 3 of the above-mentioned *Ordinance*, experiments on public roads are subject to administrative authorization issued by the Ministry of Transportation after legal notice is given to the Ministry of the Interior, and if necessary to all other relevant authorities.
	(iv) Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	There are no specific insurance requirements applicable to driverless vehicles to date. But the future decree related to the above-mentioned *Ordinance*, when enacted, may create a specific mandatory insurance policy applicable to driverless vehicles. Article L. 211-1 of the *Insurance Code* is drafted in broad terms. The insured person can be a legal entity and the definition of a ground vehicle does not make reference to any technical characteristic. Thus, the mandatory insurance regime does not exclude automated or driverless vehicles by principle. However, article L. 211-1 specifically makes reference to "person keeping or driving" the vehicle. The *Insurance Code* shall be modified to cover SAE levels 4 and 5. Please note that insurance is mandatory for third-party damages under the *Insurance Code*, article L. 211-1 et al. In the case where there has been damage to goods, article A 211-1-3 provides that the maximum sum of damages is EUR 1.12 million but unlimited when damage is to persons. Please also note that, in France, there is an insurance

1. Driverless Vehicles			
			pool for road traffic accidents. Article L. 421-1 provides that the Guarantee Fund for Mandatory Damage Insurances ("Fonds de garantie des assurances obligatoires de dommages") compensates victims for damages to persons and goods arising from road traffic accidents. It intervenes only when the liable person is unknown, insured, or the insurer is partially or totally insolvent.
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	The above-mentioned *Ordinance* does not deal with liability. There has not been any other legislative initiative regarding automated or driverless driving so far. However, *Law n° 85-677* dated 4 July 1985 sets a specific liability regime applicable to victims, including drivers, of traffic accidents. It provides for a strict liability regime that applies to traffic accidents involving ground motor vehicles and that occur on a public road. Articles 3, 4, 5, and 6 of *Law n° 85-677* cover both damages to goods and persons (i.e., the driver and non-drivers who are in and out of the vehicle, such as passengers, pedestrians, cyclists, as well as third parties who are affected indirectly because of the damage suffered by the direct victim). Article 2 provides that the driver or the person who was in the use, direction, or control of the vehicle is liable. Please note that Articles 1245 to 1245-17 of the *Civil Code* provides for a strict product liability regime for defective products, implementing *EU Directive* dated 25 July 1985. This legal framework may apply in the specific context of a traffic accident that could have been caused by a technical failure of the vehicle and provides that the liable person may file a claim against the vehicle manufacturer.
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	As explained in article 3 of the *Ordinance*, the decree to be enacted must to have a full understanding of modalities and conditions under which a driverless vehicle can be tested on public roads. There are no guidelines nor policy statements that have been published to date.
	(vii)	Would any of the above	The Government has not enacted any regulations or

1. Driverless Vehicles			
		requirements apply to testing on private property? If so, please specify which requirements.	requirements which specifically addresses driverless vehicles on private property. Nevertheless, testing on private property still exists (see our response to question 1(b)(viii) below). In addition, some articles of the *French Traffic Regulations Code* ("*FTRC*") should be applicable to automated or driverless vehicles. Article R. 110-1 provides that the *FTRC* applies to all roads open to public traffic. According to case law it applies to parking areas (Cour de cassation ruling dated 12 June 1968), including private parking areas which are accessible to public traffic (Rennes Court of Appeal, ruling dated 17 June 2009, no. 08/02202). Thereby, the same rules apply to public and private parking areas open to public traffic. Also, article R. 412-6 of the *FTRC* could affect automated or driverless parking to the extent that it requires any moving car to have a driver who retain or is able to take control over the vehicle. As a consequence, regardless of how automated a parking system is, a driver must be in the car and have or be able to take control over it. However, parking assistance systems comply with the French legal framework since the drivers are able to take control over the vehicle. Yet the *FTRC* does not apply to private parking areas which are not open to public traffic.
	(viii)	Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	(A) The *Report for the Président de la République* related to the above-mentioned *Ordinance* details the national context of experimentations and the companies who are already testing or are planning to do so, in the public or private sector. France has now a solid background on driverless vehicles testing within the country and Europe mainly thanks to manifestations and publications of private companies. (B) Several demonstrations on private sites such as conferences, exhibitions, and so forth already exist in France. The first private market in the country is expected to be created with plans of building an internal service of transportation based on driverless vehicles at the Électricité de France's 's Caveaux site. Partially or fully automated driving has also been tested on public roads ("délegation partielle ou totale de

1. Driverless Vehicles		
		conduite"). Thus, under the *7th Framework Program for Research and Development*, the objective of the CATS project was to test, between 2010 and 2014, transport systems adapted to serve low density peri-urban areas that are difficult to serve by conventional systems similar to those at Illkirch in France and in two others European countries. Illkirch saw the testing of precisely self-contained electric vehicles capable of carrying up to eight people (a "groom" driver and 7 passengers), created by INDUCT (now NAVYA), and which can be used in three modes: collective; self-service; or convoy. Also, several experiments were carried out in La Rochelle within the framework of this European project. Most recently, driverless electric minibuses, built by ROBOSOFT and operated by PROXIWAY, were disclosed. They transported passengers over a distance of 1.6 km on public roads at speeds of 15/20 km/h. During the World Congress of Intelligent Transport Systems ("le congrès mondial des systèmes de transports intelligents") in Bordeaux from 5 to 9 October 2015, several demonstrations of partially or fully driverless vehicles on open roads were organized for the first time: • Two demonstrations of passenger shuttles, one by NAVYA and the other by EASYMILE; • Two demonstrations of fully automated driving on a low-density, pre-defined circuit of an urban type, one presented by IRT VEDECOM and the other by AKKA; • A demonstration of automatic tracking on urban highway presented by VALEO. Since this occasion, new experiments have been conducted or are underway, including intensive tests on a motorway for automatic tracking, speed regulation, and overtaking by PSA-Peugeot-Citroën, Renault, and VALEO. Moreover, new experiments of autonomous passenger transport shuttles ("*navettes de transports de passagers autonomes*") are taking place in Sophia-Antipolis, which is being conducted by EASYMILE and in Lyon, a NAVYA experiment which has just been authorized.

1. Driverless Vehicles		
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**?	In order to legally drive a vehicle on a public road in France, consumers must comply with driver licensing and individual vehicle registrations requirement through the local state representatives (Préfets). There are no regulations that are specific to the use of driverless vehicles by consumers in France. We have therefore not responded to questions (i) to (v) inclusive. However, the vehicle safety rules that apply to regular vehicles, as well as the road rules that apply consumers driving them, will be relevant until future adaptations. In this context, it should be noticed, under article R. 412-6 of the *FTRC*, that the driver shall constantly be in the state and position of performing conveniently and without delay all maneuvers required of him/her. It can be inferred from these provisions that drivers must have or be able to take control over their vehicle. Pursuant to the applicable European regulation, *Regulation (EU) 2015/758*, all vehicles sold in France from 31 March 2018 onward will have to be equipped with an eCall in-vehicle system device which automatically dials 112 in the event of a serious road accident, deploys airbags, and impacts sensor information. The vehicle owner has the right to use a third party service supported ("TPS") eCall in-vehicle system providing a similar service, in addition to the 112-based eCall in-vehicle system.
	(i) Does the driverless vehicle need to meet certain standards, or pass an approval process?	
	(ii) Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	
	(iii) Does the consumer need to obtain either a special license or permission from a government authority?	
	(iv) Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**?	
	(v) If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?	Registration of a vehicle is subject to prior approval based on vehicle type. Under the *Administrative Order* dated 4 May 2009 on type-based approval, rules are carried out in compliance with the *Vehicle Framework Directive 2007/46/EC* ("*VFD*") dated 5 September 2007.

1. Driverless Vehicles		
		Pursuant to article 9 of the *VFD*, type approval is granted only if the type of vehicle meets the technical requirements specified by the regulatory acts listed in Annex IV of the *VFD*. In light of the regulatory acts listed in Annex IV, cars that allow highly automated or fully automated driving (SAE levels 4 and 5) do not meet the technical requirements for type approval. In fact, the fallback performance of dynamic driving and/or the full-time performance of all aspects of dynamic driving on roads and in natural environmental conditions by an automated driving system are incompatible with some of these technical requirements. For example, both SAE levels 4 and 5 require that steering is fully performed by the automated driving system, without any need for human driver intervention. However, this is incompatible with the requirements for type approval. Pursuant to Annex IV of the *VFD*, cars must comply with the steering equipment requirements provided in *UNECE Regulation No. 79*. According to article 1.2.2 of this regulation, it does not apply to autonomous steering systems, which is defined as "a system that incorporates a function within a complex electronic control system that causes the vehicle to follow a defined path or to alter its path in response to signals initiated and transmitted from off-board the vehicle. The driver will not necessarily be in primary control of the vehicle." As a consequence, cars that allow highly automated or fully automated driving (SAE levels 4 and 5) cannot get type approval nor be registered in France. On the contrary, cars that allow conditional automated driving (SAE level 3), i.e., cars with which the steering, acceleration, and deceleration tasks of which are performed by an automated driving system, but the fallback dynamic driving of which is performed by the human driver, may meet the technical requirements for type approval. For example, advanced driver assistance steering systems, which are defined as systems additional to the main steering system, that provide assistance to the driver in steering the vehicle but in which the driver

1. Driverless Vehicles		
		"remains at all times in primary control of the vehicle" (UNECE Regulation No. 79, article 2.3.4) may be allowed, provided that they comply with the requirements laid down in the UNECE Regulation No. 79. Thus, whether cars allowing for conditional automated driving (SAE level 3) comply with the technical requirements for type approval and whether they may get type approval is assessed on a case-by-case basis.
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	The French Data Protection Authority (Commission Nationale de l' Informatique et des Libertés or "CNIL") is currently compiling a connected car compliance package, which aims to create a consolidated approach to data protection for all of the relevant participants involved in the area of connected cars and connected car services. The future compliance package is developed in cooperation with 70 market players, most notably from the automobile industry, innovative companies from the insurance and telecommunications sector, and public authorities, to propose guidelines for responsible use of data in the next generations of cars. On 3 October 3 2016, during the Paris Motor Show, the CNIL unveiled for the first time a look into its work on this new compliance package on connected vehicles launched in March 2016. For more information (in French only), please see https://www.cnil.fr/fr/vehicules-connectes-pour-une-utilisation-responsable-des-donnees. The challenge according to the CNIL is to implement a "privacy by design" approach to ensure data protection rights from the design phase of the products, and ensure transparency and control by individuals of their data. Such an approach allows the relevant stakeholders to comply with the *General Data Protection Regulation*, which will be applicable from 25 May 2018. The CNIL's working method consists of using the same evaluation grid as the one used for the compliance package on smart grids. It includes the following: • "IN -> IN" scenario: The data collected in the vehicle remain in that vehicle and are not shared with the service provider (e.g., an eco-driving solution that processes data directly in the vehicle in order to show eco-driving tips in real time on the vehicle's

1. Driverless Vehicles		
		dashboard). • "IN -> OUT" scenario: The data collected in the vehicle are shared outside of the vehicle for the purposes of providing a specific service to the individual (e.g., when a pay-as-you-drive contract is purchased from an insurance company). • "IN -> OUT -> IN" scenario: The data collected in the vehicle are shared outside of the vehicle to trigger an automatic action in the vehicle (e.g., in the context of a traffic solution that calculates a new route after an accident has occurred). The work is expected to be completed in the course of 2017. However, the CNIL has already explained the following: • All data that may be attributed to an identified or identifiable individual, the vehicle license plate number, or the vehicle serial number are personal data protected by the *French Data Protection Act* (e.g., the number of miles driven, the driving style, etc.). • The compliance package is intended to raise awareness amongst the automotive sector's economic operators on the transparency and loyalty principles when collecting personal data. Data subjects shall at least be informed of the processing and give their consent where applicable. • Stakeholders should adopt a privacy by design approach from the start of the design process (e.g., implementation of dashboards enabling users to control their data). The CNIL encourages stakeholders to choose the "IN -> IN" scenario that involves processing personal data locally (i.e., within the vehicle), without any transfer to the service provider. The complete compliance package should provide a practical grid sets forth which data may be used, for how long, and for which purpose.

2. Regulatory Agencies and Policy Developments		
Question		**France**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	The is no similar policy in France. Some important government initiatives that deal with automated driving should however be noted are as follows: • *New Industrial France Programme*: This aims at determining France's new industrial policy priorities. It is based on nine industrial solutions, one of which is eco-mobility and deals most notably with automated driving. It also contains a plan, which is not yet binding, for modernising France's production tools. It entails the call for projects, loans, tax incentives and training scheme for employees. For more information please see http://www.economie.gouv.fr/files/files/PDF/web-dp-indus-ang.pdf. • Government (Ministry of Economy) has launched *France IA*, a program comprised of several working groups. One of them is committed to the autonomous vehicle. For more information, please see https://www.economie.gouv.fr/files/files/PDF/2017/Rapport_synthese_France_IA_.pdf. • The public investment bank, BPI France granted a EUR7.4 million public subsidy to UTAC CERAM in order to develop a testing center for autonomous cars.
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	The French Government seems to be favorable to the development of driverless vehicles in France and Europe (see our response to question 2(b)(i) below). The restriction created by the *Ordinance* only exists to protect the safety of individuals and build a beneficial environment for all related actors. In the *Report for the Président de la République* related to the *Ordinance* dated 3 August 2016, as displayed in the text below, the interest of the government on this issue is demonstrated. "*The driverless vehicles contribute to improve road safety, reduce traffic congestion, provide access to territories, which is a major component of their attractiveness and dynamism, and the implementation of the rights of transportation for everyone, and in general, leads to improvements in the quality of life.* *The industrial plan "Autonomous Vehicle" ("Véhicule*

2. Regulatory Agencies and Policy Developments		
		autonome") is built around six priority stakes whose point 5 [is] *"To evolve the regulatory and normative framework in order to enable experimentation and then the availability of the driverless vehicles on the market".* *The two actions associated with this point, "To evolve the regulatory and normative framework for experimentation" and "Elaborate the regulatory and normative framework in order to enable the implementation on the market", are guided by the inter-administrative group composed of the Directorate-General for Enterprise (Ministry of Economy, Industry and Digital Affairs), the Delegation for Road Safety and Traffic and the Directorate-General for the National Gendarmerie (Ministry of the Interior), three Directorates of the Ministry of the Environment, Energy and the Sea (Directorate-General for Energy and Climate, Directorate-General for Infrastructure, Transport and Sea and Directorate for Legal Affairs) and the National Agency for the Security of Information Systems, in liaison with the industrial players.* *As a result of R&D work in laboratories and on dedicated sites closed to public traffic, tests of driverless vehicles on open roads to public traffic are necessary to confirm their level of safety, to test their social acceptance, to study their integration in the existing transport system and assess their performance. Therefore, the legislative and regulatory frameworks have to evolve to allow these experiments to take into account the requirements of road safety, existing and future standards and feedback.* *In order to facilitate the pooling of experiments' results, the roadmap plans for the elaboration of standards and norms for testing as well as the proposal for standards and standardization of components, vehicles and tests, in link with AFNOR and ISO for the purpose of placing it on the market.*" For the full text (available only in French), please see https://www.legifrance.gouv.fr/affichTexte.do;jsessionid=3027E801DCEBD6F769C5D25C7ACBDB66.tplgfr22s_3?cidTexte=JORFTEXT000032966690&categorieLien=id.

2. Regulatory Agencies and Policy Developments		
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	No
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	• Ministry of Transports, Ministry of the Interior at the state level • Préfets (local state representatives) • Agence nationale des titres sécurisés, the administrative body under the administrative supervision of the Ministry of the Interior and specifically in charge of the French Central Vehicle Register (Système d'information des véhicules)

Germany

Jurisdiction	Germany
Responsible Baker McKenzie office	Frankfurt
Person(s) responsible for completing questionnaire	Ulrich Ellinghaus
Completion date	15 October 2017

1. Driverless Vehicles			
Question			**Germany**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	Vehicles are primary regulated at the Federal level.
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if so, please specify.	Yes, Germany has amended its *Road Traffic Act* (*Straßenverkehrsgesetz* – "*StVG*"), which now explicitly covers "motor vehicles with highly or fully automated driving functions".
	(iii)	Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	Not explicitly. However, the automation levels "highly automated" and "fully automated" correspond to SAE automation levels 3 and 4.
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**?		Testing of driverless vehicles could be permitted by the competent authorities, by issuing a special permit. But we expect that such permit would only be granted if a human is present in the vehicle and able to take over control at any time.
	(i)	Does the driverless vehicle need to meet certain standards, or pass an approval process?	

1. Driverless Vehicles			
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	Driverless driving is currently not permitted (other than potentially for testing purposes) and not within the scope of the *Road Traffic Act*. According to the *Road Traffic Act*, highly or fully automated vehicles must store the position and timing of any change of control between the human driver and the highly or fully automated system.
	(iii)	Does the company need to obtain either a special licence or permission from a government authority?	If a permit were to be issued for testing driverless vehicles, it would be subject to conditions to ensure the health and safety of traffic participants.
	(iv)	Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	In the absence of the possibility to operate driverless vehicles, there are no particular provisions on insurance requirements.
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	There is no special regulation for liability that applies to collisions involving driverless vehicles. General principles will apply.
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	Such requirements will be set forth in a special permit that is issued on a case-by-case basis. Conditions will mainly aim to ensure the safe operation of the driverless vehicle, which will most likely include the requirement that a human driver must be on stand-by and ready to take control over the vehicle when necessary.
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	No, if the private property is not accessible to other drivers. However, safe operation will have to be ensured by the employer, as a general requirement under the occupational health and safety legislation.

1. Driverless Vehicles		
	(viii) Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	To our knowledge, no. The industry is concentrating on highly and fully automated vehicles.
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**?	Yes, such use is not possible.
	(i) Does the driverless vehicle need to meet certain standards, or pass an approval process?	Driverless vehicles would need a type approval, which cannot be granted to driverless vehicles based on existing regulations.
	(ii) Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	N/A
	(iii) Does the consumer need to obtain either a special license or permission from a government authority?	N/A
	(iv) Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**?	N/A
	(v) If the consumer's driverless vehicle is involved in an automobile	N/A

1. Driverless Vehicles		
	collision, will the consumer be liable for all damages associated with that collision?	
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?	Only type approved vehicles may be used on public roads.
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	N/A

2. Regulatory Agencies and Policy Developments		
Question		**Germany**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	The Federal Ministry of Transport and Digital Infrastructure has published a *Strategy for Automated and Connected Driving*, which can be downloaded at http://www.bmvi.de/SharedDocs/EN/publications/strategy-for-automated-and-connected-driving.html. It pursues other activities including holding "Round Table Automated Driving" and establishing an Ethics Commission that published a report on automated and connected driving. This report is available at http://www.bmvi.de/SharedDocs/EN/publications/report-ethics-commission.html.
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless	See above.

2. Regulatory Agencies and Policy Developments		
	vehicles? (i) If so, please provide a copy of the statements.	
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	No.
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	• The Federal Ministry of Transport and Digital Infrastructure • Kraftfahrt-Bundesamt ("KBA").

Hong Kong

Jurisdiction	Hong Kong
Responsible Baker McKenzie office	Hong Kong
Person(s) responsible for completing questionnaire	IT/C - Paolo Sbuttoni, Marcia Lee Dispute Resolution - Susan Kendall, Benjamin Lau
Completion date	21 December 2017

1. Driverless Vehicles			
Question			**Hong Kong**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	N/A
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if so, please specify.	No
	(iii)	Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	No

1. Driverless Vehicles		
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**? (i) Does the driverless vehicle need to meet certain standards, or pass an approval process?	The applicable regulations in Hong Kong do not specifically permit, prohibit, or restrict companies from testing driverless vehicles on public roads, as they were not drafted with the concept of driverless vehicles in mind. • Type approval, registration, and licensing Generally speaking, under the *Road Traffic Ordinance* (Cap. 374 of *Laws of Hong Kong*) ("*RTO*"), all vehicles used on any road shall be registered and licensed. Prior to registration, a new vehicle model must be examined and approved by the Transport Department of Hong Kong to ensure its roadworthiness before vehicles of the same model can be registered in Hong Kong. This approval process is known as "type approval." Schedule 1 of the *RTO* provides a list of "Classes of Vehicle," which must be stated on the application for type approval. However, the list does not appear to accommodate for driverless vehicles, as the term "private car" is defined as "a motor vehicle constructed or adapted for use *solely for the carriage of a driver* and not more than 7 passengers and their personal effects but does not include an invalid carriage, motor cycle, motor tricycle, or taxi." [Emphasis added]. • Movement Permit Alternatively, prior to type approval, registration, and licensing, a Movement Permit can be obtained to conduct road tests for vehicles in general. A Movement Permit relates to a vehicle which is: (a) not licensed, (b) not normally used on a road and driven on a road only for the purpose of proceeding from one site to another, and (c) would allow the vehicle to be used in Hong Kong for a limited time on a restricted route.
	(ii) Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be	Generally speaking, there is no requirement for vehicles to be equipped with specific hardware or software. In relation to driverless vehicles, a Transport and Housing Bureau spokeswoman mentioned in October 2016 that "hardware and software advancements are likely to be

1. Driverless Vehicles			
		equipped with a data recorder for collisions.	needed before such [driverless] systems can be put into general use by the public, to achieve the long-term goal of utilisation of driverless vehicles in real traffic conditions." For the full article, please see http://www.scmp.com/news/hong-kong/economy/article/2024445/hong-kong-not-ready-trial-driverless-cars-government-says.
	(iii)	Does the company need to obtain either a special licence or permission from a government authority?	Currently, there is no specific licence or permission issuable from the Government for testing of driverless vehicles. Until the regulations are amended to specifically provide for driverless vehicles, the general requirements mentioned in our response to question 1(b)(i) will apply. In a press release dated 31 October 2017, a spokesperson for the Transport Department said that permits for conducting trials of autonomous vehicles on local roads were "considered on a case-by-case basis".
	(iv)	Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	There are no insurance requirements specific to driverless vehicles. Under the *Motor Vehicles Insurance (Third Party Risks) Ordinance* (Cap. 272 of *Laws of Hong Kong*), there is a statutory obligation to have valid insurance covering third party risks. In relation to Movement Permits, the vehicle must still be covered by insurance required by the *Motor Vehicles Insurance (Third Party Risks) Ordinance*, as if the vehicle were registered and licensed in accordance with the *RTO*. An applicant for a Movement Permit must produce a certificate evidencing valid third party risk insurance.
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	Under the common law doctrine of negligence, a manufacturer will be liable in damages if it has breached the duty of care it owes users to safeguard against the foreseeable risks of injury when testing or using a driverless vehicle for its intended purpose.
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads.	As mentioned above, there are no specific requirements relating to testing driverless vehicles on public roads.

1. Driverless Vehicles			
		In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	There are no specific requirements relating to testing driverless vehicles on private property. It should be noted that under section 118 of the *RTO*, virtually all regulations made under the *RTO* shall apply to private roads.
	(viii)	Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	In a press release dated July 2017, the West Kowloon Cultural District ("WKCD") announced that it is testing one driverless vehicle in Hong Kong. WKCD said it will carry out a series of tests to ensure the autonomous vehicle gives optimum performance under all circumstances and in different weather conditions and that WKCD would subsequently produce and submit a comprehensive report to the Transport Department. In a press release dated 31 October 2017, it was reported that several trials of self-driving vehicles have been conducted in the WKCD, as well as the Science Park in Shatin and the Zero Carbon Building in Kowloon Bay. During the 2017 Hong Kong Formula E motor racing event held on 2 and 3 December 2017, a driverless vehicle "DevBot" developed by UK company Roborace completed several laps of the race circuit in a "human vs machine" race, first with a human driver and then in full autonomous mode. The aim of the test was to see whether the vehicle in full autonomous mode could complete a lap quicker than when driven by a human driver. In press releases dated 31 October and 16 November 2017, it was reported that engineers from the Hong Kong University of Science and Technology have developed a driverless car with an autopilot system that senses its environment. However, after consultation with the Transport Department, they were not permitted to test it on Hong Kong roads, due to strict road regulations and concerns with insurance policies. As such, testing will be conducted across the border in Shenzhen, PRC.

1. Driverless Vehicles		
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**?	The applicable regulations in Hong Kong do not specifically permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads, as they were not drafted with the concept of driverless vehicles in mind.
	(i) Does the driverless vehicle need to meet certain standards, or pass an approval process?	In order to legally drive a vehicle on a public road in Hong Kong, consumers must comply with the driver licensing, vehicle registration, licensing and examination requirements, and insurance requirements.
	(ii) Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	There are no regulations that are specific to the use of driverless vehicles by consumers in Hong Kong. We have therefore not responded specifically to questions (i) - (v) inclusive. However, the vehicle safety rules that apply to regular vehicles as well as the road rules that apply to drivers will be relevant.
	(iii) Does the consumer need to obtain either a special license or permission from a government authority?	
	(iv) Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**?	
	(v) If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?	Before a new vehicle model can be registered in Hong Kong, the model must undergo type approval, namely examination and approval by the Transport Department to ensure its roadworthiness. The objective is to pre-scrutinize the design and construction of a new vehicle model and offer a sample check service on the essential

1. Driverless Vehicles		
		features of the new vehicle model to confirm that the vehicle conforms to relevant regulations before the new vehicle model can be offered for sale and subsequently registered in Hong Kong. According to Section 24 of *RTO*, the Commissioner for Transport may refuse to register a motor vehicle based on a number of grounds, including for the vehicle not being roadworthy or not complying with vehicle design standards.
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	According to the Transport and Housing Bureau, driverless technology is not yet developed enough to justify the government facilitating trials in Hong Kong, but they will keep a close eye on such technology. For more information, please see http://www.scmp.com/news/hong-kong/economy/article/2024445/hong-kong-not-ready-trial-driverless-cars-government-says. In relation to the tests conducted by the WKCD, David Tsang Man-wai, chief electrical and mechanical engineer at the Transport Department mentioned in an interview with The Standard in July 2017 that subsequent licensing of the vehicle would take some time. "A lot of standards have not been set yet, since it is a new technology. We will need to investigate whether there is a need to amend the current legislation for the vehicle because it is driverless," said Tsang. For the full article, please see http://www.thestandard.com.hk/section-news.php?id=184844

2. Regulatory Agencies and Policy Developments		
Question		**Hong Kong**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	No.
(b)	If not, has the government or a government representative in your jurisdiction made any policy	The Commissioner for Transport has stated at the Legislative Council during the Examination of Estimates of Expenditure 2017-2018, that the Transport Department

2. Regulatory Agencies and Policy Developments		
	statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	has been closely monitoring the latest development of technology employed by overseas vehicle manufacturers for driverless vehicles. If an application is received for testing driverless vehicles in Hong Kong, the Transport Department will assess the operational safety of such vehicles and ascertain their roadworthiness. The Transport Department will then provide the necessary assistance to facilitate testing of related technologies in the context of Hong Kong. The Commissioner also stated that during 2016 and 2017, the Transport Department had received one application from an electric vehicle manufacturer seeking type approval, i.e., to examine and approve its new vehicle with driver assistance technology to ensure its roadworthiness. For a the full text, please see http://www.legco.gov.hk/yr16-17/english/fc/fc/w_q/thb-t-e.pdf. A spokeswoman for the Transport and Housing Bureau told the South China Morning Post in early October 2016, that driverless technology has not been developed enough to justify the Hong Kong government facilitating a trial for fully autonomous cars. She added that hardware and software advancements are likely to be needed before such systems can be put into general use by the public. For the full article , please see http://www.scmp.com/news/hong-kong/economy/article/2024445/hong-kong-not-ready-trial-driverless-cars-government-says.
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	No
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	The Transport Department will likely have regulatory authority over driverless vehicles. Additionally, the Transport and Housing Bureau may play a regulatory role as the Bureau formulates policies on matters in relation to Hong Kong's transportation.

Hungary

Jurisdiction	Hungary
Responsible Baker McKenzie office	Budapest
Person(s) responsible for completing questionnaire	Ákos Fehérváry, József Antal, Máté Kovács, Edina Bánfai
Completion date	13 December 2017

1. Driverless Vehicles			
Question			**Hungary**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	As the state structure in Hungary is unitary, legislative acts are not issued at the state/province level. (Local governments may issue legislative decrees in a limited scope but those do not concern the topic of driverless vehicles.) Relevant legislation may be issued by the Parliament (in the form of an act), or the government (in the form of a governmental decree) as well as by the competent ministries (in the form of a ministerial decree). ministerial decrees of nationwide scope. The National Media and Info Communications Authority (NMHH), the Hungarian telecommunications regulator, as an autonomous regulatory body, may also issue decrees concerning the telecommunications aspects of vehicle development, the whose territorial scope of which is also national.
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if so, please specify.	The legislation in effect is applicable to the entire country but most of the relevant legislations have amended the already existing ones related to road vehicles and contain regulations related to autonomous vehicles for development purposes. A test pilot is mandatory in each case. The applicable legal provisions concerning vehicles for development purposes are as follows: • The most important issues arising from the testing of vehicles for development purposes are regulated by *KöHÉM Decree No. 5/1990 (IV 12)* on technical examination of road vehicles, and *KöHÉM Decree No. 6/1990 (IV 12)* on the general conditions of the vehicle registration and on operating road vehicles • *Decision No. 27/2017 (X 13)* of the Ministry of National Economy on the appointment of a ministerial commissioner in charge of the supervisory duties

1. Driverless Vehicles		
		concerning the construction of driverless vehicle test filed • *Decree No. 48/2012 (VIII 23)* of the Ministry of National Development on the general conditions concerning the development and maintenance of intelligent transport systems and their connectivity to other means of transport • *Decree No. 58/2012 (X 31)* of the Ministry of National Development on the appointment of the institution liable for tasks related to research, innovation, and coordination in connection with road safety and environment protection • *Act LXXVI of 2014* on scientific research, development, and innovation • *Act LXXXIV of 1999* on road transport registers • *Act I of 1988* on road transport
	(iii) Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	Yes. The automation levels related to the definition of driverless vehicles set out in Annex 18 of *Decree no. 6/1990. (IV 12)* are consistent with the SAE J3016 automation levels. .
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**? (i) Does the driverless vehicle need to meet certain standards, or pass an approval process?	Vehicles may only be tested on public roads for development purposes. Thus a test driver must sit inside the car to be capable of taking over control of the car and to supervise the test at all times. These vehicles must also meet different requirements. The vehicle developer must submit a notification to the minister in charge of transport matters in order to be registered. After passing this approval procedure, vehicle developers must test autonomous vehicles for development purposes on public roads and the vehicles may only be registered in the event of meeting the criterions set by ISO Standard 26262.
	(ii) Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that	Yes. Software assuring the safe operations of autonomous driving system of driverless vehicles for development purposes must meet the following specific requirements: • all software and software updates are subject to

1. Driverless Vehicles			
		driverless vehicles be equipped with a data recorder for collisions.	comprehensive and well-documented testing determined by the vehicle developer; • prior to public road tests, the software needs to be tested according to the following levels and order: 1st simulation, 2nd test bench, 3rd closed test site, or a road not open to public transport (depending on the nature of the software tested); • testing may only be carried out on public roads upon the successful completion of each of the above tests; • the identifiers of the software versions and the time of installation on the test vehicles must be documented and registered properly.
	(iii)	Does the company need to obtain either a special licence or permission from a government authority?	Upon the request of the vehicle developer, the authority of transport matters may examine the vehicle and qualify the previously registered vehicle into a vehicle for development purposes if it meets the requirements set out in *KöHÉM Decree No. 5/1990 (IV 12)* on technical examination of road vehicles. The authority issues a permit within the framework of inspection to certify that.
	(iv)	Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	Yes. According to Annex 17 of *KöHÉM Decree No. 6/1990 (IV 12)*, it is mandatory to obtain a fully comprehensive insurance for each autonomous vehicle for the whole testing period.
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	By signing and submitting the notification, the vehicle developer undertakes full liability for all damages caused by the use of such autonomous vehicle. The provisions of the *Civil Code* of Hungary are applicable to the civil liability of the vehicle developer in respect to the use of such vehicle including all damages associated with a collision. Under the *Civil Code*, driving a car – including the operation of driverless vehicles – qualifies as a hazardous operation, which therefore calls for the application of strict liability rules. Such injurious person is only relieved from liability if he/she is able to prove that the damage occurred is due to an unavoidable cause that falls beyond the realm of highly dangerous activities.
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads.	According to Annex 17 of *KöHÉM Decree No. 6/1990 (IV 12)* the vehicle must be in a condition which is suitable for safe driving throughout the entire test and must comply with the technical conditions related to the

1. Driverless Vehicles			
		In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	function set out in the decree. The sensors and control systems of the autonomous vehicle for driving purpose must be developed enough to be able to react safely to all environmental impacts and road users. The testing also needs to be reported to the Minister liable for transport. Moreover, there are special requirements applicable to test drivers and the training of test drivers. In respect of cyber security, the vehicle developer must ensure that the automated control and other vehicle systems of all autonomous vehicle for development purposes have an appropriate built-in security level to handle the risk of unauthorized access. Furthermore, the vehicle developer has to use the standards and technologies to develop safety-critical automotive systems in the best possible quality.
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	There are no special provisions related to private property in the above-mentioned legislations.
	(viii)	Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	Currently not but in the recent past more enterprises obtained a licence to test vehicles on public roads. (A) Yes, the commencement of testing was widely publicized in each case. (B) Almotive, a full stack software company delivering artificial intelligence based software for self-driving cars, was the first to obtain a permit to test autonomous vehicles on public roads in Hungary in July 2017. The company has approximately 10 cars and conducted testing in order to improve its technology as well as to satisfy the needs of business orders. An other testing was carried out with 9 Tesla S Models in November. However the cars are able to operate fully without a driver, a driver was in the car, intervening only when the on-board system instructed. 3 autonomous lorry were tested by Volvo Truck's and Waberer's with the help of a platooning technology in September 2017.

1. Driverless Vehicles			
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?		According to the applicable regulations, consumers are currently not allowed to use driverless vehicles for personal use on public roads. Under the provisions of *KöHÉM Decree No. 5/1990 (IV 12)* that concern the technical examination of road vehicles, only vehicle developers are entitled to use autonomous vehicles for testing purposes on public roads. Although, there is no uniform definition of "consumer" under Hungarian law, none of the definitions overlap with the definition of "vehicle developer" provided in the above decree. Private individuals including consumers may not qualify as vehicle developers.
	(i)	Does the driverless vehicle need to meet certain standards, or pass an approval process?	N/A
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	N/A
	(iii)	Does the consumer need to obtain either a special license or permission from a government authority?	N/A
	(iv)	Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by consumers for personal use?	N/A
	(v)	If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with	N/A

1. Driverless Vehicles		
	that collision?	
(d)	In your jurisdiction, are there any vehicle safety rules that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?	Currently, the use of driverless vehicles for personal use by consumers on public roads is not permitted.
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	N/A. For general remarks on specific requirements concerning vehicle developers please see our response to question 1(b)(vi) above.

2. Regulatory Agencies and Policy Developments		
Question		**Hungary**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	No such policy has been developed yet.
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	Yes. • In July 2017 the State Secretary for Education confirmed that a vehicle test site covering an area of 250 ha (617 acre) for driverless vehicle development purposes will be built in Zalaegerszeg, Hungary. The State Secretary emphasised that the construction will have a positive impact on education, apprenticeships, research and development, and innovation as well. The statement (available in Hungarian only) can be accessed at http://www.kormany.hu/hu/emberi-eroforrasok-miniszteriuma/oktatasert-felelos-allamtitkarsag/hirek/komoly-kutatas-fejlesztesi-infrastruktura-epul-szegeden-es-zalaegerszegen. • At "The Cars of the Future" conference held at the Budapest University Of Technology And Economics the Prime Minister in May 2016, the Commissioner for

2. Regulatory Agencies and Policy Developments		
		Digital Society and Economy and the Minister for the National Economy emphasized that the production and development of driverless vehicles could be the key area for Hungary in the digital industrial revolution. The Commissioner for Digital Society and Economy stressed that close cooperation and harmonized legislation is required at the European level. • The *2016 Annual Report* of the NMHH highlighted the following remarks: "In spite of the fact that the main obstacle of the introduction of IoT-applications is still the lack of standardisation, it seems that their justification will appear on more and more areas of every day life. *IoT-applications will appear everywhere* from smart city applications, through smart homes and smart meters of public utilities, *to autonomous vehicles and the belonging infrastructure*. Therefore, it is of paramount importance that the standardisation procedure unifies the handling and applicability of these tools on a global level as soon as possible. To that effect, *the experts of the National Media and Telecommunications Authority participate in the standardisation work of the ITU, ETSI M2M and IoT*. In addition to the standardisation, the regulatory framework must also adapt to the global market of IoT-tools whilst taking into account the local and regional peculiarities. When developing the aforementioned, the administrative body may rely on the knowledge and experiences acquired in the process of standardisation." This report (available in Hungarian only) can be accessed at http://www.parlament.hu/irom40/13830/13830.pdf.
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	Currently there is not any ongoing proposed legislation before the Parliament nor the government.
(d)	Please list the regulatory agencies that would likely have regulatory authority over	• The regulatory authority for transport matters including the development of driverless vehicles is currently the Ministry for National Development and

2. Regulatory Agencies and Policy Developments		
	driverless vehicles in your jurisdiction.	Economy's Department of Technical Authorization of the General Department for Road Vehicles, which succeeded the National Transport Authority of its general legal authority as of 01 January 2017. The Minister may issue ministerial decrees of general authority related to each vehicle development matters. • The National Media and Info Communications Authority is the competent authority regarding the technological aspects of the development of driverless vehicles.

Indonesia

Jurisdiction	Indonesia
Responsible Baker McKenzie office	Jakarta
Person(s) responsible for completing questionnaire	Mark Innis, Adhika Wiyoso
Completion date	15 September 2017

1. Driverless Vehicles			
Question			**Indonesia**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	Both. There are national level regulations and regional level regulations on vehicles and transportation.
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if so, please specify.	No. It is too early for Indonesia.
	(iii)	Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	No.
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**?		Currently there is no regulation on driverless vehicles in Indonesia. Consequently, there are no regulations that permit, prohibit, nor restrict testing driverless vehicles on public roads. However, Indonesia, as a developing country, is very much policy driven. Even though there is no prohibition to test driverless vehicles on public roads, interested parties need to conduct discussions with relevant government authorities regarding their intentions and other concerns involved, such as safety and public order. We suspect that the government would immediately restrict driverless vehicles until it was certain that there

1. Driverless Vehicles			
			was a regulatory and safety framework in place. Indonesian roads are chaotic at the best of times.
	(i)	Does the driverless vehicle need to meet certain standards, or pass an approval process?	There are no regulations.
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	There are no regulations.
	(iii)	Does the company need to obtain either a special licence or permission from a government authority?	There are no regulations. However as mentioned above, the interested company needs to engage in discussions with relevant government authorities and obtain permission (and perhaps support) from the authorities to implement the activities.
	(iv)	Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	For public transportation providers, there is a requirement to have insurance to cover their obligation to passengers. However, there is no insurance requirement related to driverless vehicles.
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	There are no regulations. We believe that any person injured would file a civil claim.
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	There are no regulations nor policy.

1. Driverless Vehicles		
	(vii) Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	There are no regulations. However we suspect that conducting testing on private property would not of itself be an issue.
	(viii) Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	To our knowledge, there has been no test of driverless vehicles on public roads in Indonesia.
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**?	Currently there is no regulation concerning driverless vehicles in Indonesia. Consequently, there is no permission, prohibition, nor restriction for consumers to use driverless vehicles for personal use on public roads. However Indonesia, as mentioned above, as a developing country, is very much policy driven. Interested parties must engage in discussions with relevant government authorities on to address the various concerns involved including safety and public order. As previously mentioned, the government is likely to immediately restrict driverless vehicles until it was certain a regulatory and safety framework is in place (Indonesian roads are chaotic at the best of times).
	(i) Does the driverless vehicle need to meet certain standards, or pass an approval process?	There are no regulations.
	(ii) Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	There are no regulations.

1. Driverless Vehicles			
	(iii)	Does the consumer need to obtain either a special license or permission from a government authority?	There are no regulations.
	(iv)	Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**?	For public transportation providers, there is a requirement to have insurance that covers their obligations to consumers. However, there is no insurance requirement that must be met by driverless vehicles.
	(v)	If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	There are no regulations.
(d)		In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?	There are no regulations. Please see our response to question 1(b) above.
(e)		Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	As mentioned above, currently there is no regulation that covers the use of driverless vehicles.

2. Regulatory Agencies and Policy Developments		
Question		**Indonesia**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy.	No.

2. Regulatory Agencies and Policy Developments		
	Is there a similar policy in your jurisdiction?	
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	No.
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	No.
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	The Ministry of Transportation and Ministry of Communication and Informatics, generally, has regulatory authority. In short, there has been no discussion on driverless vehicles, which is not surprising given Indonesia's chaotic traffic and lack of discipline on the part of drivers.

Italy

Jurisdiction	Italy
Responsible Baker McKenzie office	Rome
Person(s) responsible for completing questionnaire	Raffaele Giarda, Andrea Mezzetti
Completion date	8 February 2018

1. Driverless Vehicles			
Question			**Italy**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	Vehicles are primarily regulated at the state level by way of *Legislative Decree No. 285/1992*, as modified ("*Traffic Code*"). *Legislative Decree No. 422/1997* provides Italian regions and provinces with the authority to identify specific rules in relation to public transport.
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if so, please specify.	No, Italy has not issued any regulation specifically related to driverless vehicles. On 12 February 2014, the Italian Ministry for Infrastructures and Transportation issued the *National Plan of Action for the Smart Systems of Transportation* with the aim to promote improvement in the regulatory, organizational, technological, and financial conditions within the sector of intelligent transportation systems ("ITS"). This plan, however, does not specifically take into account driverless vehicles.
	(iii)	Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	No, Italy has not officially adopted the SAE International Standard J3016 for classifying automated vehicles.

1. Driverless Vehicles		
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**?	On a general note, current laws do not permit driverless vehicles to use public roads unless a human driver has proper control of the vehicle. However, in theory, States and Territories have road traffic exemption powers to allow testing of automated vehicles on public roads, even if these tests would more likely take place on tracks closed to the general public.
	(i) Does the driverless vehicle need to meet certain standards, or pass an approval process?	Also, according to *Presidential Decree No. 474/2001*, which regulates tests on vehicles circulation, the obligation to have a vehicle registration and a license plate does not apply when the Ministry for Infrastructures and Transportation issues a specific authorization to the circulation for technical, experimental, or manufacturing tests. In general terms, vehicles (including driverless cars) have to meet the standards set out in the applicable *EU Directives* and *Regulations* and the *Traffic Code*. Having said that, in the lack of a specific regulation on driverless vehicles, self-driving cars, in order to be used or tested, must successfully undergo an approval process. This process is likely to take several months, in order to obtain authorizations from both the ministerial and local administrative levels.
	(ii) Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	It is under the discretion of the administrative authorities to establish conditions for the testing or use of driverless vehicles. In particular, this is to preserve road safety and traffic administration.
	(iii) Does the company need to obtain either a special licence or permission from a government authority?	Prior ministerial and local approval of the test must be obtained.
	(iv) Does the company need to obtain insurance? Are there insurance requirements specific to	Ministerial approval will only be granted upon satisfaction that public liability insurance has been obtained and such insurance covers death or bodily injury and damage to property.

1. Driverless Vehicles			
		driverless vehicles?	
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	In the lack of a specific regulation concerning driverless vehicles, the general rules on the circulation of vehicles apply, as set forth in section 2054 of the Italian Civil Code. Pursuant to this provision, the driver is liable for any damages caused by the circulation of the vehicle, unless the driver is able to prove that he/she has done everything he/she could to prevent any damages. Moreover, if a car accident happens, all drivers involved in the accident are deemed jointly responsible for having caused the damage, unless proven otherwise. Now, it is important to see how case law will interpret the above-mentioned rule considering that autonomous cars would not have a driver inside the car who can be held liable for the accident. In this respect, it will certainly be necessary to provide driverless cars with technological systems that help establish whether the driverless car is liable in any way of the accident. In the affirmative, depending on the cause of the accident (e.g., an inherent defect of the car or an error in programming the route by the owner), the manufacturer or the owner could be held liable. In this respect, pursuant to section 1.184 of Law No. 124/2017, the Italian Government will also have to issue, by 29 August 2018, one or more legislative decrees aimed at regulating the installation on vehicles of the so-called "black boxes" or other similar electronic systems, in order to create technological platforms for an integrated urban development scheme.
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	There are no other requirements that must be satisfied to test driverless vehicles on public roads in addition to the above. However, as there is no specific law on driverless cars in Italy, the state and local authorities are likely to impose additional requirements if they authorise the test.
	(vii)	Would any of the above requirements apply to testing on private	The above requirements generally apply to testing on private property. However, in light of the novel nature of the issue, we do not exclude the possibility that local

1. Driverless Vehicles		
	property? If so, please specify which requirements.	authorities may also request specific safeguards for testing on private properties.
	(viii) Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	Yes. A few years ago some tests took place on public and private roads in Italy. The Argo Project by Parma University's Artificial Vision and Smart Systems Laboratory (VisLab) was the first test to be conducted in 1998. This test consisted of experimenting a self-driving car on a 2,000 km road between Parma and Turin, which passed through Rome, Firenze, and Pavia. The test was publicly disclosed and involved a driverless vehicle equipped with only one camera, one video entry phone, and one Pentium 200 processor. On 20 July 2010, Vislab then tested a convoy of driverless vehicles on a 15,926 km road between Parma and Shanghai, which was also publicly disclosed. On 12 July 2013, VisLab carried out another test under the project name BRAiVE that tested a self-driving car on a public road in a complex scenario. This test evidenced the public authority's lack of centralized power to authorize and monitor it. Indeed, the test required an approval process that involved the Central Directorate of the Motor Vehicle Office, the Ministry of Interior, the Traffic Police, the Municipality Police, and the Chamber of Commerce of Parma and took place over the course of several months. The CSI (IMQ group) in Bollate, a town close to the city of Milan, is another important centre for the development of advanced driving assistance systems, though its activity is limited to the laboratory testing of the quality, safety, and reliability of the driverless cars. The centre is credited to Euro NCap, the European New Car Assessment Programme.
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**? (i) Does the driverless vehicle need to meet certain standards, or pass	In general terms, in order to legally drive a vehicle on a public road in Italy, consumers must comply with the applicable driver licensing and vehicle registration requirements. In Italy, the authority responsible for driver licensing and vehicle registration is the Motor Vehicle Office. This authority has the duty to verify the correct registration, inspection, and test of the vehicles. Having said that, there are no regulations specifically addressing the use of driverless vehicles by consumers in

1. Driverless Vehicles		
	an approval process? (ii) Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions. (iii) Does the consumer need to obtain either a special license or permission from a government authority? (iv) Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by consumers for personal use? (v) If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	Italy, so it is not possible at this stage to respond to questions (i) to (v) inclusive. However, the laws and regulations currently applicable to regular vehicles would also apply to driverless cars. Accordingly: (i) The driverless vehicle needs to meet at least the same standards and type approval requirements applicable to regular vehicles. (ii) The vehicle will have to be equipped with any hardware and software that is mandatory for regular vehicles, and in particular with eCall in compliance with *EU Regulation No. 2015/758*, section 3(2). As an in-vehicle emergency call to 112 (the common European emergency number), an eCall is made either automatically by means of the activation of in-vehicle sensors or manually. This software carries a minimum set of data and establishes an audio channel between the vehicle and the eCall PSAP ('Public Safety Answering Point'), i.e., a physical location where emergency calls are first received under the responsibility of a public authority or a private organisation recognised by the Italian authorities, via public mobile wireless communications networks. (iii) While there is no specific rule today in this respect, it is reasonable to believe that specific licenses or permissions will be required when driverless cars will be placed into commerce in Italy. (iv) The consumer will need to obtain insurance, as this is also an obligation of regular cars. It is reasonable to believe that insurance requirements specific to driverless vehicles operated by consumers for personal use will be introduced (e.g., the installation of the so-called "black boxes" in the car). (v) In regards to automobile collisions, the general rules on the circulation of vehicles apply, as set forth in the *Italian Civil Code*, section 2054. Please see our response to question 1(c)(v) above.
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for	The main restriction relating to a consumer's use of driverless vehicles for personal or public use on public roads is set out in Section 46 of the *Traffic Code*, which defines "vehicles" as "any car of any type which is driven by a driver." Accordingly, the current regulation does not

1. Driverless Vehicles		
	personal use on public roads?	seem to allow consumers to use driverless vehicles on public roads.
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	There are no other requirements that must be satisfied to use driverless vehicles on public roads in addition to the above. However, as there is no specific law on driverless cars in Italy, new rules are likely to be issued in the near future.

2. Regulatory Agencies and Policy Developments		
Question		**Italy**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	No, there is no similar policy in Italy. On 12 February 2014, the Italian Ministry for Infrastructures and Transportation issued the *"National Plan of Action for the Smart Systems of Transportation*" with the aim to promote improvement in the Italian context of adequate regulatory, organizational, technological, and financial conditions within the sector of ITS. This plan, however, does not specifically take into account driverless vehicles.
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	The Minister for Infrastructures and Transportation said, in the context of World Meeting on 29 September 2016 organized by Anas (the Italian Public Company for the Management of Roads) together with the World Road Association, that "the transition towards driverless cars and smart roads is already taking place, as it will translate in improved safety, prevention, comfort, and information while driving," and that this "needs a common framework of rules at an international level." The full statement (available in Italian only) can be accessed at http://www.mit.gov.it/comunicazione/news/mezzi-stradali-autostrade/smart-roads-e-auto-senza-guida.
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	We are not aware of any new laws or regulations being proposed in Italy that expressly apply to driverless vehicles.

2. Regulatory Agencies and Policy Developments		
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	• National level: Ministry for Infrastructures and Transportation, Ministry of Interior, Ministry of Economic Development, Motor Vehicle Office, Italian Car Association (Automobile Club d'Italia, or the 'ACI,' which is the authority managing the Public Registry of Vehicles) • Local authority responsible for the relevant roads (Regions, Provinces, Municipalities) • Traffic Police and Municipality Police

Japan

Jurisdiction	Japan
Responsible Baker McKenzie office	Tokyo
Person(s) responsible for completing questionnaire	Yoshiaki Muto, Yaeko Hodaka, Daisuke Tatsuno, and Yumi Watanabe
Completion date	16 December 2017

1. Driverless Vehicles			
Question			**Japan**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	Japan has not adopted the Federal system, but has both a national government and local governments, which largely depend on the national government on administrative and financial aspects. Vehicles are primarily regulated at the national level.
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if so, please specify.	1. Road Transport Vehicle Act In Japan, the *Road Traffic Act*, specifically Article 70, is the national law that provides driver safety driving obligations based on the general assumption that a human driver drives a car. However, the *Road Transport Vehicle Act*, administrated by the Ministry of Land, Infrastructure and Transport of Japan and which concerns vehicle safety standards, was amended in February 2017 to allow use of driverless automated vehicles on public roads in specified areas. Vehicles without driving wheels, accelerator pedals, and/or break pedals are allowed if such vehicles are used for testing purposes. 2. Guidelines of the National Police Agency In addition, the National Police Agency has issued guidelines for testing automated driving systems on public roads, which require the taking of certain safety measures. Under these guidelines, the safety standards for implementing tests on public roads must be satisfied, public notices providing certain criteria for approval of use of public roads for testing remotely operated (driverless) automated driving systems need be published, and relevant administrative procedures under the *Road Traffic Act* have to be passed. The criteria for the approval includes: (i) the purpose of use of public roads is to test

1. Driverless Vehicles			
			the automated driving system; (ii) the time and date of testing is appropriate; (iii) safety measures will be property implemented; (iv) the vehicle is confirmed to be properly functioning on public roads; (v) an operator is capable to come to the location in case of an emergency; (vi) the operator has a driver's license and acknowledges that it is still legally liable as a driver of the vehicle; (vii) the operator obtains the police's confirmation that the vehicle operates without any violation of the laws; and (viii) if one operator operates multiple vehicles, safety measures are implemented so that the operator may ensure safe driving of all vehicles.
	(iii)	Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	Yes, the IT Strategic Headquarters, established within the Cabinet of Japan, refers to the definitions in SAE J3016 in its reports in September 2016, to describe the levels of automated driving systems. However there are no laws or regulations which uses the definitions set out in SAE J3016.
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**?		Yes. The National Police Agency has published a public notice, which sets out guidelines for approval of use of public roads for the purpose of testing automated driving vehicles. Please see our response to question 1(a)(ii) above. The first testing of driverless car on the public roads under these new guidelines has started in Aichi Prefecture from December 14, 2017.
	(i)	Does the driverless vehicle need to meet certain standards, or pass an approval process?	Yes. The driverless vehicle needs to meet technical requirements under the *Road Transport Vehicle Act*. The *Road Transport Vehicle Act* was amended in February 2017 to allow testing on public roads of automated vehicles even if the vehicles do not have driving wheels, accelerator pedals, and/or break pedals.
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	No. Under Japanese legislation or regulations, there is no specific hardware or software that vehicles are required to be equipped with.
	(iii)	Does the company need	Yes. In order to use public roads for testing purposes, an

1. Driverless Vehicles			
		to obtain either a special licence or permission from a government authority?	approval from the National Police Agency must be obtained. The National Police Agency has published a public notice which sets out guidelines for approval of use of public roads for the purpose of testing of automated driving vehicles. Please see our answer to question 1(a)(ii) above.
	(iv)	Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	Under the *Automobile Liability Security Act*, any person who operates an automobile for itself must execute a contract for automobile liability insurance. The automobile liability insurance works as a mandatory insurance system to compensate damages to victims of car accidents. There are no insurance requirements specific to driverless vehicles.
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	No. There is no specific Act that provides for liability of an automobile collision involving driverless vehicles. However, the general rules of tort in the *Civil Code*, the *Automobile Liability Security Act*, and the *Product Liability Act* may be applied. Allocation of all damages associated with the collision is decided by how the causes are proven. Therefore, under the current laws, the car manufacturing company will not solely be held liable for all damages.
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	Even when tested on public roads, automated or driverless cars must satisfy the Safety Standard set forth by the *Road Transport Vehicle Act*, which provides the technical standards of automobile structure and equipment for safety and environmental purposes. The driverless vehicles also need to be registered with the Local Division of Transportation, which is a subordinate agency of Ministry of Land, Infrastructure and Transportation ("MLIT"). On February 9, 2017, the MILT amended the Safety Standard so that it allows registration of automated or driverless cars without steering wheels, accelerator pedals, or brake pedals on the condition that appropriate safety measures including speed limit, limitation of running route, and installation of emergency stop button, are taken.
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which	No. These requirements do not apply to testing on private property. However if the private property falls within the definition of "road " under the *Road Transport Vehicle Act* (namely, a road refers to through way that is offered for use by general traffic), the above requirements apply

<table>
<tr><th colspan="4">1. Driverless Vehicles</th></tr>
<tr><td></td><td colspan="2">requirements.</td><td>even to testing on private property.</td></tr>
<tr><td></td><td>(viii)</td><td>Are there any tests taking place? If so:

(A) Have the tests been publicly disclosed?

(B) Who is conducting the tests?</td><td>Yes. There are a number of tests conducted on public roads, both by government bodies and by private organizations, including the following:

<table><tr><th></th><th>(A)</th><th>(B)</th><th></th></tr><tr><td>The Director General for Science, Technology and Innovation Policy (Cabinet Office) runs on-site tests in Okinawa.</td><td>Yes.</td><td>Cabinet Office, the Government of Japan</td><td>http://www.sip-adus.jp</td></tr><tr><td>On-site test by Nissan Japan</td><td>Yes</td><td>Nissan Japan</td><td>http://www2.nissan.co.jp/AUTONOMOUSDRIVE/05/index.html</td></tr><tr><td>On-site test in Ishikawa Prefecture</td><td>Yes</td><td>Kanazawa University</td><td>http://www.its-jp.org/wp-content/uploads/2015/12/suganuma.pdf</td></tr><tr><td>Robot Shuttle</td><td>Yes</td><td>Aeon Co., Ltd and DeNA Co., Ltd.</td><td>http://www.aeon.info/news/2016_1/pdf/160801R_2.pdf</td></tr><tr><td>On-site test by Robot Taxi in Fujisawa City, Kanagawa Prefecture</td><td>Yes</td><td>Robot Taxi, Inc.</td><td>https://robottaxi.com/2016/02/fujisawa/</td></tr></table></td></tr>
<tr><td>(c)</td><td colspan="2">In your jurisdiction, do applicable regulations permit, prohibit, or restrict <u>consumers</u> from using driverless vehicles for <u>personal</u></td><td>Yes. The National Police Agency has published a public notice which sets out guidelines for approval of use of public roads for the purpose of testing of automated driving vehicles. Please see our answer to question 1(a)(ii) above. While Japan is as a signatory country to</td></tr>
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1. Driverless Vehicles			
	use on **public roads**?		the *Geneva Convention*, some provisions under the *Road Traffic Act* assume that the vehicles are driven by a natural person (including Articles 70,71 (v), and 71(v)-2). As such, other than for testing purposes that satisfy the various requirements including obtaining approval from the National Police Agency, consumers are restricted from using driverless vehicles for personal use, unless and before the *Road Traffic Act* is amended.
	(i)	Does the driverless vehicle need to meet certain standards, or pass an approval process?	Please see our answer to question 1(a)(ii) above.
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	Yes. The Road Transport Vehicle Act was amended in February 2017 to allow use of automated vehicles for experimental testing on public roads. The amended *Road Transport Vehicle Act* allows driving of vehicles which do not have driving wheels, accelerator pedals, and/or break pedals for testing purposes.
	(iii)	Does the consumer need to obtain either a special license or permission from a government authority?	No.
	(iv)	Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**?	Yes. There is each vehicle used for driving purpose must be insured (please see our answer to question 1(b)(iv) above). No, there are no insurance requirements specific to vehicles operated by consumers for personal use.
	(v)	If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	No. There is no specific Act that provides a liability regime for an automobile collision. The general rules of tort in the Civil Code, the *Automobile Liability Security Act*, and the *Product Liability Act* would apply Allocation of all damages associated with that collision is decided by which party was, and to what extent, attributable to the cause of the collision. Therefore, the consumer will not solely be held liable for all damages.

1. Driverless Vehicles		
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?	No. There are no additional vehicle safety rules other than those we explained in our response to question 1(a)(ii) above that apply to the use of driverless vehicles for personal use on public roads. On a general note, the *Road Traffic Act*, which imposes a Safety Driving Obligation on drivers requires that one person must be in the driver's seat at all times.
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	There are no other requirements that must be satisfied to use driverless vehicles on public roads.

2. Regulatory Agencies and Policy Developments		
Question		**Japan**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	The Japanese government has not yet developed a detailed policy concerning automated vehicles similar to the policy of the National Highway Traffic Safety Administration.
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	The Cabinet Secretariat of Japan released *Public Private ITS Initiative - Roadmap 2017* ("Initiative") in May 2017, which describes the government's plan to achieve implementation of automated (driverless) driving system in Japanese society. For a copy of the Initiative (available in Japanese only), please see http://www.kantei.go.jp/jp/singi/it2/kettei/pdf/20170530/roadmap.pdf. The Initiative states that, as a strategic goal, the government aims to: • achieve the "the most safest and smoothest road traffic society in the world" by 2030, where (i) an automated driving system which can ensure safer driving than trained human driver is widely used, (ii) an innovatively efficient distribution system is

achieved by the automated driving system, and (iii) elderly people may utilize automated driving system and participate social activities; and

- become the "center of the world" in relation to the innovation for automated systemization.

The Initiative further states that in order to accomplish the goals above, the government will endeavor to achieve (i) a semi-automated pilot system in the market, and (ii) driverless automated transportation services in certain areas by 2020.

A more detailed plan and expected timeline of relevant service and technology set out in the Initiative are as follows:

Area	Level	Relevant Technology	Expected time of accomplishment
Domestic-use cars	SAE Level 2	Semi-automated pilot	2020
	SAE Level 3	Automated pilot	2020
	SAE Level 4	Automated driving on highways	2025
Distribution service	SAE Level 2 or more	(Automated) formation driving by trucks on highways	2022
	SAE Level 4	Automated driving on highways	2025
Transportation service	SAE Level 4	Driverless driving transportation service in limited area	2020

A further detailed plan in each market area set out in the Initiatives is as follows.

- **Development of social system:** The government will develop regulations concerning experimental testing of automated driving vehicles on public roads. The government will also set up a system to share the data obtained by the experimental testing. The government will also examine the amendment of

2. Regulatory Agencies and Policy Developments		
		relevant laws to achieve implementation of automated driving systems. • **Strategy for use of traffic data:** The government will develop a plan for usage of data related to automated driving system, such as a database to be used for development of AI, the creation of "Dynamic Map" for automated driving, and sharing of traffic data. The government will also examine possible privacy issues relating to use of such data. • **Promotion of research and development of automated driving system and international standards:** The government will promote research and development activities in this field not only by major companies but also by venture companies. The government will also lead and participate in international discussion concerning the standardization of automated vehicle system.
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	No. Besides the laws and guidelines we mentioned in our response to question 1(a)(ii) above, there are no laws or regulations being proposed in Japan at this stage.
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	• Cabinet Secretariat: The IT Strategic Headquarter creates the government's basic strategic initiatives relating to automated driving. • Ministry of Land, Infrastructure and Transport (MLIT): MLIT is responsible for the amendment of the *Road Transport Vehicle Act*, which regulates vehicle specifications. • The National Police Agency: This agency has the authority to supervise vehicles being operated on the public roads. • Ministry of Economy, Trade and Industry (METI): Together with the MLIT, the METI will create regulations concerning the ITC system for automated driving vehicles.

Malaysia

Jurisdiction	Malaysia
Responsible Baker McKenzie office	Kuala Lumpur
Person(s) responsible for completing questionnaire	Brian Chia, Cindy Sek
Completion date	15 December 2017

1. Driverless Vehicles			
Question			**Malaysia**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	Vehicles in Malaysia are primarily regulated at the Federal level. The principal regulatory authority is the Ministry of Transport ("MOT"), which oversees the Road Transport Department ("RTD"). The RTD, in turn, has offices in various states across Malaysia.
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if so, please specify.	No, we are not aware of any laws or regulations in Malaysia which relate specifically to driverless vehicles.
	(iii)	Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	No, we are not aware of the adoption of the automation levels set out in SAE J3016 by the Malaysian government or any other Malaysian regulatory authority.
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**?		As noted above, we are not aware of any laws or regulations in Malaysia which relate specifically to driverless vehicles. Accordingly, there are no specific laws or regulations in Malaysia relating to the testing of driverless vehicles on public roads. However, generally, under the *Road Transport Act 1987* ("*RTA*"), it is not lawful to use a motor vehicle which does not comply with the prescribed rules on, among others, construction, weight, equipment, use and age of vehicles. For purposes of the RTA, "use" means use on, among others, any public road or any other road to which the public has access.

1. Driverless Vehicles			
			In particular, under the *Motor Vehicles (Construction and Use) Rules 1959* ("*Motor Vehicles Rules*"), a driver, the person who is actually driving the vehicle as defined by the *Motor Vehicles Rules*, shall not, at any time whilst driving a vehicle: (1) be in such a position that they cannot have proper control over the vehicle or retain full view of the road ahead; (2) be in such a position that they cannot, by means of hand signals or direction indicators, give signals to other traffic on the road; or (3) cause, suffer, or permit any second person to use or interfere with any of the controls (defined in *Motor Vehicle Rules* as "all those parts of a vehicle by use of which a driver is enabled to effect control over the vehicle") of the vehicle. Further, no person other than the driver shall, while the vehicle is being driven on a road, use or interfere with any of the controls of the vehicle. Given the foregoing, the *Motor Vehicles Rules* clearly do not envisage the use of driverless vehicles in Malaysia and its provisions appear to suggest that driverless vehicles are not allowed on public roads in Malaysia, whether for testing or otherwise. That said, under the *RTA*, the Minister of Transport may authorise the use of: 1) special motor vehicles, or special types of motor vehicles, which are constructed either for special purposes or for tests or trials, and 2) new or improved types of motor vehicles, whether wheeled or wheel-less. Accordingly, it is technically possible to obtain an approval from the MOT to test a driverless car.
	(i)	Does the driverless vehicle need to meet certain standards, or pass an approval process?	As noted above, we are not aware of any laws or regulations in Malaysia which relate specifically to driverless vehicles. Accordingly, there are no prescribed standards or approval process for driverless cars in Malaysia. However, generally, all new vehicle types in Malaysia will need to obtain a Vehicle Type Approval ("VTA"). To this end, the RTD introduced guidelines ("VTA Guidelines") that set out the process to apply for and obtain a VTA. In

1. Driverless Vehicles			
			particular, as Malaysia is a member country of the World Forum for Harmonisation of Vehicle Regulations and a signatory to the *1958 Agreement Concerning the Adoption of Uniform Technical Prescriptions for Wheeled Vehicles* ("*UN Regulations*"), the VTA Guidelines require the applicant to evidence compliance with the *UN Regulations*. Further, under the RTA, no person shall possess or use a motor vehicle unless that vehicle is duly registered with the MOT. However, such registration requirement does not apply to, among others: (1) a motor vehicle, which is owned by and in the possession of a dealer for the purpose of sale; (2) a motor vehicle, which is lawfully used under the authority of a motor vehicle trade license granted to a manufacturer or repairer or dealer; and (3) a motor vehicle lawfully brought into Malaysia under a visitor's license to be re-exported from Malaysia. In addition, under the RTA, no person shall use, cause the use of, or be permitted the use of a motor vehicle that does not have a valid motor vehicle license unless a declaration is made that the vehicle has been laid up (i.e., put away and cease to be used) or if the vehicle was lawfully brought into Malaysia under a visitor's license to be re-exported from Malaysia. Note that the *Motor Vehicles Rules* also prescribe certain standards for vehicles on the roads in respect of, among others, weight, brakes, gears, wipers, lights, silencers, speed indicators, tyres, and glass.
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	As noted above, we are not aware of any laws or regulations in Malaysia which relate specifically to driverless vehicles. Accordingly, there are no prescribed requirements in respect to the hardware or software which will need to be installed in a driverless vehicle.
	(iii)	Does the company need to obtain either a special licence or permission	Please see our responses to 1(b) and 1(b)(i) above.

1. Driverless Vehicles			
		from a government authority?	
	(iv)	Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	As noted above, we are not aware of any laws or regulations in Malaysia which relate specifically to driverless vehicles. Accordingly, there are no specific insurance requirements for driverless vehicles. However, note that generally, under the RTA, it is not lawful for any person to use, cause or permit any other person to use a motor vehicle unless an insurance policy covering third party risks is in force. Therefore, a vehicle being tested on public roads would need to be properly insured.
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	As noted above, we are not aware of any laws or regulations in Malaysia which relate specifically to driverless vehicles. Accordingly, there are no laws, regulations, or jurisprudence on the allocation of liability in the event of a collision involving a driverless vehicle. It is unclear, at this juncture, whether general tort principles can or will be applied in such circumstances (e.g., where there has been trespass to a person, trespass to land, trespass to goods or negligence). We would expect the government to introduce new guidelines in this regard if and when driverless cars are introduced into Malaysia.
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	N/A
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	As noted above, the RTA relates to the use of vehicles on a public road or any other road to which the public has access. Accordingly, the requirements under the RTA and *Motor Vehicles Rules* as discussed in our responses to questions 1(b), 1(b)(i), and 1(b)(iv) above will not apply to testing on private property.
	(viii)	Are there any tests taking	We are not aware of any tests undertaken or being

1. Driverless Vehicles		
	place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	undertaken in Malaysia, whether by the Malaysian government, regulatory authorities, or car manufacturers. However, we understand that a fairly new start-up known as Reka Studios recently developed a self-assemble kit to turn an ordinary car into an autonomous one. It appears that the company had conducted tests in Malaysia with a car that was turned autonomous using such kit. However, it is not entirely clear whether any regulatory approval was obtained for such alteration of the car and the subsequent tests on the autonomous car.
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**? (i) Does the driverless vehicle need to meet certain standards, or pass an approval process? (ii) Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions. (iii) Does the consumer need to obtain either a special license or permission from a government authority? (iv) Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**? (v) If the consumer's driverless vehicle is	As noted above, we are not aware of any laws or regulations in Malaysia which relate specifically to driverless vehicles. Accordingly, there are no specific laws or regulations in Malaysia relating to personal use of driverless vehicles on public roads. However, please see our response to question 1(b) above on the general laws or regulations currently in place in Malaysia, which may potentially apply in such circumstances. (i) As noted above, we are not aware of any laws or regulations in Malaysia which relate specifically to driverless vehicles. Accordingly, there are no prescribed standards or approval process for driverless cars in Malaysia. However, please see our response to question 1(b)(i) above on the general laws or regulations currently in place in Malaysia, which may potentially apply in such circumstances. (ii) As noted above, we are not aware of any laws or regulations in Malaysia which relate specifically to driverless vehicles. Accordingly, there are no prescribed requirements in respect of the hardware or software which will need to be installed in a driverless vehicle. (iii) Please see our responses to questions 1(c) and 1(c)(i) above. (iv) As noted above, we are not aware of any laws or regulations in Malaysia which relate specifically to driverless vehicles. Accordingly, there are no specific insurance requirements for driverless vehicles.

1. Driverless Vehicles		
	involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	However, note that generally, under the RTA, it is not lawful for any person to use, cause, or permit any other person to use a motor vehicle unless an insurance policy covering third party risks is in force. Therefore, a vehicle to be used on public roads by consumers will need to be properly insured. (v) Please see our response to question 1(b)(v) above.
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?	As noted above, we are not aware of any laws or regulations in Malaysia which relate specifically to driverless vehicles. Accordingly, there are no prescribed vehicle safety rules for driverless vehicles. However, please see our responses above on the laws or regulations currently in place in Malaysia, which may potentially apply to driverless vehicles. In addition, note that the RTA also sets out various driving-related offences that may also be applicable including: (1) age restrictions; (2) speed limit; (3) reckless and dangerous driving; and (4) driving under the influence of intoxicating liquor or drugs. Similarly, general traffic rules, including those set out under the *Road Traffic Rules 1959* (e.g., overtaking, turning, priority, u-turns, obstruction, etc.), will also apply.
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	N/A

2. Regulatory Agencies and Policy Developments		
Question		**Malaysia**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	No, we are not aware of any laws, regulations, or policies in Malaysia which relate specifically to driverless vehicles.
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	No, we are not aware of any policy statements made by the Malaysian government or a government representative regarding the government's attitude and regulatory intentions in relation to driverless vehicles. Whilst the Malaysian Prime Minister had previously indicated that 100 units of Tesla Model S cars will be imported into Malaysia, it is not clear if the imported vehicles will have self-driving features.
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	No, we are not aware of any new laws or regulations being proposed in Malaysia, which expressly or specifically relate to driverless vehicles.
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	• Ministry of Transport Malaysia • Road Transport Department Malaysia

Mexico

Jurisdiction	Mexico
Responsible Baker McKenzie office	Guadalajara
Person(s) responsible for completing questionnaire	Alejandro Martinez-Galindo, Raul Lara-Maiz, Carlos Vela-Treviño, and Paulina Castillo-Doen
Completion date	16 December 2017

1. Driverless Vehicles			
Question			**Mexico**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	Mexico is divided into States, which are then divided into municipalities. Vehicles are primarily regulated at the state and/or municipal level, but when transiting through federal highways the Federal provisions govern.
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if so, please specify.	No it has not.
	(iii)	Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	No. The *Transit Regulations for Highways and Bridges of Federal Jurisdiction* defines a "vehicle" to be a "means of transportation with wheels that make it capable of transportation." These Regulations do not define a 'driverless vehicle'. In fact, these regulations define "driver" as a "person who has control and responsibility over the displacement of a vehicle in federal highways."
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**?		The Mexican legislation does not include regulations, rules, or any other provisions regarding testing driverless vehicles on public roads. There are no standards or approval processes issued by government agencies in regards to testing driverless vehicles.
	(i)	Does the driverless vehicle need to meet certain standards, or pass an approval process?	

1. Driverless Vehicles			
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	N/A The *Transit Regulations for Highways and Bridges of Federal Jurisdiction* provides a set of articles describing the physical characteristics for a vehicle covered by the regulation (Title Third, Chapters I and II). Driverless vehicles are not part of this law.
	(iii)	Does the company need to obtain either a special licence or permission from a government authority?	N/A
	(iv)	Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	All vehicles in Mexico need to obtain insurance. In fact, obtaining car insurance is mandatory in some State and Municipal vehicle legislation.
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	The owners and drivers of vehicles in Mexico are liable for all damages associated with collisions. The owner of the driverless vehicles would likely be subject to objective civil liability (strict liability), which implies the compensation for the damages and losses caused by the vehicle. In order to be exempt from liability, the company would have to prove that the collision was caused by a negligent act of another person or force majeure.
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	There are no applicable requirements at this point.
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which	There are limited private roads in Mexico. Testing in private roads would not be subject to transit requirements. However, if damages are incurred to property or people, other legal provisions will still apply.

1. Driverless Vehicles			
		requirements.	
	(viii)	Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	Yes. Testing of a driverless vehicle was conducted in Mexico in 2015 by Professor Raul Rojas of Freie Universität Berlin and University of Nevada, Reno. The vehicle transited 2,400 km from the Mexico-US border to Mexico City. The test was made public and covered by the media. For more information, please see https://www.xataka.com.mx/gadgets-y-coches/asi-de-impresionante-fue-la-travesia-del-coche-autonomo-creado-por-el-mexicano-raul-rojas (available in Spanish only) and https://www.unr.edu/nevada-today/news/2015/raul-rojas-autonomous-drive-in-mexico (English).
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**?		There are no regulations prohibiting, limiting, or restricting individuals or corporations (consumers) from using driverless vehicles. In fact, the legislation does not make any reference to driverless vehicles. Both Federal and State provisions consider that vehicles are controlled by a driver at all times. In particular, Article 95 of the Transit Regulations for Highways and Bridges of Federal Jurisdiction sets forth, as a general rule, that drivers of vehicles using federal highways and bridges must hold the steering wheel with both hands when driving.
	(i)	Does the driverless vehicle need to meet certain standards, or pass an approval process?	There are no standards or approval processes issued by government agencies applicable to driverless vehicles.
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	Please see our response to question 1(b)(ii) above.
	(iii)	Does the consumer need to obtain either a special license or permission from a government authority?	Please see our response to question 1(b)(iii) above.

1. Driverless Vehicles		
	(iv) Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**?	Please see our response to question 1(b)(iv) above.
	(v) If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	Please see our response to question 1(b)(v) above.
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?	Although the use of driverless vehicles is not specifically prohibited, Article 95 of the *Transit Regulations for Highways and Bridges of Federal Jurisdiction* sets forth, as a general rule, that drivers of vehicles using federal highways and bridges must hold the steering wheel with both hands when driving.
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	There are no policies, statements, or guidelines of legislation governing the use or testing of driverless vehicles.

2. Regulatory Agencies and Policy Developments		
Question		**Mexico**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	No. Currently there are no policies, statements, or guidelines governing the use or testing of driverless vehicles. Nonetheless, it is important to note that there is a procedure to carry out the temporary importation of test vehicles set forth in the *Customs Law* and its regulations, which in no way limits the importation of test driverless vehicles. Article 157 of the *Customs Law Regulations*, defines "test vehicles" as "those vehicles which may be

2. Regulatory Agencies and Policy Developments		
		used for the sole purpose of carrying out inspections to measure the proper functioning of similar vehicles or its parts, and cannot be used for other purposes".
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	No.
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	No. As a reference, on October 27, 2016 a congressman filed a ill to create a new law (Law Setting Forth the Basic Safety Elements for New Motor Vehicles (Ley de Elementos Fundamentales de Seguridad para Vehiculos Automotores Nuevos), to establish the mandatory basic security elements of all new vehicles. They include passenger airbags, headrest, among other safety features. However, this Bill was not passed and it was dismissed on April 28, 2017.
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	• Ministry of Communication and Transportation (Secretaria de Comunicaciones y Transportes): Federal level. • Ministry of Economy (Secretaría de Economía): Federal level • Each of the Mexican States and some Municipalities will be involved with the enacting and application of the local Transit Regulations.

The Netherlands

Jurisdiction	The Netherlands
Responsible Baker McKenzie office	Amsterdam
Person(s) responsible for completing questionnaire	Wouter Seinen, Menno Kroon
Completion date	3 October 2017

1. Driverless Vehicles			
Question			**The Netherlands**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	Vehicles are primarily regulated at the national level. However more detailed rules are provided at the municipality level regarding traffic, parking, and the like. Under Dutch law, vehicles are primarily regulated by the *Road Traffic Act 1994* (Wegenverkeerswet 1994). This legislation contains sections of law regarding vehicles and drivers. The primary goal of the *Road Traffic Act 1994* is to maintain safety on the public roads and safety for its users. Secondly, the *Road Traffic Act 1994* provides regulations regarding environmental matters. The relevant ministry is the Ministry of Infrastructure and the Environment. The relevant administrative authority is the RDW (Dienst Wegverkeer*)*. Provinces and municipalities have the authority to conduct certain regulations, as long these regulations do not conflict with the *Road Traffic Act 1994*. An example of these regulations are rules regarding the parking of vehicles.
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if so, please specify.	In 2015 the Dutch parliament passed a decree which allows for the testing of driverless vehicles on public roads. This decree is an adjustment on the *Decree on Exemption of Exceptional Transport* (*Besluit ontheffingverlening exceptionele transporten*). In order to make testing with driverless vehicles possible, a section needed to be added in the law. This is section 2a of the *Decree on Exemption of Exceptional Transport*.
	(iii)	Has your jurisdiction adopted the automation levels set out in SAE	Yes. The explanatory memorandum to the above-mentioned decree specifically mentions that the automation levels of SAE J3016 have been adopted.

1. Driverless Vehicles		
	J3016 for the purpose of defining "driverless vehicle"?	
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**? (i) Does the driverless vehicle need to meet certain standards, or pass an approval process?	There are no regulations which explicitly permit, prohibit, or restrict companies from testing driverless vehicles on public roads, but as a general rule, driverless vehicles are not allowed on public roads unless an exemption has been granted. Hence, testing with driverless vehicles is only possible if the National Road Traffic Agency ("Agency") grants a discretionary exemption for the testing of driverless vehicles on public roads. Section 2a of the *Decree on Exemption of Exceptional Transport* specifically regulates this matter. Companies can apply for an exemption after which the application goes through an approval process with the Agency. Currently, there are no policy rules or criteria regarding the process of exemption. This is mainly due to the diverse range of applications for exemption. Furthermore, the Agency has the authority to set more specific requirements. (i) However, the Agency will follow certain steps in regards to each application. Firstly, the process starts with a thorough analysis of the functional description and risk analysis, as submitted by the applicant. In this phase the Agency checks if the applicant is in possession of insurance, amongst other obligations. Secondly, the applicant must have a electromagnetic compatibility (ECM) statement. Next, the test plan is analyzed, and the Agency looks at earlier tests conducted by the applicant. (ii) When the system complies, on paper, with the requirements mentioned above, tests will be conducted in a private testing facility. These tests include a stress test, which tests the robustness of the system on both a technical level and functional level. (iii) If the system passes these tests, the RDW can grant an exemption for testing on public roads. In order to maintain safety on the public roads, the local road authorities where the testing is to take place, must be consulted.
	(ii) Must the vehicle be equipped with specific hardware or software? For example, certain	There are no specific requirements for vehicles to be equipped with specific hardware or software.

1. Driverless Vehicles			
		jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	
	(iii)	Does the company need to obtain either a special licence or permission from a government authority?	Yes. Permission by the Agency is required (please see our response to question 1(b)(i) above). Permission by the local road authority is also required.
	(iv)	Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	Under Dutch law, every road user of a motor vehicle (whether a natural person or a legal entity) must have insurance. This means that if companies (legal entities) use the public roads, they need to obtain insurance. The *Civil Liability Insurance Act* (*Wet aansprakelijkheidsverzekering Motorrijtuigen*) regulates this matter If an exemption is granted, this exemption also applies to the obligation of standard liability. The Agency may set specific, alternative requirements if no standard insurance is available.
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	Yes. According to Section 185 of the *Road Traffic Act 1994*, the vehicle owner involved in a collision is liable for the damage to persons or objects caused by this vehicle, except in the event of force majeure.
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	Consultation with local/municipality authorities extends beyond regulations on parking and traffic. Local police may want to be involved as they are responsible for safety in their territory. As a matter of policy, all local police authorities having jurisdiction of the test road area should be informed and consulted with.
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which	No. The requirements above do not apply to testing on private property unless the property owner has declared that the national road laws are applicable. Property owners doing so is quite common for parking spaces and

1. Driverless Vehicles			
		requirements.	private business properties.
	(viii)	Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	Yes, several tests with driverless vehicles have taken place on public roads in the Netherlands. In March 2016, the automotive companies of Volvo, Tesla, Hyundai, Toyota, and Mercedes tested their driverless vehicles on A2, one of the largest Dutch highways. In 2017, a long distance "platooning" test was organized, which involved trucks of various brands. As of March 2017, there is a permanent testing facility on a public highway in the Netherlands. On highway A58, which runs between the Dutch cities of Helmond and Tilburg, it is now possible for automotive companies to test their driverless vehicles. However, they still need approval of the relevant authorities and need to comply with all the above-mentioned requirements.
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**?		In order to drive a vehicle legally on the Dutch public roads, consumers must comply with driver licensing and vehicle registration requirements. The Central Office for Motor Vehicle Driver Testing (Centraal Bureau voor Rijvaardigheid) is the responsible body regarding the issue of driver licences. At present, there are no regulations that permit, prohibit, or restrict consumers in the use of driverless vehicles. We have therefore not responded specifically to questions (i) - (v) inclusive. However, the vehicle safety rules that apply to regular vehicles, as well as the road rules that apply consumers driving them, will continue to apply
	(i)	Does the driverless vehicle need to meet certain standards, or pass an approval process?	N/A
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	N/A

1. Driverless Vehicles			
	(iii)	Does the consumer need to obtain either a special license or permission from a government authority?	N/A
	(iv)	Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**?	There are no specific insurance products available for driverless cars yet.
	(v)	If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	No, there are no indications whether the liability of the consumer will be different if he was driving his car himself or used the driverless feature. To date, however, consumers are not allowed to use driverless features.
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?		In the Netherlands vehicles must comply with a certain set of standards regarding vehicle safety and environmental standards. This is regulated by section 72 of the *Road Traffic Act 1994*. Every vehicle must undergo a periodic technical inspection ("PTI" also known in Dutch as Dutch Algemene Periodieke Keuring*, APK*). This inspection contains the safety of the vehicle (headlamps, mirrors, brakes, etc.) and emissions. This is mainly conducted by a car mechanics company which is authorized by the Agency to conduct such inspection. While the PTI do not currently contemplate driverless vehicles, they will continue to apply to automated vehicles that require a human driver to monitor and intervene if requested..
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.		N/A

2. Regulatory Agencies and Policy Developments		
Question		**The Netherlands**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	In the Netherlands, no similar policy has been developed.
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	Yes. The Government (especially the Ministry of Infrastructure and the Environment) has previously stated that the Netherlands should leading in the testing of driverless vehicles possible. In several letters to the Dutch Parliament, the Ministry pointed out how driverless vehicles could benefit the safety of traffic, quality of life, and traffic flow. This indicated a need for the adjustment of laws and regulations on vehicles. Such adjustment has been made evidenced by the *Decree to the Adjustment of the Decree on Exemption of Exceptional Transport*, which passed the Dutch Parliament in 2015.
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	No, there are no laws or regulations being proposed in the Netherlands
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	• Central government: Dienst Wegverkeer (RDW), the Ministry of Infrastructure and the Environment • Provincial governments • Municipalities • Water authorities • Private road authorities

Poland

Jurisdiction	Poland
Responsible Baker McKenzie office	Warsaw
Person(s) responsible for completing questionnaire	Jakub Falkowski
Completion date	8 September 2017

1. Driverless Vehicles			
Question			**Poland**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	Vehicles are primarily governed at the national level. The two principal regulations concerning vehicles in Poland are the *Act of 20 June 1997 on Road Traffic* ("*Road Traffic Act*") and the R*egulation of the Ministry of Infrastructure of 31 December 2002 on the Technical Conditions of Vehicles and the Scope of their Necessary Equipment* ("*Technical Conditions Regulation*"). The *Road Traffic Act* provides a definition of "vehicle," types of vehicles, and the general traffic rules in Poland. The *Technical Conditions Regulation* sets forth conditions such as the measurements and weight of a vehicle, as well as its necessary equipment. The Ministry of Infrastructure and Construction is responsible for vehicle-related issues. While there are no local regulations regarding vehicles themselves, the local government units have certain powers regarding road administrations granted by the *Road Traffic Act* and regulated by the *Regulation of the Ministry of Infrastructure of 23 September 2003 on the Detailed Conditions of Traffic Management on the Roads and the Exercise of Surveillance of this Management* ("*Traffic Management Regulation*"). The central administration authority for issues related to the national road system in Poland is the General Director for National Roads and Motorways (Generalna Dyrekcja Dróg Krajowych i Autostrad), which is responsible for roads classified as national roads. As for the other types of roads – the Marshal of the Voivodship (marszałek województwa) is the entity that manages traffic on voivodship roads and the Starost (starosta*)* is the entity managing traffic on district and communal roads.

1. Driverless Vehicles			
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if so, please specify.	No. Binding regulations regarding driverless vehicles have not yet been adopted in Poland. However, the Polish government is currently working on the Act on Electromobility, a draft regulation on electromobility and alternative fuels, which will implement *Directive 2014/94/EU* of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure. While the general aim of this draft law is to provide legal instruments to support the development of infrastructure of alternative fuels (mainly electric energy and natural gas), it also provides for amendments to the *Act on Road Traffic*, aiming to enable research and testing of driverless vehicles. The draft Act on Electromobility is the first regulation in Poland which provides a definition of "driverless car," which is referred to in the draft act as a "self-controlling vehicle" (pojazd samosterujący). It is defined as an electric vehicle, equipped with technologies and systems that control the movement of the vehicle and allow it to move without the participation of the driver. The draft act is also the first proposed legal regulation that makes reference to the conditions of testing driverless vehicles on public roads in Poland (for details, please see our response to question 1(b) below).
	(iii)	Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	No.
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**?		Currently, no legal regulations in respect to this have been adopted in Poland. However, the explanatory memorandum of the draft Act on Electromobility states that the aim of this act is to allow the testing of self-controlling vehicles. This draft act is the first Polish legal act that provides for the possibility of testing driverless vehicles (also referred to as self-controlling vehicles) on public roads. The draft act dedicates a chapter on the regulation of the testing of self-controlling vehicles on public roads that, according to the draft, will be added to the *Road Traffic Act*. For details regarding this procedure, please see our responses to

1. Driverless Vehicles			
			question 1(b)(i) - (viii) below.
	(i)	Does the driverless vehicle need to meet certain standards, or pass an approval process?	The draft Act on Electromobility does not provide the specific standards that shall be met by the self-controlling vehicle. Pursuant to the draft, a self-controlling vehicle to be tested shall obtain an "individual admission" (dopuszczenie jednostkowe), which confirms that the vehicle must satisfy appropriate conditions and technical requirements. Such an admission is granted by means of an administrative decision issued by the Director of the Transport Technical Supervision. While the procedure of granting such admission is already provided for by Polish law in the *Road Traffic Act*, Articles 70 zn - 70 zr, neither the *Road Traffic Act* nor the draft Act on Electromobility provide the detailed conditions that shall be satisfied by self-controlling vehicles in order to obtain such individual admission. This is most likely due to the fact that the draft law is at an early stage of development.
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	As specified in our response to question 1 (a) (ii) above, currently there are no legal acts or legislative proposals that provide specific requirements of a driverless vehicle. Therefore for now, we may only rely on the description in the definition of self-controlling vehicle, according to the draft act shall be an electric vehicle. "Electric vehicle" is defined in the draft act as a motor vehicle within the meaning specified in the *Road Traffic Act*, which is either driven by a motor-electric drive or driven solely by electric energy – where the electric energy is accumulated when the vehicle is connected to an external source of energy.
	(iii)	Does the company need to obtain either a special licence or permission from a government authority?	Pursuant to the draft Act on Electromobility, in order to conduct tests, the company will need to obtain permission granted by the entity responsible for the management of the road which the company has chosen for the tests. Under the draft act, the company must submit the following to obtain permission: (a) the company's data, (b) information on the place and the beginning and ending date of the tests, (c) the planned route of the tests of the self-controlling vehicle, (d) a detailed description of the route on which the vehicle will be tested, (e) lists of the persons representing the organizer of the tests in securing the route of the tested vehicle, and (f) the signature of the organizer or of its representative.

1. Driverless Vehicles			
			The entity conducting research/tests will also be obliged to provide: (i) the document confirming the conclusion of the agreement regarding compulsory insurance for civil liability and the confirmation of the payment of the corresponding insurance fee, and (ii) the document evidencing the grant of individual admission referred to our response to question 1(b)(i) above.
	(iv)	Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	Yes. Pursuant to the draft Act on Electromobility, the entity conducting research/tests will be obliged to provide the document confirming the conclusion of the agreement regarding compulsory insurance for civil liability.
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	In general, yes. As neither the draft Act on Electromobility nor any other specific legal regulation provides detailed rules of liability of the company in case of an automobile collision involving a driverless vehicle, the general rules of liability set forth in the *Civil Code of 23 April 1964* ("*Civil Code*") will apply. Pursuant to the *Civil Code*, (Article 436) and the strict liability principals, it is the possessor of the car (or, if applicable, the person/company to which the possessor has given the car e.g. for the purpose of testing) who shall be liable for the damage caused to a person or to a property, unless for example, the damage was due to force majeure, or solely the sole fault of the person who suffered the damage
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	Pursuant to the draft act, apart from obtaining the permission referred to in our response to question 1(a)(iii) above, a company testing a driverless vehicle must meet certain safety requirements. In particular, the company must: (i) cooperate with the police in order to ensure road safety during the tests of the driverless vehicle, (ii) ensure that during the tests, a person with a valid driving license will be on board the driverless car, (iii) inform the public about the tests and about the route on which the vehicle will be tested, (iv) prepare warning signs or warning and information panels that will unambiguously inform the public about the tests (such warning signs shall be prepared in agreement with the entity responsible for the management of the road which the company has chosen for the tests), and (v) mark the route with the signs referred to in point (iv). The entity granting permission for the tests of a driverless vehicle on public roads may refuse to grant permission for

1. Driverless Vehicles			
			the test if the company either does not satisfy the conditions specified above or, if despite satisfying these conditions, conducting the tests will pose a threat to human life, health, or valuable property.
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	No, however some exceptions may apply. As a general rule, pursuant to the *Road Traffic Act*, Article 1, paragraph 2, the *Road Traffic Act* rules are applicable not only to public roads, but also to private roads, to the extent necessary to avoid danger to the safety of persons and to the extent resulting from signs and traffic signals. The draft Act on Electromobility only provides restrictions regarding testing self-controlling vehicles on public roads. Due to the fact that the draft act is only in a early stage of development, we cannot exclude the possibility that relevant restrictions regarding testing on private roads may be imposed at a later stage.
	(viii)	Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	(A) Partially yes. There are several projects that have been covered by the media. However, the projects were mostly for R&D purposes rather than for real testing purposes. The most advanced research is being conducted at Wrocław University of Technology where a driverless car named "Jurek" was created by a group of approximately 30 students under the direction of Professor Piotr Wrzecionarz. This is the first vehicle of its kind in Poland. Work on the car began in spring 2012, and within a year, the group of students prepared a working vehicle. Work and tests on the car are ongoing. (B) Tests conducted by three Polish universities – Wrocław University of Technology, Łódź University of Technology, and Warsaw University of Technology – have been covered by the media. Recently, information about planned tests has been disclosed more frequently. At the International Conference on the Autonomous Future of Road Transport (https://www.avpoland.com/), held in Warsaw in September 2017 and organized by the Polish Motor Institute under the auspices of the Polish Ministries of Infrastructure and Construction, of Innovation, of Energy and of Digitization, a special, dedicated lane for the testing of autonomous cars and

1. Driverless Vehicles		
		automating systems was made available to participants. There are also several local initiatives aimed at supporting the testing of driverless cars. • Łódź, one of the biggest Polish cities, would like to be the first city in Poland to allow driverless cars on its roads. Initially, Łódź aims to allow driverless mini-buses on a designated track on its main street. • Jaworzno, a small city in southern Poland, aims to test driverless vehicles on public roads. Jaworzno supports much-needed changes in Polish law and is already preparing a three-dimensional (3-D) map of the town.
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**? (i) Does the driverless vehicle need to meet certain standards, or pass an approval process? (ii) Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions. (iii) Does the consumer need to obtain either a special license or permission from a government authority? (iv) Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles	In order to legally drive a vehicle on a public road in Poland, consumers must comply with driver licensing, vehicle registration, and third party liability insurance policy requirements. These requirements are generally consistent nationwide. Local government units are responsible for driver licensing and vehicle registration. Moreover, in order for a vehicle to be allowed to move on public roads, it must meet certain technical requirements. Compliance with these requirements by a vehicle must be systematically confirmed by vehicle inspection stations. The frequency of these confirmations depends on the age of the vehicle. There are no consumer-related regulations yet that are specific to the use of driverless vehicles in Poland. As mentioned above, work on the draft Act on Electromobility that, to some extent, refers to self-controlling vehicles is underway. However, we believe that the vehicle safety rules that apply to regular vehicles, as well as the road rules that apply to all consumer-drivers will probably be relevant.

1. Driverless Vehicles		
	operated by **consumers for personal use**? (v) If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?	In order to be registered, vehicles must meet the applicable standards included in the *Road Traffic Act* and *Technical Conditions Regulation*. These standards apply to vehicles newly manufactured in Poland as well as imported new or second-hand vehicles supplied to the Polish market. There are no vehicle safety rules that are specific to the use of driverless vehicles by consumers in Poland. However, the vehicle safety rules that apply to regular vehicles, as well as the processes of vehicle approval and registration, will most probably be relevant.
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	Apart from the above-mentioned regulations and draft laws, Poland is also party to the *Vienna Convention on Road Traffic of 8 November 1968* ("*Vienna Convention*"), which on the basis of the March 2014 amendment allowed cars to be equipped with self-controlling technology.

2. Regulatory Agencies and Policy Developments		
Question		**Poland**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	No, there is no similar policy in Poland.
(b)	If not, has the government or a government representative in your jurisdiction made any policy	• Yes. On 8 August 2017, the Ministry of Digitization issued an official statement, saying that the Polish government supports regulations related to driverless

2. Regulatory Agencies and Policy Developments		
	statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	vehicles discussed within the EU and that any such regulations are within the scope of the Ministry of Infrastructure and Construction's power. The statement underlined that the Ministry of Digitization is up-to-date with the developments at the EU level and the government is of the opinion that any Polish regulation on driverless vehicles should be drafted in collaboration with many other stakeholders. A copy of the statement (available only in Polish) can be accessed at http://orka2.sejm.gov.pl/INT8.nsf/klucz/658C47F0/%24FILE/i14305-o1.pdf. • Further, on 9 August 2017, the Ministry of Infrastructure and Construction issued an official statement underlining that Poland is a contracting party of the *Vienna Convention*. Recent changes to the *Vienna Convention* have allowed cars to be equipped with self-controlling technology. However, as the changes to the *Vienna Convention* do not allow fully driverless vehicles on public roads, the Ministry takes the view that the driver is still ultimately in charge of making the final decision. • Ministry representatives are currently debating the issue as a part of the WP29 group of the United Nations Economic Commission for Europe (UNECE). As a result, national regulations will reflect the proposals drafted at the EU level. A copy of the statement (available only in Polish) can be accessed at http://www.sejm.gov.pl/Sejm8.nsf/InterpelacjaTresc.xsp?key=5667F97F
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	The draft Act on Electromobility to some extent applies to driverless vehicles and includes: • a definition of a self-controlling vehicle, and • the basic requirements that must be met in order to allow the testing of self-controlling vehicles on public roads (safety requirements, obligatory permit, and insurance). For more details see our response to question 1(a) and 1(b). Due to the draft act being at an early stage of

2. Regulatory Agencies and Policy Developments		
		development, we cannot assess the likelihood of its approval. The Ministry of Economic Development and Finance and the Government Legislation Centre (Rządowe Centrum Legislacji) voiced their opinion on the subject and suggested that there should be a separate regulation that expressly applies to driverless vehicles, as the discussed draft mainly focused on electric cars and alternative fuels. On the other hand, the Ministry of Infrastructure and Construction opts for a safe approach, where an in-depth analysis would precede the testing of the self-controlling vehicles on public roads.
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	The key agency responsible for driverless vehicles would most probably be The Ministry of Infrastructure and Construction. The following are agencies and authorities that will likely be in charge of issuing permits to test driverless vehicles on public roads (as previously discussed in our response to question 1(a)(i)): • The central administration authority is the General Director for National Roads and Motorways in relation to roads classified as national roads. • A voivodship marshal in relation to voivodship roads. • Starost (local authority) in relation to district and communal roads.

Russia

Jurisdiction	Russia
Responsible Baker McKenzie office	Moscow
Person(s) responsible for completing questionnaire	Max Gutbrod, Dmitry Lysenko
Completion date	8 September 2017

1. Driverless Vehicles			
Question			**Russia**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	Vehicles are regulated at the Federal level. The Federal Legislature establishes the framework of regulations concerning road traffic safety and public transport infrastructure. The Federal Government is responsible for state supervision and enforcement of transport regulations. The Federal Government also issues road traffic rules, national standards for vehicle safety, requirements for driver licensing, and standards for vehicle examination.
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if so, please specify.	No. However, the Federal government issued *Order of 23.04.2010 No. 319, 'Approval of Automobile Industry Development Strategy for the Period until 2020*.' The document demonstrates that the Federal Government aims to develop and introduce driverless vehicles and facilities for such vehicles to use in industry and non-military spheres. In July 2016, the Ministry of Transport of the Russian Federation issued *Order No. MC-93-p*, which established the working group on the development of driverless vehicle ("Working Group"). The Working Group is responsible for testing and developing driverless vehicles in Russia.
	(iii)	Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	No, Russia has not adopted the automation levels set out in SAE J3016.

1. Driverless Vehicles		
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**? (i) Does the driverless vehicle need to meet certain standards, or pass an approval process?	The *Russian Federal Law on Road Traffic Safety* and *Road Traffic Rules* presume that any vehicle travelling on public roads must have a driver. Therefore, testing driverless vehicles on public roads is not allowed. N/A.
	(ii) Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	N/A.
	(iii) Does the company need to obtain either a special licence or permission from a government authority?	N/A.
	(iv) Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	N/A.
	(v) If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	N/A.
	(vi) Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and	N/A.

1. Driverless Vehicles			
		regulations, please consider policy statements or guidelines issued by the relevant government authority.	
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	N/A.
	(viii)	Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	Yes. The media has reported on the following tests: • "KamAZ" company is preparing to test its driverless trucks on public roads after 2018. So far the company has been testing them it in restricted testing areas. However, no information on the legal environment allowing driverless vehicle tests on public roads has been provided. • In 2016, "Volgabus" company presented the first driverless bus in Russia. Volgabus aims to manufacture more driverless buses to be used during the FIFA World Cup 2018 in Russia. • In 2017, Yandex company announced that it is working on new driverless taxi cabs. • In August 2017, the first driverless vehicles testing centre in Russia was constructed. • Companies "Cognitive Technologies" and "Rosselmash" are conducting tests for driverless combine harvesters.
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**?		There are no driverless vehicles available for personal use in Russia and they are not expected to be available anytime in the near future.
	(i)	Does the driverless vehicle need to meet certain standards, or pass an approval process?	N/A

1. Driverless Vehicles			
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	N/A
	(iii)	Does the consumer need to obtain either a special license or permission from a government authority?	N/A
	(iv)	Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**?	N/A
	(v)	If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	N/A
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?		N/A
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.		N/A

2. Regulatory Agencies and Policy Developments		
Question		**Russia**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	No.
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	The Minister of Transport of Russia, Maksim Sokolov, made several important public statements related to this issue. He made clear that Russia's ultimate goal is to create a high-tech infrastructure, including automated transportation systems. The Government is working on the development of new technologies manifoldly, i.e., drafting new legislation, financing related projects, attracting new companies, popularizing driverless vehicles in mass media, among other things. For more information (available only in Russian), please see https://www.mintrans.ru/news/detail.php?ELEMENT_ID=32051&sphrase_id=153834. The Deputy Chief of Road Safety Department of the Ministry of Internal Affairs, Vladimir Kuzin, stated that new regulations need to be issued and new infrastructure needs to be constructed before allowing driverless cars on the public roads. For more information (available only in Russian), please see https://rg.ru/2017/03/16/kogda-v-rossii-poiaviatsia-bespilotnye-avtomobili.html.
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	Currently there is no information available on the status and content of any such draft laws/regulations.
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	The authorities mentioned below are likely to have power to issue regulations related to driverless vehicles: • The President and the Parliament of the Russian Federation • The Government of the Russian Federation

2. Regulatory Agencies and Policy Developments		
		• The Ministry of Transport of the Russian Federation • The Ministry of Internal Affairs • The Ministry of Defence of the Russian Federation with respect to driverless vehicles for military purposes.

Singapore

Jurisdiction	Singapore
Responsible Baker McKenzie office	Singapore
Person(s) responsible for completing questionnaire	Ken Chia, Anne Petterd
Completion date	24 January 2018

1. Driverless Vehicles			
Question			**Singapore**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	Not applicable. Vehicles in Singapore are regulated at a national level. The responsible regulatory authority is the Land Transport Authority ("**LTA**").
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if so, please specify.	The Road Traffic (Autonomous Motor Vehicles) Rules 2017 (the "**AV Rules**") pursuant to the Road Traffic Act (Cap. 276) ("**RTA**").
	(iii)	Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	No. However, recent amendments to the Road Traffic Act have altered the definition of motor vehicle[1] and included definitions of "autonomous motor vehicle",[2] which have been described by the Ministry of Transport (although not specified in any regulations) as applying to motor vehicles with conditional, high and full automation, as defined in levels 3, 4 and 5 of SAE International J3016.[3]
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as		Yes, the RTA and the AV Rules prohibit such testing, which are subject to authorisation from the LTA. There is a prohibition against the conduct of any *trial* of

[1] "motor vehicle" means a vehicle that —
(a) is propelled wholly or partly by a motor or by any means other than human or animal power; and
(b) is used or intended to be used on any road;" (Section 2, RTA).
[2] "autonomous motor vehicle" means a motor vehicle equipped wholly or substantially with an autonomous system (also commonly known as a driverless vehicle), and includes a trailer drawn by such a motor vehicle (Section 2, RTA).
[3] https://www.mot.gov.sg/News-Centre/News/2017/Opening-Speech-by-Second-Minister-for-Transport-Ng-Chee-Meng-for-the-Road-Traffic-Amendment-Bill-Second-Reading/.

1. Driverless Vehicles		
	automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**?	automated vehicle technology or an autonomous motor vehicle. Companies will need to apply for approval from the LTA to undertake a trial of automated vehicle technology or an autonomous motor vehicle (an "**AV trial**"), The RTA provides a broad discretion for the LTA to implement a regulatory sandbox in relation to an AV trial, which allows for the LTA to create bespoke licensing conditions, demarcated areas of operation or test routes and derogation from the generally applicable RTA and its subsidiary legislation.
	(i) Does the driverless vehicle need to meet certain standards, or pass an approval process?	Yes, the applicable standards and requirements will be instituted by the LTA in relation to each AV trial on an assessment on a case-by-case basis. The LTA generally encourages prospective AV trial applicants to correspond with the LTA in advance in order for the trial or use to be assessed in order for the specific requirements to be established. However, there are certain overarching conditions to authorisation and duties of persons authorised to carry out AV trials, prescribed under the RTA and the AV Rules which have to be adhered to. **Conditions of authorisation** The AV Rules provide for conditions of authorisation which the LTA may impose and modify from time to time, including:[4] (i) stating the geographical area in which the AV trial may be undertaken; (ii) requiring a qualified safety driver to be seated in an autonomous motor vehicle to monitor the operation of the vehicle and to take over operation of the vehicle if necessary; (iii) requiring a qualified safety operator to monitor the operation of an autonomous motor vehicle and to take over operation of the vehicle if necessary; (iv) prohibiting any autonomous motor vehicle from carrying passengers;

[4] Reference may also be taken from Application for Approval to carry out Autonomous Vehicle (AV) Trials (2015), accessible at: https://www.lta.gov.sg/content/ltaweb/en/roads-and-motoring/managing-traffic-and-congestion/intelligent-transport-systems/savi.html.

1. Driverless Vehicles		
		(v) prohibiting any autonomous motor vehicle from being used for hire or reward; (vi) stating the persons who may participate in the AV trial; and (vii) any other conditions having regard to the technical specifications of an autonomous motor vehicle. **Insurance** In addition, there are liability insurance requirements. Please see our responses to 1(b)(iv) below. **Duties of licensees** The AV Rules prescribe several duties of authorised persons, including: (i) a duty to ensure maintenance of the autonomous vehicle; (ii) a duty to ensure that every autonomous motor vehicle used in the AV trial is installed with a data recorder that is capable of storing information when the vehicle is being used, with additional mandatory requirements including, among others: (a) the requirement to ensure that the data recorder is in operation at all times when the autonomous vehicle is used in the AV trial; (b) the requirement to keep data collected for at least 3 years from the date of recording, in a digital format specified by the LTA; (c) the requirement to capture information to the level and specifications prescribed under the AV Rules (or as otherwise prescribed by the LTA), which comprises an extensive range of information including geolocation, braking, number of times an operator takes over control of the vehicle due to failure of the automated driving mode, and weather conditions; and (d) the requirement, upon request by the LTA, to relay data captured by the data recorder to the LTA, including information on a real-time basis, in a format readable by the LTA, and to give a copy of any data recorded in a data recorder to the LTA for

1. Driverless Vehicles			
			the purposes of carrying out any investigations, inspections or audits; (iii) a duty to keep records, with accompanying requirements, including the duty to keep records up-to-date, to make records available at all times for inspection upon request by the LTA, and to retain records for at least 3 years following authorisation, or a later period as specified by the LTA; (iv) a duty to notify the LTA of incidents and accidents; and (v) a duty to undergo tests if so required by the LTA.
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	Yes. Every autonomous motor vehicle used in an AV trial is to be installed with a data recorder. Please see our responses to 1(b)(ii) above in relation to data recorder requirements.
	(iii)	Does the company need to obtain either a special licence or permission from a government authority?	Yes. Please see our responses to 1(b)(ii) above.
	(iv)	Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	Yes. It has been stated by the Minister that in order to trial on public roads, self-driving vehicles must demonstrate roadworthiness by passing an overall vehicle safety assessment and all trial participants must have in place insurance covering injury to persons, death and property damage.[5] A person authorised to carry out an AV trial is to: (i) have in place liability insurance before the AV trial starts, and to ensure that it is in force at all times during the period of the AV trial; or (ii) in lieu of such liability insurance, if the person is unable to secure the liability insurance upon making reasonable efforts to do so, deposit with the LTA a security deposit of not less than S$1.5 million.

[5] https://www.mot.gov.sg/News-Centre/News/2016/Written-Reply-by-Minister-for-Transport-Khaw-Boon-Wan-to-Parliamentary-Question-on-Becoming-an-Autonomous-Vehicle-Ready-Nation/.

1. Driverless Vehicles			
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	There are no specific rules assigning liability in such a case, and generally applicable laws and regulations would apply.
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	We would highlight the other potential restrictions as described under 1(e).
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	There are no regulations in relation to testing on private property. The RTA and its subsidiary legislation relates to use of autonomous vehicles and automated vehicle technology on public roads. However, it should be noted that the telecommunications licensing regime as stated in our response to 1(e) below would still be applicable.
	(viii)	Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	Yes, there are tests taking place on public roads in Singapore. (i) In April 2016, nuTonomy, a U.S. driverless vehicle developer, commenced testing of two driverless taxis in one-north, a 2.5km square industrial district and demarcated test area, with a view to subsequently launching a commercial robo-taxi service. An additional two vehicles were introduced in September 2016.[6] (ii) From 2015, the Singapore-MIT Alliance for Research and Technology (SMART) and the National University of Singapore has tested a retrofitted driverless car named Shared Computer Operated Transport (SCOT), within the National University of Singapore campus.[7] From 2014, the Energy Research Institute @ Nanyang Technological University has also

[6] http://www.nutonomy.com/press-release/singapore-public-trial-launch/.
[7] http://www.straitstimes.com/singapore/singapore-made-driverless-car-to-ply-nus-roads.

1. Driverless Vehicles		
		conducted road-testing of a driverless shuttle named NAVIA in partnership with JTC Corporation, a statutory board, and Induct Technologies, a French technology company.[8] In addition, there are other proposed tests or ongoing tests on non-public roads: (i) As at April 2017, the LTA had signed partnership agreements with four companies and research institutes, including Delphi Automotive, an automotive technology company, and nuTonomy (to conduct autonomous mobility-on-demand trials), and ST Kinetics, a public land-based solutions engineering company, and the Energy Research Institute @ Nanyang Technological University (to develop and trial autonomous bus technology).[9] (ii) In April 2017, ST Engineering, a public engineering solutions company, announced together with the Sentosa Development Corp, a tourism statutory board, and the Ministry of Transport, a trial of a point-to-point mobility-on-demand solution in a tourism-intensive area in conjunction with the use of ride-hailing via mobile devices or information kiosk.[10] (iii) In October 2017, Katoen Natie, a Belgian logistics company, commenced a six-month trial of a driverless truck at US oil conglomerate ExxonMobil's integrated manufacturing hub, with a view to subsequently commencing trials on public roads.[11] (iv) In October 2017, the Ministry of Transport and PSA Corporation, a port operator, signed agreements with two automotive companies, Scania and Toyota Tsusho, to commence the design, development and testing of an autonomous truck platooning system for use on public roads.[12] (v) As at December 2017, a fully operational

[8] http://www.straitstimes.com/singapore/transport/driverless-vehicles-take-to-the-tarmac-4-examples-in-singapore-and-overseas.
[9] https://www.channelnewsasia.com/news/driverless-buses-to-be-rolled-out-on-singapore-s-roads-by-2020-8698180.
[10] ibid; https://www.stengg.com/en/newsroom/news-releases/on-demand-self-driving-shuttles-in-sentosa-at-the-touch-of-a-smartphone.
[11] https://www.channelnewsasia.com/news/business/singapore-s-first-driverless-truck-makes-debut-at-jurong-island-9338308.
[12] https://www.mot.gov.sg/News-Centre/News/2017/Singapore-to-start-truck-platooning-trials/.

1. Driverless Vehicles		
		autonomous vehicle developed by Gardens by the Bay, a public tourism company, and ST Engineering, an integrated engineering group, has been deployed to ply a fixed 1.5 km circuit within an enclosed tourist area on a restricted timetable.[13] Various test areas have also been demarcated: (i) There is an existing test-bed in one-north where the industry, research institutions and the authorities can conduct proof-of-concept trials.[14] (ii) New testing areas have been delineated in towns in Punggol, Tengah and the Jurong Innovation District, which are planned to have AV-friendly features.[15] (iii) In August 2016, the LTA, Jurong Town Corporation, a statutory board, and the Nanyang Technological University established a test centre to develop testing requirements and standards. In November 2017, a practical test environment was launched. The centre has a 3.2 km track enabling companies to test their AVs in a simulated environment.[16]
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**? (i) Does the driverless vehicle need to meet certain standards, or pass an approval process? (ii) Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data	The use of an autonomous motor vehicle on a public road is prohibited unless authorisation is obtained under rule 7 of the AV Rules. Under the AV Rules, such use is referred to as approved special use ("**special use**"). However, this prohibition does not apply if the use does not involve the activation of the autonomous system of the autonomous motor vehicle. The conditions and duties under such authorisation could be the same as under an AV trial under Part 2 and Part 3 of the AV Rules (although in our view it is likely that the conditions and duties imposed under an application for special use would be less rigorous given that such special use may be reserved for vehicles or technology which have undergone previous trials or an equivalent standard of testing). In order to legally drive a vehicle on a public road in

[13] https://www.opengovasia.com/articles/6792-asias-first-fully-operational-autonomous-vehicle-running-at-gardens-by-the-bay-singapore.
[14] https://www.lta.gov.sg/content/ltaweb/en/roads-and-motoring/managing-traffic-and-congestion/intelligent-transport-systems/savi.html.
[15] https://www.channelnewsasia.com/news/singapore/self-driving-buses-shuttles-test-punggol-jurong-tengah-9427850.
[16] https://www.mot.gov.sg/News-Centre/News/2017/Opening-Address-by-Minister-Khaw-Boon-Wan-at-CETRAN-Autonomous-Vehicle-Test-Centre/.

1. Driverless Vehicles		
	recorder for collisions. (iii) Does the consumer need to obtain either a special license or permission from a government authority? (iv) Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**? (v) If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	Singapore, consumers must comply with the relevant driver licensing and vehicle registration requirements. In relation to vehicle registration requirements, a vehicle must comply with rules implemented under the RTA including the Road Traffic (Motor Vehicles, Construction & Use) Rules, the Road Traffic (Motor Vehicles, Lighting) Rules and the Road Traffic (Motor Vehicles, Seat Belt) Rules, as well as with emissions and other materials standards prescribed by the National Environment Agency. While these rules are expressed to be not applicable in relation to an autonomous motor vehicle that is not registered under the RTA and is to be used under a special use,[17] the regulations would apply otherwise.[18] As such, we have not responded specifically to question 1(c)(i) to (v) inclusive.
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?	Consumers are in theory allowed to use autonomous vehicles for personal use on public roads *as long as* the use of the autonomous motor vehicle does not involve the activation of the autonomous system of the autonomous motor vehicle.[19] See our responses to 1(c) above. Otherwise, under the AV Rules, autonomous vehicles may only be used on public roads by authorised persons.
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	Other than the broad requirements stated in the AV Rules, the requirements are subject to the LTA's broad discretion given the assessment of prospective AV trials or special use on a case-by-case basis. It should be noted that there are restrictions on photography of specified protected areas under the Infrastructure Protection Act (which has yet to come into force), and restrictions on access to, and movement and conduct in specified areas under the Protected Areas and the Protected Places Act. Telecommunications licensing requirements may be triggered by the types of telecommunications equipment and/or networks used and/or operated in relation to such technology.

[17] Rule 21(1), AV Rules.
[18] ibid.
[19] Rule 4(3), AV Rules.

2. Regulatory Agencies and Policy Developments		
Question		**Singapore**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	While regulations have been developed in relation to AV trials (as described above), there is no overarching guidance or policy providing detailed guidelines for the industry.
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (ii) If so, please provide a copy of the statements.	The government has indicated its receptiveness to the implementation of projects in Singapore and an intention to maintain a light-touch approach to regulation, in order to gauge the appropriate regulatory response to such technology, balanced against the interests of safety of the public road users. https://www.mot.gov.sg/News-Centre/News/2017/Opening-Speech-by-Second-Minister-for-Transport-Ng-Chee-Meng-for-the-Road-Traffic-Amendment-Bill-Second-Reading/ On 22 November 2017, the Ministry of Transport and the Land Transport Authority launched a Request for Information to seek feedback from the industry and research institutions on key requirements for the successful pilot deployment of autonomous vehicles. The deadline for the provision of responses is 31 May 2018. https://www.lta.gov.sg/apps/news/page.aspx?c=2&id=39787c15-ad56-4d1a-8ba9-4ea14860f9b4
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	There are no laws currently being proposed relating to driverless vehicles which we are aware of.
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	Ministry of Transport, and the LTA.

South Africa

Jurisdiction	South Africa
Responsible Baker McKenzie office	Johannesburg
Person(s) responsible for completing questionnaire	Darryl Bernstein, Ashlin Perumall, and JJ van der Walt
Completion date	8 September 2017

1. Driverless Vehicles			
Question			**South Africa**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	Motor vehicles are primarily regulated by national legislation that is binding on all nine provinces of South Africa, the salient of which are: ▪ The *National Road Traffic Act, No. 93 of 1996* ("*NRTA*"); ▪ The *Road Accident Fund Act, No. 56 of 1996* ("*RAF Act*"); and ▪ The *National Regulator for Compulsory Specifications Act, No. 5 of 2008* ("*NRCSA*"). The *NRTA* regulates, *inter alia*, (i) the registration and licencing of motor vehicles; (ii) the fitness of drivers and licensing of human beings to operate (drive) motor vehicles; (iii) the fitness of vehicles; road safety; transportation of dangerous goods; (iv) road traffic signs and general speed limits; (v) accidents and reports; and (vi) reckless and negligent driving. The *RAF Act* provides for compensation to a third party for damage (limited to bodily injuries) or loss caused by or arising from the driving of a motor vehicle. This is discussed further in our response to question 1(b)(v) below. The *NRCSA* provides the Compulsory Specifications to which every motor vehicle that is to be registered and licenced in terms of the *NRTA* has to comply with.
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if	No.

1. Driverless Vehicles		
	so, please specify.	
	(iii) Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	No.
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**? (i) Does the driverless vehicle need to meet certain standards, or pass an approval process?	In South Africa, the testing of a driverless vehicle on a public road is not specifically restricted. However, as driverless cars will fall under the meaning of 'motor vehicle' under the *NRTA*, the provisions applicable to motor vehicles under the *NRTA* will also apply to driverless cars. The legislation provides that to operate a motor vehicle on a public road, such vehicle must be registered and licenced. In order to procure such registration and licencing, vehicles must be given a National Traffic Information System ("NaTIS") model number evidencing compliance with the relevant *NRSCA* Compulsory Specifications. However, no NaTIS number need be obtained if the vehicle is experimental or a prototype vehicle constructed or imported for the purpose of testing, assessment, or development. Furthermore, if the motor vehicle is not used on public roads, such vehicle need not be registered or licensed. Accordingly, in so far as any motor vehicle is an experimental or a prototype vehicle constructed or imported for the purpose of testing, assessment, or development and will not be used on public roads, such motor vehicle need not be registered or licenced.
	(ii) Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	South African law is silent on this point.
	(iii) Does the company need to obtain either a special licence or *permi*ssion from a government authority?	South African law is silent on this point.

1. Driverless Vehicles			
	(iv)	Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	South African law is silent on this point.
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	South African law does not provide for any general liability specifically linked to driverless cars. The following is, however, of significance in respect to the issue of liability for when motor vehicles are in involved in collisions. • The *RAF Act* provides for a state-mandated insurance fund for the compensation for third party damages, which are limited to bodily injuries, or loss caused by or arising from the driving of a motor vehicle. The regime put in place by the *RAF Act* is premised on income derived from a fuel levy that is to be applied to the Road Accident Fund ("RAF"), which primarily goes to the compensation of road accident victims. This is achieved by the RAF finding the wrongdoer in the motor vehicle accident, i.e., one who would have ordinarily been civilly liable under South African common law. The definition of "motor vehicle" in the *RAF Act* appears to be broad enough to encompass a driverless vehicle. The relevant wrongdoer would be either the person who activated the driverless system or the one who failed to take control of the vehicle when he or she ought to have done so. • With regard to damage caused by or arising from the driving of a motor vehicle that is *not* related to bodily injury (that is patrimonial loss related to, for example, the motor vehicle itself), the general principles of the law of delict (i.e., tort law in Anglo-American legal systems) will be applied as between the "driver" of the driverless vehicle and the driver of the other motor vehicle with outcomes being heavily dependent on the facts and circumstances of the collision. • From a consumer rights perspective, the *Consumer Protection Act, No. 68 of 2008* ("*CPA*") is also of importance. Section 61 of the *CPA* provides for strict ("no fault") liability rules and provides that a supplier, producer, importer, or retailer of any goods shall be

1. Driverless Vehicles			
			liable for harm caused by (i) the supply of unsafe goods, (ii) a product failure, defect, or hazard in any goods, or (iii) inadequate instructions or warnings provided to the consumer pertaining to any hazard arising from or associated with the use of any goods. Such liability cannot be removed, although indemnities can be agreed upon between potentially liable parties in the supply chain of the product.
	(vi)	Please outline any other requirements that must be satisfied to **test driverless vehicles on public roads**. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	Under South African law, there is no statutory or regulatory instruments specifically permitting, prohibiting, or restricting the testing of driverless vehicles on public roads. Under South African law motor vehicles must be registered and licensed. Section 4(3) of the *NRTA* and R. 3 of *GNR.225 of 17 March 2000: National Road Traffic Regulations, 2000* ("*NRTA Regulations*") is pertinent to the registration requirement while R. 18 of the *NRTA Regulations* is pertinent to the licensing requirement. In order to procure such registration and licencing, vehicles must be awarded a National Traffic Information System ("NaTIS") model number evidencing that it complies with the NRCSA Compulsory Specifications. See, for example, R. 7 of *GN 688 of 5 September 2014: Amendment to the Compulsory Specification for Motor Vehicles of Category M1* (*Government Gazette No. 37958*) ("*NRCSA Regulations*"), which determines whether each model of motor vehicle from a specific source, covered by the scope of this compulsory specification, is homologated. Homologation, under R. 1, is defined as "a process of establishing the compliance of a model of motor vehicle and approval being granted by the regulatory authority, prior to it being introduced for sale." However, pursuant to R. 1.3(a) of the *NRCSA Regulations*, a NaTIS number need not be obtained if the vehicle is an experimental or a prototype vehicle constructed or imported for the purpose of testing, assessment, or development. Where a motor vehicle is not driven on public roads, that vehicle need neither be registered nor be licensed. Thus, in so far as any motor vehicle is an experimental or a prototype vehicle constructed or imported for the purpose of testing, assessment, or development and will not be

1. Driverless Vehicles			
			used on public roads, such motor vehicle need neither be registered nor be licenced. It follows naturally that if the vehicle need neither be registered nor be licenced, it need not be awarded an NaTIS model number. In terms of the *NRTA*, a driverless vehicle qualifies as a "motor vehicle" if it falls under *NRTA*'s definition of any self-propelled vehicle and includes a vehicle having an engine or an electronic motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such engine or motor and a "vehicle" as a device designed or adapted to travel on wheels. The testing of such vehicle on a public road will constitute the operation of such vehicle on the public road. No person is allowed to operate a motor vehicle on a public road unless such motor vehicle is registered and licenced in accordance with the *NRTA* and such person is licensed to operate such vehicle. In conclusion, every vehicle in South Africa, including a driverless vehicle, must both be registered and licenced, even if used on a public road for testing purposes. In addition, any person who wishes to operate a motor vehicle on a public road must be licenced to do so, even if the vehicle is operated for testing purposes.
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	No.
	(viii)	Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	We are not aware of any tests taking place in South Africa.
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal**		No specific regulations have been put in place in respect to driverless vehicles. However, as stated above, a motor vehicle must be registered and licenced to be operated on a public road.

1. Driverless Vehicles			
	use on **public roads**?		The *NRTA* requires any person, who is eighteen years of age or older, to obtain a driving licence, and in the case of a person who is seventeen years of age or older, to obtain a learner's licence so as to drive the qualifying motor vehicle corresponding with the type of license.
	(i)	Does the driverless vehicle need to meet certain standards, or pass an approval process?	Please see our response to question 1(b)(i) above.
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	South African law is silent on this point.
	(iii)	Does the consumer need to obtain either a special license or permission from a government authority?	No.
	(iv)	Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**?	A consumer is not obliged to obtain insurance. There are no insurance requirements specific to driverless vehicles operated by consumers for personal use.
	(v)	If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	The consumer will be the driver and, as such, the response we have provided to question 1(b)(v) applies, but for the above discussion on product liability.
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?		No.

1. Driverless Vehicles		
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	No notable policy statements or guidelines have been made or issued. However, the Gauteng Provincial Government has taken cognisance of machine vision as a notable development. Although cognisance of the existence of the technology is present, no legislative or policy decisions have been announced.

2. Regulatory Agencies and Policy Developments		
Question		**South Africa**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	No.
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	No.
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	No new laws or regulations are currently being proposed.

2. Regulatory Agencies and Policy Developments		
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	The Department of Transportation.

Spain

Jurisdiction	Spain
Responsible Baker McKenzie office	Barcelona, Madrid
Person(s) responsible for completing questionnaire	Carles Prat, Valeria Enrich, Raúl Rubio, and Ignacio Vela
Completion date	September 8, 2017

1. Driverless Vehicles			
Question			**Spain**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	Vehicles are primary regulated at the national level. The State has the exclusive legislative power in matters related to road traffic and motor vehicles pursuant to article 4 of the *Royal Legislative Decree 6/2015 of 30 October, on Traffic and Road Safety* ("*Traffic and Road Safety Act*"). Consequently, everything related to vehicles is generally regulated at the national level. The relevant norms are compiled in the *Code on Traffic and Road Safety* (*Código de Tráfico y Seguridad Vial*). *The Code on Traffic and Road Safety* concerns, among other things, the following: (1) safety standards for vehicles, general regulation of construction, and use of vehicles; (2) registration and licensing procedures for drivers and vehicles; and (3) tests of vehicles, traffic rules, traffic signs, and regulations of public passenger transport. On the basis of article 5 of the *Traffic and Road Safety Act* and under article 5, b)3,10 of the *Royal Legislative Decree 770/2017 of 28 July, on the Structure of the Ministry of Interior*, the Ministry of Interior is competent in ensuring the administrative implementation, compliance with and enforcement of the rules governing the outlined fields through the National Department of Traffic and its respective local offices in every province. This task is then further delegated to the national or regional traffic police in accordance with article 6.2 and 7.1 of the *Traffic and Road Safety Act*.
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if	There is no specific law dealing with automated driving. However, there are two notices that have been published by the Ministry of Interior, through the National Department of Traffic, dealing with very specific issues

1. Driverless Vehicles		
	so, please specify.	related to automated driving. The two notices were published on the basis of article 5 of *Traffic and Road Safety Act* and are of mandatory character. The notices are as follows: 1. *Notice 15/V - 113* ("*Notice on the Authorization to Test Automated Driving Systems*") of the National Department of Traffic is related to the authorization to test automated driving systems on road traffic and has been in effect since 13 of November 2015(Instrucción 15/V del Ministerio del Interior, Dirección General de Tráfico, Subdirección General de Gestión de Movilidad). It is only an authorization for testing purposes. For more information (in Spanish only), please see http://www.dgt.es/Galerias/seguridad-vial/normativa-legislacion/otras-normas/modificaciones/15.V-113-Vehiculos-Conduccion-automatizada.pdf. 2. *Notice 16 TV/89* ("*Notice on Automatic Parking Systems*") of the National Department of Traffic is related to automatic parking systems in motor vehicles and has been in effect since 20 January 2016 (Instrucción 16 YV/89 del Ministerio del Interior, Dirección General de Tráfico, Subdirección General de Gestión de Movilidad) For more information, please see http://www.dgt.es/Galerias/seguridad-vial/normativa-legislacion/otras-normas/modificaciones/2016/Instruccion_16_TV_89_Estacionamiento_asistido_vehiculos_motor.pdf.
	(iii) Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	Yes. The *Notice on the Authorization to Test Automated Driving Systems* includes the SAE J3016 standard chart.
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**? (i) Does the driverless	Yes, authorization must be obtained to test a driverless vehicle on public roads. The *Notice on the Authorization to Test Automated Driving Systems* regulates the requirements that must be met to obtain the necessary authorization. The Notice lists the requirements to be met (a) by the vehicle, (b) by the applicant of the authorization, and

1. Driverless Vehicles		
	vehicle need to meet certain standards, or pass an approval process?	(c) by the driver. They are as follows: (a) Requirements to be met by the vehicle: (1) The vehicle must be an autonomous vehicle (automated driving SAE Level 3, 4 5); (2) each vehicle must be duly identified; (3) the owner of the vehicle must subscribe to an insurance policy, and (4) guarantee the security and reliability of the automated driving system. In respect to the fourth requirement, the owner of the vehicle must certify that (i) the vehicle has successfully passed a technical test authorized by the ENAC (National Entity of Accreditation) or ii) the competent authority of another EU member State, through a similar control procedure, has issued an authorization to carry out tests on road traffic. (b) Requirements to be met by the applicant: Manufacturers of automated vehicles, second phase manufacturers, and official laboratories may request authorization to test automated driving systems. Likewise, manufacturers of the technology that allows for the automated driving as well as universities and consortiums that carry out R&D may also request an authorization. (c) Requirements to be met by the driver: (1) He/she must be properly identified by the applicant of the authorization; (2) the application may include several drivers; (3) the applicant shall provide evidence of the aptitudes of the drivers and their knowledge of the technology of the vehicle; (4) the driver shall at all times be responsible for the driving of the vehicle; (5) while the vehicle is circulating, the driver must be in a position to fully control the vehicle, whether he/she is inside the vehicle or whether she/he is driving the vehicle remotely. In any case, the driver must be in a position to assume full control over the vehicle in case an event occurs that may put the occupants of the vehicle or public road users at risk and (6) the driver of the vehicle must have obtained a driving license at least two years in advance. The authorization is national in scope and must indicate the roads where the vehicle may be tested. The authorization is valid two years and may be extended for another two years. The vehicles must be registered,

1. Driverless Vehicles			
			otherwise they will need to obtain temporary registration.
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	Yes, according to the *Notice on the Authorization to Test Automated Driving Systems*, the software used to carry out the tests must meet certain minimum requirements: 1. Emergency stop The vehicle's software must be equipped with an emergency stop feature, which paralyses the action of the active mechanisms such as the steering wheel, the accelerator, and the gearbox. in an emergency. 2. Override-mechanism The software must provide for the possibility for the driver to regain control of the vehicle. According to the above-mentioned Notice, an override occurs when the driver presses the brake pedal, the accelerator pedal, or turns the steering wheel. In such a case, all actions executed by the software must stop until the driver manually reinitiates automated driving. Furthermore, the above-mentioned Notice explicitly states that both, the emergency stop and the override mechanism must be independent from each other and from the algorithm of automated driving. Additionally, they must always maintain priority over the actions of automated driving. 3. Cyber security The car itself and its systems must guarantee the "appropriate" standard of cyber security.
	(iii)	Does the company need to **obtain either a special licence or permission** from a government authority?	Please our response to question 1(b)(i) above.
	(iv)	Does the company need to obtain **insurance**? Are there **insurance requirements specific to driverless vehicles**?	Yes, the company is required to have insurance but there are no requirements specific to driverless vehicles. In general, the insurance must cover up to the highest amount of obligatory motor vehicle insurance, in addition to civil liability for possible damages caused to persons or goods which arise from test driving on roads open to traffic in general.

1. Driverless Vehicles			
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	Yes. The injured person may claim liability from the company's driverless vehicle either on the basis of the Spanish *Civil Code* or the *Spanish Consumers Act* (product liability for defective products). The conditions to be met (strict liability versus negligence) and the scope of liability varies depending on whether liability is claimed on one basis or the other.
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	Please see our responses to questions 1(b)(i) - (iv) above.
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	The *Notice on the Authorization to Test Automated Driving Systems* and *Notice on Automatic Parking Systems* provide regulations for tests of automated driving and automated parking systems on public roads only. Conversely, testing on private property is not regulated, which means that the requirements outlined above do not apply.
	(viii)	Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	Yes, certain tests have taken place and will continue to take place in the future. Please see below for further details: (i) In the framework of AUTOPILOT, a European funded project aimed to connect the Internet of Things with automated driving, it is envisaged that four automated cars will circulate through Vigo (north of Spain). Automated driving and automated parking in parking lots will be tested. (ii) In the framework of the World Mobile Congress at the end of February 2017, Telefónica, ERICSSON, KTH, and IDIADA organized a demo in which a vehicle in IDIADA proving ground was remotely driven from Barcelona at a 70 km distance. (iii) Test of the PSA group whose Citroën equipped with an intuitive human-machine-interface and a driver that did not interact with the car drove autonomously for around 600 km from Vigo to Madrid on

1. Driverless Vehicles		
		16 November 2016 managing velocity, passing, and lane-change procedures. The technology used has been developed in collaboration with the Technology Automotive Center of Galicia. In 2015, an automated driving PSA-car circulated for test purposes through Vigo in Galicia. (iv) Test by Valeo using its Cruise4U-technology in November 2016. Once activated by the driver, the automated driving system designed and developed by Valeo took over the vehicle's steering, acceleration, and braking in real traffic conditions and drove for around 13,000 km throughout Europe crossing Spain. (v) Test by CityMobil2, in April 2016, in the city of San Sebastián. The project was implemented for three months, and it offered public transport services in the *Gipuzkoa* Science and Technology Park and it connected automated buses with the local bus services at the park entrance. The total distance covered was about 1.2 km.
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**?	Currently, consumers are prohibited from using driverless vehicles for personal use on public roads.
	(i) Does the driverless vehicle need to meet certain standards, or pass an approval process?	N/A
	(ii) Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	N/A
	(iii) Does the consumer need to obtain either a special license or permission from a government authority?	N/A

1. Driverless Vehicles		
	(iv) Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**?	N/A
	(v) If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	N/A
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?	Please see our response to question 1(c) above.
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	There are no other requirements except for those outlined above.

2. Regulatory Agencies and Policy Developments		
Question		**Spain**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	There is no similar policy in Spain.
(b)	If not, has the government or a government representative in your jurisdiction made any policy	The National Department of Traffic, in the framework of *the project "Autonomous and Connected Mobility*, plans on amending applicable law to specifically regulate

2. Regulatory Agencies and Policy Developments		
	statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	automated driving, connected cars, and others in 2017 with the aim to include, among others, the requirements and levels of automatization of the cars. At the same time, it is working on a modification of the law relating to insurance against civil liability in respect to the use of motor vehicles and the law on road safety. Their modifications are only expected to pass in 2018 or 2019. Furthermore, in August 2017, the National Traffic Department opened a tender to create and maintain a platform for connected vehicles. It has also published a research plan on road safety and mobility[20], including automated driving and connected cars (Plan de Investigación e Innovación en Seguridad Vial y Movilidad 2017 - 2020). Additionally, the *Annual Report 2016 of the General State's Attorney*, includes a section dedicated to new automotive technologies, specifically, driverless vehicles. This Report, states that one of the most important challenges for the implementation of these technologies, is the regulatory adjustment that must precede the use of these vehicles. In particular, it mentions that both civil and criminal liability and issues regarding the vehicle/company's insurance are matters that will be relevant when drafting the new legislation. Additionally, reference is made to a forecast made by experts from different countries, which establishes the real implementation of these vehicle's technologies by the year 2020. Please refer to the page 516 at the following link where the full text of this report (in Spanish only) is available: https://www.fiscal.es/memorias/memoria2016/FISCALIA_SITE/recursos/pdf/capitulo_III/cap_III_5.pdf.
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	With the exception of the two Notices referenced in question 1(a)(ii) above, there is no specific law regulating driverless vehicles. However, there are plans to amend applicable law to regulate driverless vehicles.

[20] Plan de Investigación e Innovación en Seguridad Vial y Movilidad 2017 - 2020.

2. Regulatory Agencies and Policy Developments		
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	The National Department of Traffic under the Ministry of Interior.

Sweden

Jurisdiction	Sweden
Responsible Baker McKenzie office	Stockholm
Person(s) responsible for completing questionnaire	Peder Oxhammar
Completion date	20 December 2017

1. Driverless Vehicles			
Question			**Sweden**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	In Sweden, vehicles are regulated only at the national level.
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if so, please specify.	In 2017, the *Regulation on Tests with Driverless Vehicles* (*Förordning om försöksverksamhet med självkörande fordon*) was implemented. This regulation allows the possibility to receive permission to perform tests with driverless vehicles on public roads.
	(iii)	Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	No, however it has been proposed by a government committee (SOU 2016:28*)* that Swedish legislation should adopt the definitions set out in SAE J3016, but they have yet been adopted.
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**? (i) Does the driverless vehicle need to meet certain standards, or pass an approval process?		(i) The European Union's Directive 2007/46/EG, Establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, states the requirements for all vehicles within the European Union. Driverless vehicles do not meet the requirements in the directive. However, the member states may grant permission for a vehicle to deviate from the requirements in the directive. This provision has been implemented in Swedish law in the Regulation of Vehicles (Fordonsförordningen). Such permission is issued by the Swedish Transport Agency

1. Driverless Vehicles			
			(Transportstyrelsen) and may only be granted when a vehicle is considered road safe. The new *Regulation on Tests with Driverless Vehicles* specifies the circumstances in which permission may be granted for use of driverless vehicles on public roads in accordance with the *Regulation of Vehicles*. Hence, applicable regulations permit companies to test driverless vehicles on public roads if a permission has been granted.
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	There are no specific requirements on hardware or software other than the equipment used to ensure that the test is carried out safely. Permission may be granted on the condition that certain hardware or software is used.
	(iii)	Does the company need to obtain either a special licence or permission from a government authority?	Companies must obtain permission from the Swedish Transport Agency (Transportstyrelsen).
	(iv)	Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	Under Swedish law, all vehicles must be covered by motor insurance. At present, there are no specific insurances for driverless vehicles. Regular motor insurances are considered to be applicable to driverless vehicles. The car owner is responsible for obtaining insurance. It is recommended, but not required, that the testing organisation has liability insurance.
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	When a company seeks approval to test a driverless vehicle, it must state who will be responsible for all aspects of the testing. Hence, permission will not be granted if the application does not state who would be liable for damages associated with a collision. In theory, this means that responsibility will be shared between the stated persons. If there are special reasons, the Swedish Transport Agency may decide that someone other than the person stated by the company shall be liable.
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads.	There are no additional requirements. When applying for permission the company shall state the following: 1) the contact information of the company; 2) who will be monitoring the test and who will be responsible for the

1. Driverless Vehicles			
		In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	different aspects of the test; 3) the purpose and aim of the test; 4) a description of the automatic function(s) that will be tested and evaluated in the test; 4) a description of how the test will be carried out and evaluated; 5) the geographical location of the test; 6) a risk assessment which shows that the risks of the test are acceptable and that the test does not cause any inconvenience of importance to the surroundings; 7) information about the owner of the vehicles; 8) a technical description of the vehicles; 9) a description of the need for a permission in accordance with the *Regulation on Vehicles*; and 10) any other information which may be of importance.
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	If a company wants to test driverless vehicles on private roads, all of the above-mentioned requirements apply. In addition, the company needs permission from the owner of the road.
	(viii)	Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	Tests are currently taking place in Sweden. We are aware of the following tests: DriveMe is a project where 100 driverless vehicles will be tested on public roads in the Swedish city of Gothenburg in 2017. The test is conducted by Volvo Car Group, the Swedish Transport Administration, the Swedish Transport Agency, Lindholmen Science Park ,and the City of Gothenburg. Born to Drive is a project to demonstrate the possibility of manoeuvring self-driving production cars from the factory to the factory parking lot for further transport. The project is being conducted by Combitech, Volvo Cars, Actia, Consat, Semcon, Viktoria Swedish ICT, VTI, and the Swedish Transport Administration.
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**?		As of today, the use of driverless vehicles on public roads is only allowed for testing purposes. Consumers are allowed to use driverless vehicles on public roads only when a permit for testing driverless vehicles has been issued in accordance with above-mentioned requirements. Hence, consumers are not allowed to use driverless vehicles for personal use.
	(i)	Does the driverless vehicle need to meet certain standards, or pass	N/A

1. Driverless Vehicles			
		an approval process?	
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	N/A
	(iii)	Does the consumer need to obtain either a special license or permission from a government authority?	N/A
	(iv)	Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**?	N/A
	(v)	If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	N/A
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?		There are no vehicle safety rules concerning consumers using driverless vehicles on public roads as this is not allowed.
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.		N/A

2. Regulatory Agencies and Policy Developments		
Question		**Sweden**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	No, there is no similar policy in Sweden.
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	The government has stated that it is important that Sweden be a country where innovative technologies for sustainable transport can be tested. For more information (available in Swedish only), please see http://www.regeringen.se/pressmeddelanden/2017/04/regeringen-banar-vag-for-sjalvkorande-fordon/. It was also stated by a government committee (SOU 2016:28) that driverless vehicles play an important role in minimizing traffic accidents in traffic and reducing emissions. For more information (available in Swedish only), please see https://data.riksdagen.se/fil/86C0BF77-8462-4ABE-902E-B1FAB482C8C3.
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	The need for new legislation regarding testing driverless vehicles was discussed by a government committee in 2016 (SOU 2016:28). The proposed legislation was criticized by the Swedish Data Protection Authority (Datainspektionen) for not taking into consideration whether the large amount of information gathered for driverless vehicles interferes with the citizens' constitutional right to personal integrity. Hence, only parts of the proposed legislation were implemented as the new *Regulation on Tests with Driverless Vehicles*. A government committee is now working on an additional proposal on legislation regarding driverless vehicles, which will be presented on 28 November 2017.
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	• The Swedish Transport Agency (Transportstyrelsen) • The Swedish Transport Administration (Trafikverket)

Taiwan

Jurisdiction	Taiwan
Responsible Baker McKenzie office	Taipei
Person(s) responsible for completing questionnaire	Kevin Wang, Chris Tsai, Nancy Huang and Daniel Chou
Completion date	5 September 2017

1. Driverless Vehicles			
Question			**Taiwan**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	In Taiwan, vehicles are primarily regulated at the central government level. The Ministry of Transportation and Communication ("MOTC"**)** is the authority under the central government that is responsible for ensuring that the road vehicles in Taiwan are designed in compliance with the national standards for vehicle safety. The safety standards are specified under the *Highway Act*, *Regulations Governing Road Traffic Safety*, and *Vehicle Safety Type Approval Management Regulations*. In addition, the Department of Transportation of each municipal government has jurisdiction over the enforcement of road rules, driver offenses, and registration and licensing procedures. The Automotive Research and Testing Center ("ARTC") was established by the government in 1990 to test vehicle safety and for certification services. All the road vehicles newly manufactured or imported into Taiwan must be tested at the ARTC before it is supplied to the market. Furthermore, in order to enhance vehicle safety, the Vehicle Safety Certification Center ("VSCC") was established by the MOTC in 2009. The VSCC is responsible for vehicle safety type approval, vehicle safety inspections, and any required investigation or identification authorized by the MOTC. Additionally, the VSCC provides research and advisory services about vehicle safety regulations, standards, and administration systems to Taiwan's government and academic institutions.

1. Driverless Vehicles		
	(ii) Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if so, please specify.	No. At present, neither the central government nor the municipal government has issued any regulations specifically related to driverless vehicles. Earlier this year, there were several test runs of a driverless bus in Taipei City. This test was filed and approved by the Taipei City Government on a special case-basis and conducted only in certain closed areas late at night. We checked with the Taipei City Government and were informed that because there are no regulations related to driverless vehicles yet, the municipal government may, at its own discretion, authorize trials on a case-by-case basis. The tests that have conducted are merely in an early stage for implementation of a driverless bus system which the Taipei City Government has expressed interest in. However, at present, there is no specific time table as to its establishment.
	(iii) Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	They have not been formally adopted yet but the SAE standards are likely to be important references for authorities to set up relevant Taiwan standards. Both the articles issued by the ARTC and the MOTC's Plan of Development and Construction of Smart Transportation Systems issued in December 2016 mentioned the SAE standards.
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**? (i) Does the driverless vehicle need to meet certain standards, or pass an approval process?	No, but the testing is subject to special approvals by the Department of Transportation of each municipal government where the test is to be conducted. At present, Taiwan does not have any regulations specifically related to driverless cars. In order to test driverless vehicles on public roads, the interested party would file an application with the municipal government for the use or closure of roads. More specifically, the municipal government has the powers to approve how the roads can be used so it can allow testing of automated vehicles on public roads. However, this approval is granted on a case-by-case standard and basis and there are no specific regulations concerning testing driverless car on public roads. Currently there are no standards or approval requirements for driverless cars. This application to the municipal government conceptually is like an application for special use of the roads like other purposes (e.g., for protesting, marathon,

1. Driverless Vehicles			
			etc.).
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	No. Currently there are no specific regulations governing the equipment of a driverless car. The officials we talked to mentioned that they have been collecting driverless car regulations and requirements of other countries but currently there is no framework for Taiwan yet.
	(iii)	Does the company need to obtain either a special licence or permission from a government authority?	Yes, prior approval for the test must be obtained. The municipal government will determine the scope of the trial and decide the areas, the time, and the conditions under which the trial will be conducted.
	(iv)	Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	Currently there is no requirement regarding mandatory insurance for companies conducting driverless vehicles trials. The mandatory insurance for normal cars is not applicable as from a legal standpoint driverless cars are not treated as cars.
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	There are no specific regulations for driverless vehicles In general, however, both the *Civil Code* and the *Consumer Protection Act* require that a company engaged in the design, production or manufacturing of goods, or in the provisions of services, must ensure that the goods or services provided meet and comply with contemporary technical and professional standards and reasonable, expected safety requirements when placing the goods into the stream of commerce, or at the time the services are rendered. An importer or distributor would also be held jointly responsible. Therefore, a driverless car, if legitimate in Taiwan, would be subject to the above requirements. and may be tortiously liable.
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government	Under the *Taiwan Telecommunication Act*, the manufacturing, importing, installation, or control related to telecommunications radio frequency emitting devices in Taiwan must obtain prior approval from the MOTC and the National Communication Commission ("NCC"), the competent authority for telecommunication enterprises in Taiwan. If the driverless vehicle is equipped with any device used to convey, transmit, or receive signs, signals, sounds, or messages in a wired or wireless manner, such

1. Driverless Vehicles			
		authority.	device should have been approved by the NCC. Furthermore, if the operation or the functional system of a driverless vehicle is involved with any type of broadcasting, prior approval from the NCC is also required.
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	Testing on private properties does not require approval by the Department of Transportation of the municipal government. However, approval of the NCC is necessary for use of a radio frequency emitting device.
		Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	Yes. To our knowledge, a test took place on public roads in August 2017 in Taipei City, Taiwan. This test, which was of a driverless shuttle bus, was publicly disclosed and invited citizens to participate in the test drive. It included tests on public roads, the operation of GPS directions, and connectivity capacity to the traffic system of the transportation authority. This test was conducted by a company in conjunction with the Taipei City Government. The Taipei City Government designated certain public roads as the test drive venue.
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**?		So far, no. Driverless vehicles have not yet been approved for personal use on public roads. There are also no regulations specific to the regulation of use of driverless vehicles by consumers.
	(i)	Does the driverless vehicle need to meet certain standards, or pass an approval process?	
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	

1. Driverless Vehicles		
	(iii) Does the consumer need to obtain either a special license or permission from a government authority?	
	(iv) Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**?	
	(v) If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?	No.
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	There are no regulations, laws, or guidelines regarding the use of driverless vehicles in Taiwan. There have been some very general and brief policy statements issued by Ministry of Transportation and Communications. The Taipei City Government and the Kaohsiung City Government have also unveiled plans regarding driverless buses. We will discuss in more detail these policy statements and plans in our response to question 2(b) below.

2. Regulatory Agencies and Policy Developments		
Question		**Taiwan**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated	No.

2. Regulatory Agencies and Policy Developments		
	Vehicles Policy. Is there a similar policy in your jurisdiction?	
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	Yes. Some very general and brief policy statements have been issued by Ministry of Transportation and Communications. The Taipei City Government and the Kaohsiung City Government have also unveiled plans regarding driverless buses. 1. MOTC In April 2016, MOTC announced through a brief that the development of driverless vehicles was announced as an important policy. With driverless vehicles still in the pilot stage in most jurisdictions and the United Nations Economic Commission for Europe ("UNECE") still developing relevant regulations, the MOTC will continue to monitor the progress of relevant regulations made by UNECE in order to propose regulations for driverless vehicles. The MOTC welcomes the test driving of driverless vehicles. A copy of this policy brief (Chinese-language version) can be accessed at http://www.motc.gov.tw/ch/home.jsp?id=15&parentpath=0,2&mcustomize=multimessages_view.jsp&dataserno=201604270001&toolsflag=Y. In December 2016, the MOTC issued the *Plan of Development and Construction of Smart Transportation Systems*, which lays out the development of driverless vehicles in two stages. The plan is as follows: A. 2017 - 2018: The government plans to use driverless vehicles technology for shuttle buses running fixed routes within a city. This program is already being carried out by the Taipei City Government. The government will consider relevant investment, technology upgrades, relationships with vehicle safety regulations, and the amendment of transportation laws to determine the next steps for driverless vehicles. B. 2019 - 2020: The government will first review the issues of implementation and amendments of relevant laws and then expand the scale of

2. Regulatory Agencies and Policy Developments		
		implementation by involving international teams. In addition to the fixed routes, the driverless buses will be used for variable routes to provide transportation services in mixed traffic flow and where traffic signals are present to examine whether driverless buses can operate safely and efficiently on public roads. The full text of the plan (Chinese-language version) can be accessed at http://www.its-taiwan.org.tw/upload/file/1703271637520366.pdf. 2. Taipei City Government As the pioneer in testing driverless vehicles in Taiwan, the Taipei City Government announced that the first driverless shuttle bus test in August, 2017 was very successful, and the scale of implementation of such vehicles would be expanded. According to our conversation with the Taipei City Government, the next phase of the plan will focus on how the technology reacts to traffic signals and operation amid mixed traffic flow. The purpose of test being to improve or upgrade the public transportation system, the Taipei City Government expects to have various types of driverless vehicles to participate in test drive plans and welcomes applicants interested in testing their driverless vehicles. 3. Kaohsiung City Government Kaohsiung City Government announced that it will begin testing driverless buses in October 2017. According the official announcement regarding this project, the Government hopes to use advanced transportation to ease traffic congestion and obtain assistance from private companies to develop relevant regulations for driverless vehicles and traffic management. A copy of this announcement (Chinese version) can be accessed at http://www.tbkc.gov.tw/AComm01Info.aspx?GthOHiJ43+8HKi1tEcnfo/1VmA+Z+34+ .
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles?	No. The MOTC has not yet proposed any formal or official legislation related to driverless cars. In addition to the discussion papers mentioned in our response to question 3(b) above, the MOTC and VSCC

2. Regulatory Agencies and Policy Developments		
	(i) If so, what is it and what is the likelihood of its approval?	are willing to follow international trends towards driverless cars. Currently the MOTC VSCCs' plan is to follow the suggestions and standards of the UNECE.
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	Central Government Level: • The Ministry of Transportation and Communication • The Directorate General of Highways • The Vehicle Safety Certification Center • The Automotive Research and Testing Center • The National Communication Commission Special Municipality level：Department of Transportation ("DOT") of each municipal government (such as the Department of Transportation, Taipei City Government and the Transportation Bureau, Kaohsiung City Government).

Thailand

Jurisdiction	Thailand
Responsible Baker McKenzie office	Bangkok
Person(s) responsible for completing questionnaire	Dhiraphol Suwanprateep, Suriyong Tungsuwan, Nam-Ake Lekfuangfu, Pattaraphan Paiboon, Kritiyanee Buranatrevedhya, and Aue-angkul Santirongyuth
Completion date	15 December 2017

1. Driverless Vehicles			
Question			**Thailand**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	There are four main pieces of legislation governing road vehicles and road safety in Thailand, which primarily apply nationwide. They are as follows: 1. The *Motor Vehicle Act B.E. 2522 (1979)* ("*MVA*") prescribes the vehicle standards, homologation, testing and, driver's licensing requirements. In terms of vehicle safety, there are also subordinate regulations and rules issued by the *MVA* covering vehicle components and accessories, which are also applicable nationwide. 2. The *Land Transport Act B.E. 2522 (1979)* regulates land transportation business by vehicles and requires an additional transportation business license. 3. The *Road Traffic Act B.E 2522 (1979)* ("*RTA*") prescribes criteria on traffic rules (e.g., following traffic signals and traffic signs, not driving in excess of speed limit). 4. The *Protection for Motor Vehicle Victim Act B.E. 2535 (1992)* prescribes insurance requirements for vehicle owners so as to mitigate losses from road accidents. There are also regulations under the *MVA* and *RTA* prescribing certain requirements applicable at the provincial level or to specific areas.
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if	Currently, there is no specific law regulating driverless vehicles in Thailand.

1. Driverless Vehicles			
		so, please specify.	
	(iii)	Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	No.
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**?		Currently, the relevant laws relating to the use of vehicles on public roads in Thailand still focus on the use of vehicles controlled by human drivers. Various pieces of legislation and regulations require human drivers and driver's licenses. The *Land Transport Department Notification on Criteria, Procedures and Requirements for Seeking Approval, Approval and Duration of Using Road Vehicle and Mark Showing the Usage of Road Vehicle for Testing. B.E. 2560 (2017)* ("*Notification on Road Vehicle Testing*") regulates the testing of vehicles on public roads that are under the control of human drivers. This *Notification on Road Vehicle Testing* requires that vehicles tested on public roads must be driven *by a person* with a driver's license corresponding to the type of vehicle being tested. Thus, partially human-controlled vehicles could be tested on public roads. We have divided our answers into two main categories, which are as follows: (1) partially human-controlled vehicles, e.g., vehicles allowing prompt human control if requested ("Partial Automation") and (2) fully-automated vehicles that have no human driver on board ("Full Automation"). As Thai laws do not support testing driverless vehicles on public roads, most of the questions below regarding Full Automation are not applicable.
	(i)	Does the driverless vehicle need to meet certain standards, or pass an approval process?	Partial Automation With respect to standards for vehicle approval, a vehicle should meet the vehicle standards relating to windshields, mirrors, seatbelts, speedometer, lighting equipment, exhaust system, and others as prescribed in the *Ministerial Regulation on Road Vehicle Components and Accessories B.E. 2551 (2008)* ("*Regulation on Components and Accessories*") and *the Ministerial*

1. Driverless Vehicles			
			Regulation on Characteristics, Size or Power of Engine and Motor Vehicle B.E. 2548 (2005). The vehicle must also pass the inspection as set out in the *MVA*, in order to run on public roads. With respect to the testing of vehicles before being used on public roads, an operator must obtain approval from the competent official to undertake the testing, pursuant to the conditions under the *Notification on Road Vehicle Testing*. Information about the type of the tested vehicle, number of vehicles to be tested, and testing period must be submitted to obtain approval. The approved operator would be responsible and liable for such vehicle testing. <u>Full Automation</u> N/A.
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	<u>Partial Automation</u> As for the hardware required for road vehicles, the *Notification on Road Vehicle Testing* requires a tested vehicle to be equipped with certain components and accessories as prescribed in the *Regulation on Components and Accessories*, unless certain exceptions apply. There is currently no requirement for specific software under the *Notification on Road Vehicle Testing* and the *Regulation on Components and Accessories*. <u>Full Automation</u> N/A.
	(iii)	Does the company need to obtain either a special licence or permission from a government authority?	<u>Partial Automation</u> Prior approval from the competent *MVA* official, in the form of an authorization notice, must be obtained before conducting vehicle testing. <u>Full automation</u> N/A.
	(iv)	Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	<u>Partial Automation</u> Under the *Notification on Road Vehicle Testing*, an operator that wishes to test a vehicle on public roads must submit proof of public liability insurance, pursuant to the *Protection for Motor Vehicle Victim Act B.E. 2535*

1. Driverless Vehicles			
			(1992), to obtain approval from the competent authority. <u>Full Automation</u> N/A.
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	<u>Partial Automation</u> The *Notification on Road Vehicle Testing* specifically prescribes that an operator, who has been granted approval to test a vehicle on public roads, must bear the criminal and civil responsibilities for any damage caused during the testing of a road vehicle. The principle of tort as prescribed in the *Civil and Commercial Code* could also be applied to such circumstances. <u>Full Automation</u> N/A.
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	N/A.
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	There are no specific restrictions concerning the testing of driverless vehicle on closed private properties.
	(viii)	Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	At the time of answering this questionnaire, we are not aware of any publicly-disclosed driverless vehicle tests taking place in Thailand.

1. Driverless Vehicles		
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**? (i) Does the driverless vehicle need to meet certain standards, or pass an approval process? (ii) Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions. (iii) Does the consumer need to obtain either a special license or permission from a government authority? (iv) Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**? (v) If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	The *RTA* requires drivers to comply with specific requirements to use vehicles on public roads. It could be implied that driverless vehicles are prohibited from running on public roads, whether for personal or commercial use. In order to legally drive a vehicle on a public road in Thailand, the driver must obtain a driver's license and comply with vehicle registration requirements as set out in the *MVA*. It is a criminal offence to drive an unregistered vehicle. Driving a registered vehicle without a driving license is also a criminal offense under the *MVA*. The competent official appointed by the Minister of Transport under the *MVA* is the authority responsible for vehicle registration and driver licensing. Generally, if a driverless vehicle is used by a consumer on public roads and causes any damage to any person, the general principles of tort could be applied to such consumer. Note that for partially automated vehicles under human control, the laws and subordinate regulations on vehicle safety (e.g., the *MVA*) and road safety (e.g., the *RTA*) would apply to the consumers driving them. An example of such regulation would be that consumers cannot drive sub-standard vehicles on public roads.
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?	Although, there are no specific laws on vehicle safety that apply directly to driverless vehicles, the *RTA* requires drivers to comply with specific requirements to use vehicles on public roads. It could be implied that driverless vehicles are prohibited for use on public roads, whether for personal or commercial use.

1. Driverless Vehicles		
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	The National Broadcasting and Telecommunications Commission ("NBTC"), which is the Thai telecommunications regulator, regulates the use of spectrum frequency in the automotive industry. The NBTC currently regulates the use of vehicle radar radio communication equipment and has recently issued a draft regulation for the use of equipment and spectrum for Internet of Things technologies in Thailand, approving the use of spectrum frequency in the range of 920 – 925 MHz for IoT service.

2. Regulatory Agencies and Policy Developments		
Question		**Thailand**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	No.
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	The National Legislative Assembly's Committee on Sciences, Technologies, Information and Mass Media ("Committee") conducted an inquiry into the development of unmanned vehicles (mainly, drones), robots, and automation system in Thailand. On 25th May 2017, the National Legislative Assembly approved of the Committee's report on the Policy for Facilitating and Supporting the Unmanned Vehicle Technologies, Robots, and Automation System ("Report"). The Report pointed out that there is currently no specific law directly applicable to the use of driverless vehicles. Further, according to the Report, driverless vehicles could not be registered with the Land Transport Department. Driverless vehicles are therefore currently prohibited from public roads in Thailand. For this reason, the Report called for amendments to the relevant law and enactment of laws relating to the facilitation and regulation of unmanned vehicles in general. However, it is worth noting that the Report placed an emphasis on unmanned aerial vehicles (UVA) or drones. Driverless road vehicles are only briefly mentioned in the

2. Regulatory Agencies and Policy Developments		
		Report as described above. A copy of the Report (only the Thai version is publicly available) can be accessed at http://complain.mot.go.th/prproject/files_upload/%E0%B9%80%E0%B8%97%E0%B8%84%E0%B9%82%E0%B8%99%E0%B9%82%E0%B8%A5%E0%B8%A2%E0%B8%B5%E0%B8%A2%E0%B8%B2%E0%B8%99%E0%B8%A2%E0%B8%99%E0%B8%95%E0%B9%8C%E0%B9%84%E0%B8%A3%E0%B9%89%E0%B8%84%E0%B8%99%E0%B8%82%E0%B8%B1%E0%B8%9A.pdf. Furthermore, the Transport and Traffic Policy Plan Office ("**TTPPO**") under the Ministry of Transportation ("**MOT**") recently initiated a plan to draft a master plan on implementation of Intelligent Transport System in Thailand ("**ITS Master Plan**"). According to the current concepts, there are three phases, which are: (1) Three-year plan - Revise the relevant laws to support the ITS Master Plan; (2) Five-year plan - Issue an action plan to support autonomous vehicle; and (3) Ten-year plan - Designate the pilot area for autonomous vehicle. A copy of the draft ITS Master Plan (only the Thai version is publicly available) can be accessed at http://www.thailanditsmasterplan.com/master_plan_its.pdf .
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	No.
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	• Department of Land Transport under the Ministry of Transport and Communications • Royal Thai Police

Turkey

Jurisdiction	Turkey
Responsible Baker McKenzie office	İstanbul
Person(s) responsible for completing questionnaire	Can Sözer, Aybüke Gündel, and Dilşad Sağlam
Completion date	12 September 2017

1. Driverless Vehicles			
Question			**Turkey**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	Although Turkey has 81 provinces, it has a highly centralized governmental system. Vehicles and highway transportation matters are primarily regulated by laws and secondary regulations that are applicable nationwide. There are certain issues, however, that are regulated at the provincial level, such as traffic registration procedures for vehicles and highway infrastructure matters.
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if so, please specify.	No.
	(iii)	Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	No.
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**?		The applicable Turkish legislation does not specifically refer to driverless vehicles. Therefore, theoretically, there are no prohibitions or restrictions specifically imposed on the testing of driverless vehicles on public roads in Turkey. Under the current circumstances, the testing of driverless vehicles on public roads would be subject to the general principles and procedures applicable to all types of motor vehicles.
	(i)	Does the driverless vehicle need to meet certain standards, or pass	There are no specific approval requirements for driverless vehicles under Turkish law. However, pursuant to the Road Traffic Regulation, adopted based on *Road Traffic Law No. 2918* ("*Road Traffic Law*"), a temporary

1. Driverless Vehicles			
		an approval process?	registration certificate and a temporary license plate must be obtained from the Directorate General of Security for the testing of any motor vehicle on public roads. To obtain the certificate and a temporary license plate, the company must present a type approval in compliance with the *Regulation on the Type Approval of Motor Vehicles and their Trailers*, adopted based on the *EC Directive 2007/46/EC*. If such type approval is not available, a prototype approval must be obtained from the Turkish Standards Institute ("TSE"), which has been authorized to grant such approvals by the Ministry of Science, Industry and Technology.
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	No.
	(iii)	Does the company need to obtain either a special licence or permission from a government authority?	Please see our answer to question 1(b)(i) above.
	(iv)	Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	There are no insurance requirements specific to the testing of driverless vehicles or testing of any other motor vehicles. For insurance requirements for the use of motor vehicles on public roads, please see our answer to question 1(c)(iv) below.
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	As explained above, there is no legislation under Turkish law which is specifically related to driverless vehicles or the testing of such vehicles on public roads. Therefore, issues related to liability in case of automobile collision may only be addressed within the context of the general liability regime under Turkish law. The main applicable legislation regulating the liabilities of the parties when a collision occurs on highways is the *Road Traffic Law*, which imposes on the operator of the vehicle, the main liability arising from the damages incurred in a collision. The operator is usually the owner of a motor vehicle. If the motor vehicle is a long-term lease that has been pledged to a third party or lent to a

		third party, the lessee, the pledgee, or the borrower becomes the operator of the motor vehicle. If, however, a person operates the motor vehicle owned by another person on his/her own account, then this person becomes the operator. Therefore, the driver and the operator may not be the same person. In this context, Article 85 of the *Road Traffic Law* states that if the operation of a motor vehicle causes death or injury of a person or property damage, the operator of the motor vehicle is liable for the damage incurred. In cases where the vehicle is operated under the trade or commercial name of the enterprise or through tickets sold by the enterprise, the operator of the motor vehicle and the owner of the affiliated enterprise will be jointly and severally liable for the damage incurred. The liability regime under Article 85 of the *Road Traffic Law* is that of strict liability which is irrelevant of fault. The driver's liability, on the other hand, is regulated under the general liability regime under the *Turkish Commercial Code*. During the testing of vehicles, the company would be acting as the operator of the vehicle, and therefore would be held liable for the damages incurred in case of a collision. The company's liability as the manufacturer, on the other hand, would fall under the scope of the *Turkish Commercial Code* and *Law No. 6502 on the Protection of Consumers* ("*Consumer Protection Law*"). In this respect, if the vehicle is sold by the company to a consumer and if a collision is caused by a fault or a defect in the vehicle, the company would be held liable for the damages arising from such collision as the seller. In addition to damages, pursuant to Article 11 of the *Consumer Protection Law*, the consumer may (i) rescind the contract with a refund; (ii) demand for the replacement of the good; (iii) demand the reduction of the price pro rata the defect; or (iv) demand for a free repair. Consumers may exercise their rights to replacement and repair of the goods free of charge against the manufacturer. However, during the testing phase of vehicles, since it would be unlikely to execute a sale agreement with a consumer, the company's liability would mainly arise from its liability as the manufacturer within the scope of the *Turkish Commercial Code* and *Law No. Law No. 4703 on*

1. Driverless Vehicles			
			the Preparation and Application of Technical Legislation of Products. In this context, the company would be liable for the damages arising from or in relation to any defect in the vehicles as the manufacturer. That said, we believe that once the Turkish Parliament passes a law governing driverless vehicles, the liability of the manufacturers of driverless vehicles would be regulated in a more clear and detailed manner and thus provide more guidance on the matter.
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	N/A.
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	With the exception of our response to question 1(b)(i) above, all of the above are applicable.
	(viii)	Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	Media has reported on driverless cars being developed and tested in Turkey. Such tests are mainly conducted by the Scientific and Technological Research Council of Turkey ("TÜBİTAK") in cooperation with certain companies and universities. The most recent example is AVL Turkey, an international engineering company, which plans to test its first driverless automobile in Turkey in 2020. Another example is the driverless car named Let Me Drive, which has been developed by Tofaş this the past year in cooperation with TÜBİTAK and a private university.
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal**		As the applicable Turkish legislation regarding vehicles does not specifically refer to driverless vehicles, there is no such express prohibition on the personal use of driverless vehicles by consumers on public roads.

1. Driverless Vehicles			
	use on **public roads**?		However, Article 29 of the *Road Traffic Law* states that the manufacture and use of motor vehicles to be used on highways in Turkey must comply with the technical structure of the roads and traffic safety. Therefore, considering the status of the highway infrastructure in Turkey, it is highly likely that driverless vehicles would not be permitted for use on public roads, as the roads are not technically suitable for such vehicles and may endanger traffic and road safety.
	(i)	Does the driverless vehicle need to meet certain standards, or pass an approval process?	N/A.
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	N/A.
	(iii)	Does the consumer need to obtain either a special license or permission from a government authority?	With the exception of the general requirement to obtain a driver's license for all motor vehicles, there is currently no special license or permission requirement for driverless vehicles.
	(iv)	Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**?	Although there are no insurance requirements specific to driverless vehicles, operators of motor vehicles must obtain compulsory traffic insurance pursuant to Article 91 of the *Road Traffic Law*. For the definition of an "operator," please see our response to question 1(b)(v) above.
	(v)	If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	The consumer may be liable for the damages arising from such collision as (i) the operator and (ii) as the driver of the vehicle. Please see our explanations regarding liability in collisions on highways for question 1(b)(v) above.
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit,		Please see our response to question 1(c) above.

1. Driverless Vehicles		
	prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?	
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	As explained above, the applicable legislation regarding vehicles does not specifically address driverless vehicles. Therefore, subject to our responses to question 1(c) regarding road safety concerns, there are currently no requirements specific to the use of driverless vehicles in Turkey. Under the current applicable legislation, driverless vehicles would be, in any event, subject to the general requirements applicable to all motor vehicles under the relevant legislation, such as registration, vehicle inspection, and compulsory traffic insurance.

2. Regulatory Agencies and Policy Developments		
Question		**Turkey**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	No.
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	There have been no official policies or statements published by the governmental authorities indicating that any regulation related to driverless vehicles will be established in the near future. The Ministry of Science, Industry and Technology has issued certain statements suggesting that technology is moving towards electric and driverless vehicles and that the Ministry will be supporting TÜBİTAK along with other universities and companies in their projects for developing such technologies.
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is	No.

2. Regulatory Agencies and Policy Developments		
	the likelihood of its approval?	
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	The following authorities would be the main regulatory bodies regarding driverless cars in the event of any regulation is made thereof: • Ministry of Science, Industry and Technology • Ministry of Transport, Maritime Affairs and Communications • Ministry of National Defense • Directorate General of Security (under the Ministry of Interior) • Directorate General of Highways (under the Ministry of Transport, Maritime Affairs and Communications) • Information and Communication Technologies Authority

United Arab Emirates

Jurisdiction	United Arab Emirates
Responsible Baker McKenzie office	Dubai
Person(s) responsible for completing questionnaire	Hani Naja, Jonathan (JJ) Shaw, Farah El Masri, and Borys Dackiw
Completion date	12 December 2017

1. Driverless Vehicles			
Question			**United Arab Emirates**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	Both. The UAE is a constitutional federation formed between the seven emirates of Abu Dhabi, Dubai, Sharjah, Ajman, Fujairah, Umm al-Quwain, and Ras al Khaimah. The UAE Federal Government has issued *Federal Law No. 9 of 2011 regarding Land Transportation* together with its *Executive Regulations*, which regulates land transport within the UAE at a Federal level. This legislation sets out the requirement for all driver's to obtain a licence, governs vehicle registration, and establishes the general responsibility of drivers for the safety of their passengers. However, the relevant road and transport authorities within each Emirate have jurisdiction to regulate vehicles more specifically. For example, the Dubai Road and Transport Authority (RTA) and the Department of Transport Abu Dhabi ("DoT**"**) are the Emirate-specific authorities responsible for regulating vehicle safety, issuing driving licences, and administering parking, traffic and public transport services within Dubai and Abu Dhabi respectively. As is mentioned in our response to question 1(a)(ii) below, the Emirates Authority for Standardisation and Metrology ("ESMA") has announced that it intends to draft rules for autonomous vehicles in the UAE in the near future.
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at	Not yet. However, in August 2017, it was announced that regulations governing the safety and other requirements

1. Driverless Vehicles		
	any of these levels, and if so, please specify.	for driverless vehicles in the UAE are to be drafted by the ESMA. No details of the requirements have yet been publicised, but the project is intended to be presented during the Future Vehicles World 2017 Convention, an event organised by ESMA and to be held in Dubai in November. With this is mind, ESMA has formed a team of partners, including the Federal Authority for Land and Maritime Transport, the Telecommunications Regulatory Authority, Dubai Police, and Dubai's Roads and Transport Authority, among others, to participate in the draft. <u>Other Initiatives</u> In addition to the impending safety regulations to be drafted by ESMA, Dubai as an Emirate has taken measures towards implementing autonomous vehicles. Under the Directions of His Highness Shaikh Mohammed Bin Rashed Al Maktoum, Vice President and Prime Minister of the UAE and Ruler of Dubai, the Dubai Future Foundation (in conjunction with the RTA) launched the 'Dubai Autonomous Transportation Strategy'. The strategy aims to transform 25% of the total transportation in Dubai to autonomous mode by 2030, enabling 5 million daily trips and saving an annual AED 22 billion in economic costs. The Dubai government also strives to be a global leader by having announced an integrated strategy with clear enablers and targets within a specific timeframe. The strategy includes the launch of 'Dubai World Autonomous Transportation Challenge' as a global RFP to encourage the world's most innovative international companies, academic institutions, and R&D centres to test the latest advances in this technology by providing transportations solutions and scenarios that are realistic and tailored for the streets of Dubai. In February 2017, the RTA also announced a smart transport strategy 2017-2020, which will see the implementation of 34 projects ranging from autonomous drones, self-driving buses, and taxis as well as other innovative projects like the expansion of pedestrian crossings, roadside sales, and information kiosks. The RTA also recently announced that it has signed an agreement with Tesla Inc., a world leading manufacturer

1. Driverless Vehicles		
		of autonomous electric vehicles, to purchase 200 vehicles with several autonomous driving technological components. These new hybrid electric vehicles will be added to the already existing fleet owned by Dubai Taxi Corporation. Most recently, in what will be another world first for an Emirate renowned for its vision, Dubai tested an automated hover-taxi – the EHang 184 – manufactured by the Chinese company EHang. The EHang has the ability to travel about 60 miles per hour at an altitude of 1,000 feet and make trips that last up to about 30 minutes.
	(iii) Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	No. However, it remains to be seen what definition ESMA will opt for when drafting the regulations for driverless vehicles in the UAE.
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**? (i) Does the driverless vehicle need to meet certain standards, or pass an approval process?	Generally speaking, testing any type of vehicle on public roads without approval from (a) the applicable local transport authority (i.e., the RTA or DoT), and (b) the police, is prohibited in the UAE. In order to test driverless vehicles on public roads, a permit/licence must first be obtained from these authorities. To date, no legislation/rules have been issued in the UAE to specifically facilitate or regulate the testing of driverless vehicles, and therefore there are no criteria/standards to be met. As mentioned in our response to question 1(a)(ii) above, regulations on self-driving vehicles are expected to be issued by ESMA by the end of 2017. Nonetheless, we understand that the RTA is currently open to issuing "special approvals," which would allow for the testing of driverless vehicles in very limited circumstances. The RTA will set strict guidelines before they issue any such special approvals. These guidelines are neither public nor official and will only be provided to the company making an application to test a driverless vehicle on public roads.
	(ii) Must the vehicle be equipped with specific	N/A. There are currently no published regulations

1. Driverless Vehicles			
		hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	prescribing specific requirements for driverless cars.
	(iii)	Does the company need to obtain either a special licence or permission from a government authority?	Yes. Please refer to our response to question 1(b)(i) above.
	(iv)	Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	Yes. Pursuant to *UAE Federal Law No. 21 of 1995* ("*Traffic Law*"), any licensed vehicles on public roads must be insured against third parties.
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	The normal traffic rules and regulations regarding accidents are applicable to driverless vehicles. If the driverless vehicle is at fault, it will consequently be liable for the damages associated with the collision. However, as mentioned in our response to question 1(b)(iv) above, all licensed vehicles on the road must be properly insured.
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	N/A. There are currently no published regulations prescribing specific requirements for driverless cars.
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	Based on our inquiries to the RTA, we have been informed that if a company is testing on private property, none of the above requirements would apply.
	(viii)	Are there any tests taking place? If so: (A) Have the tests	Yes. To date, it is widely understood that two private companies, in collaboration with the RTA, have carried out tests of driverless vehicles in Dubai. The RTA has not

1. Driverless Vehicles			
		been publicly disclosed?	officially provided any information on these tests. However, based on publicly available information:
		(B) Who is conducting the tests?	• In April 2016, a 10-seater driverless vehicle, known as the EZ10, was trialled during MENA Transport Congress & Exhibition 2016, a three day long event organized by the RTA and the International Union of Public Transport. This EZ10 vehicle, manufactured by Easy Mile/Omnix Company, is designed to travel short distances on pre-programmed routes. It is ideal for use in pedestrian areas and designated cycle lanes and cruises at a speed of 25 kmh with capability up to 40kmh. Further testing of the EZ10 is already underway and in September 2016, RTA Dubai joined forces with Emaar Properties to trial the EZ10 on a 700 metre stretch of the Mohammed bin Rashid Boulevard. • In November 2016, the UAE newspaper 7Days reported that the German car manufacturer Mercedes-Benz had completed an autonomous car journey between Dubai and Abu Dhabi. A modified version of the company's E-class travelled from Jebel Ali in Southern Dubai to central Abu Dhabi without the driver touching the steering wheel, breaks, or accelerator.
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**?		Generally, in order to legally drive any vehicle on a public road in the UAE, consumers must comply with driver licensing and vehicle registration requirements and ensure the car is compliant with any applicable safety regulations. However, as mentioned above, there are currently no regulations at either Federal or Emirate level which permit, prohibit, or otherwise set requirements for driverless vehicles in the UAE. This means that the use of driverless vehicles by consumers (on either private or public roads) is an entirely unregulated area.
	(i)	Does the driverless vehicle need to meet certain standards, or pass an approval process?	N/A. Please see above.
	(ii)	Must the vehicle be equipped with specific hardware or software? For	N/A. Please see above.

1. Driverless Vehicles			
		example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	
	(iii)	Does the consumer need to obtain either a special license or permission from a government authority?	N/A. Please see above.
	(iv)	Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**?	N/A. Please see above.
	(v)	If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	N/A. Please see above.
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?		N/A. There are currently no published regulations prescribing specific safety requirements for driverless vehicles.
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.		N/A. There are currently no published regulations prescribing specific requirements for driverless vehicles.

2. Regulatory Agencies and Policy Developments		
Question		**United Arab Emirates**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	No, there are no similar policies in the UAE.
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	Yes. Please refer to our response to question 1(a)(ii) above. The UAE Government, together with a number of other federal bodies such as ESMA, are taking active steps to introduce initiatives aimed at facilitating the roll-out of driverless vehicles in the UAE. ESMA's director general, Abdulla Almaeeni, stated that the rules and regulations governing driverless vehicles will be issued by the end of 2017 and that "ESMA is focusing on providing the highest safety standards in modern transport vehicles that match the latest technologies and innovation in terms of self-driving vehicles and communication between them and the surrounding environment."
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	Yes. Please refer to our response to question 1(a)(ii) above. In August 2017, it was announced that regulations governing the safety and other requirements for driverless vehicles in the UAE are to be drafted by ESMA. These are expected to be issued by the end of 2017.
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	The Dubai Road and Transport Authority, Department of Transport Abu Dhabi, and the Emirates Authority for Standardisation and Metrology

United Kingdom

Jurisdiction	United Kingdom
Responsible Baker McKenzie office	London
Person(s) responsible for completing questionnaire	Kate Corby, Jason Raeburn
Completion date	15 September 2017

1. Driverless Vehicles			
Question			**United Kingdom**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	Both. Transport is an area that has been devolved to the Scottish, Welsh, and Northern Irish Governments. As such, it is likely that any legislation produced by the Westminster Government ("UK Government") will not automatically cover these jurisdictions. For example: (a) the *Road Vehicles (Construction and Use) Regulations 1986* ("*RVCUR*") cover Great Britain (England, Scotland, and Wales), whilst the *Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999* cover Northern Ireland; (b) there are separate *Highway Codes* for Great Britain and Northern Ireland; and (c) Scotland has set a different alcohol limit threshold. These examples highlight the autonomy of the devolved governments in this area. However, at a practical level, the differences between these laws are minimal.
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if so, please specify.	No. Currently, there are no specific laws in force dealing with driverless vehicles. However, the Automated and Electric Vehicles Bill ("AV Bill") is soon to be debated in Parliament. Previously, the Vehicle Technology and Aviation Bill, was progressing through the Parliamentary stages in the House of Commons, however it fell due to the UK General Election being called in June 2017. Therefore, no further action on that former bill will be taken. A detailed draft of the new AV Bill has not yet been produced but the Queen's Speech of June 2017 seems to indicate that similar (if not identical) provisions to the

1. Driverless Vehicles		
		former Vehicle Technology and Aviation Bill will be proposed. If this is the case, the new bill will contain provisions regarding the liability and insurance regime for driverless cars and will likely contain powers for the Secretary of State to define which vehicles (or classes of vehicles) fall within the definition of automated vehicles for these purposes. For the full text of the Queen's Speech and more information, please see https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/620838/Queens_speech_2017_background_notes.pdf. There is also a non-statutory Code of Practice in place for the testing of automated and driverless cars, which can be accessed at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/446316/pathway-driverless-cars.pdf.
	(iii) Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	No, the UK has not formally adopted the SAE International Standard J3016 for classifying automated vehicles. The former Vehicle Technology and Aviation Bill anticipated that the Secretary of State would list the vehicles, identified by type or in some other way, that were considered to be "automated" for the purposes of regulation.
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**?	Testing of driverless vehicles on public roads is permitted if: (i) a test driver is present and takes responsibility for the safe operation of the vehicle; and (ii) the vehicle complies with all applicable road traffic laws. Test Driver Requirement The *RVCUR* state that it is an offence to use a motor vehicle in such a way that it would present a danger to other road users. This means that testing organisations should, in practice, ensure that test drivers are present, that they hold appropriate licences, and that they have received appropriate training. The *RVCUR* also state that: "No person shall drive or cause or permit any other person to drive, a motor vehicle on a road if he is in such a position that he cannot have

1. Driverless Vehicles		
		proper control of the vehicle or have a full view of the road and traffic ahead." This restriction only applies to testing on public roads. <u>General Compliance</u> The *Road Traffic Act 1988* and the *RVCUR* both require that vehicles used on a public road are in a safe condition, are used safely, and do not cause danger. There are a number of specific requirements on issues such as braking, lighting, and steering which constitute a "safe" vehicle. Driverless vehicles are not yet specifically catered for in the legislation and will therefore fall within these general restrictions. In addition, all vehicles need to comply with legal requirements for insurance, registration, and licensing. ▪ Insurance The *Road Traffic Act 1988* requires a person who uses a vehicle on a road or other public place to have or procure an insurance policy to cover the use of that vehicle. This requirement equally applies to driverless cars. The insurance cover must be unlimited for loss related to personal injury. ▪ Registration and Licensing Vehicle registration and licensing requirements are set out in a number of different laws, including the *Vehicle Excise and Registration Act 1994* (as amended) and the *Road Vehicles (Registration and Licensing) Regulations 2002*. The focus of such legislation is to ensure that all road going vehicles are of a certain standard with regard to safety and their environmental impact. In general, type approval is required for road vehicles , which specify that the vehicle is compliant with the applicable safety and environmental standards. However, for testing purposes, there is an exception that permits prototype vehicles – vehicles that have been designed and constructed for use on the road under the responsibility of a manufacturer for performing a specific test programme – to be used on public roads. The Driver and Vehicle Licensing Agency (DVLA) will therefore allow the registration of prototypes for test purposes. However, the roadworthiness and safety laws

1. Driverless Vehicles			
			applicable to all vehicles will still apply.
	(i)	Does the driverless vehicle need to meet certain standards, or pass an approval process?	Yes, general requirements of roadworthiness and safety must be adhered to. No specific approval regime has been implemented. "Roadworthiness" is a general requirement which means that the vehicle must not be in a condition which endangers the driver or other road users. Common examples include the presence of bald tyres or ineffective brakes. Equally, the road safety requirements are general in nature and require that a vehicle is not used in a dangerous condition and that no aspect of the vehicle (or its use) involves a danger of injury to any person.
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	No. There is no requirement for vehicles to be equipped with particular hardware or software.
	(iii)	Does the company need to obtain either a special licence or permission from a government authority?	No.
	(iv)	Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	Yes, the *Road Traffic Act 1988* requires a person who uses a vehicle on a road or in a public place to have or ensure that there is in place, a policy of insurance to cover the use of that vehicle by that person. There is no specific insurance which covers driverless vehicles at this point in time but is contemplated in the AV Bill.
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	In testing scenarios, the test driver would be liable in the same way a standard driver would be on UK roads for collisions and harm caused to third parties associated with that collision. The apportionment of liability between the test driver, the company manufacturer, or any other party has not yet been decided on in the English courts. However, it is likely that the usual assessment relating to the law of negligence and vicarious liability would apply in these

1. Driverless Vehicles			
			circumstances in order to apportion liability between the relevant parties, to the extent culpable. In non-test scenarios, the law as to liability in relation to driverless collisions has not yet been set out in detail in the new AV Bill. However, if the AV Bill follows the provisions of the former Vehicle Technology and Aviation Bill (which seems likely), then there will be a requirement for owners of driverless vehicles to take out compulsory insurance and specific rules as to the apportionment of liability across insurers and drivers in the event of a collision. As a general rule, liability has been suggested as lying with the insurer. However, there are exceptions to this position where, for example, an owner makes unauthorised alterations to the vehicle or fails to maintain critical software updates.
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	*The Pathway to Driverless Cars: A Code of Practice for Testing (2015)*, the UK Government's code of practice for driverless testing, provides that the test driver or operator must hold the appropriate category of driving licence for the vehicle being tested, if testing takes place on a public road. For the full text of this code, please see https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/446316/pathway-driverless-cars.pdf.
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	No. The majority of the restrictions under English law apply to the use of vehicles on "roads" or other public places. Road traffic laws do not apply to private land, i.e., roads to which the public does not have access as provided by the *Road Traffic Act 1988*. However, general civil liability for collisions or injury caused by negligence would still apply.
	(viii)	Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	Yes, there are tests taking place on public roads in the United Kingdom, including the following: ▪ In June 2017, UK Autodrive conducted its final set of private test track trials together with Ford, Jaguar Land Rover, and Tata Motors European Technical Centre (including an Emergency Vehicle Warning, Intersection Collision Warning, and In-Vehicle Signage feature). The next step of the project involving trials on segregated sections of public roads

1. Driverless Vehicles		
		within Milton Keynes and Coventry are due to take place in late 2017. ▪ In October 2016, Transport Systems Catapult and the Department for Business, Energy and Industrial Strategy were responsible for putting a self-driving vehicle on UK public streets for the first time. The vehicle used electric-powered two-seater "pods" that operated on designated pedestrianised areas of Milton Keynes. The three pods being used for the trial had full automated capability and for the duration of the trials, they retained control of the steering wheels and pedals. A trained operator was also ready in each pod to take control of the vehicles if necessary.
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**? (i) Does the driverless vehicle need to meet certain standards, or pass an approval process? (ii) Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions. (iii) Does the consumer need to obtain either a special license or permission from a government authority? (iv) Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**?	In order to legally drive a vehicle on a public road in the UK, consumers must comply with driver licensing and vehicle registration requirements. There are no laws or regulations that are specific to the use of driverless vehicles by consumers in the UK. We have therefore not responded specifically to questions (i) - (v) inclusive. However, the vehicle safety rules that apply to regular vehicles, as well as the road rules that apply consumers driving them, will be relevant.

1. Driverless Vehicles		
	(v) If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?	General standards of roadworthiness and safety must be adhered to by consumers using driverless vehicles. No specific rules apply in connection with consumer use on public roads.
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	N/A.

2. Regulatory Agencies and Policy Developments		
Question		**United Kingdom**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	No, but the Department of Transport has issued *The Pathway to Driverless Cars: A Code of Practice for Testing*, a non-statutory guidance on testing. Please see our response to question 1(b)(vi) above.
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles?	In the Queen's Speech of June 2017, the following statements were made, which reflect the Government's positive attitude toward driverless vehicles and infrastructure improvements: ▪ My Government will work to attract investment in infrastructure to support economic growth. Legislation will be introduced to ensure the United Kingdom remains a world leader in new industries, including electric cars [Automated and Electric Vehicles Bill] ▪ The Bill will ensure the UK continues to be at the

2. Regulatory Agencies and Policy Developments		
	(i) If so, please provide a copy of the statements.	forefront of developing new technology in electric and automated road vehicles. The Bill will: (i) allow the regulatory framework to keep pace with the fast evolving technology for electric cars, helping improve air quality; (ii) provide for the installation of charging points for electric and hydrogen vehicles; [and] (iii) extend compulsory motor vehicle insurance to cover the use of automated vehicles, to ensure that compensation claims continue to be paid quickly, fairly and easily, in line with longstanding insurance practice. For the full text of the Queen's Speech see *https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/620838/Queens_speech_2017_background_notes.pdf.* The UK Government has a Centre for Connected and Autonomous Vehicles, which is a joint policy unit of the Department for Transport and the Department for Business, Energy and Industrial Strategy. For more information please see https://www.gov.uk/government/collections/driverless-vehicles-connected-and-autonomous-technologies. In addition, on 11 April 2017, GBP 109.7 million of government funding was awarded, alongside significant funding from the industry, to help develop the next generation of driverless and low-carbon vehicles, as part of the Industrial Strategy (https://beisgovuk.citizenspace.com/strategy/industrial-strategy/?_sm_au_=iVVRLJRSTTFNVNs7) and the Government's Plan for Britain (https://www.planforbritain.gov.uk/). For more information please see https://www.gov.uk/government/news/over-109-million-of-funding-for-driverless-and-low-carbon-projects.
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	Yes, the AV Bill is soon to be debated in Parliament. A previous bill, the Vehicle Technology and Aviation Bill, was progressing through the Parliamentary stages in the House of Commons, however it then fell due to the UK General Election being called in June 2017. The previous bill had progressed to the Report Stage and Third Reading in the House of Commons (the final stage before the House of Lords, which is followed by Royal Assent/enactment). It would therefore seem likely that the

2. Regulatory Agencies and Policy Developments		
		new AV Bill will similarly progress swiftly through Parliament and be approved in due course.
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	• Driver and Vehicle Licensing Agency (https://www.gov.uk/government/organisations/driver-and-vehicle-licensing-agency) • Department for Transport (http://www.gov.uk/dft)

United States of America (USA)

Jurisdiction	United States – Federal Law
Responsible Baker McKenzie office	Chicago
Person(s) responsible for completing questionnaire	Michael Stoker, Miguel Naguit
Completion date	8 February 2018

1. Driverless Vehicles			
Question			**United States – Federal Law**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	Both. <u>Federal Level</u> The Federal government's responsibilities include: setting performance and design standards for new motor vehicles and motor vehicle equipment (to which manufacturers must certify compliance before they sell their vehicles); enforcing compliance with these performance and design standards; investigating and managing the recall and remedy of non-compliances and safety-related motor vehicle defects on a nationwide basis; communicating with and educating the public about motor vehicle safety issues; and issuing guidance for vehicle and equipment manufacturers to follow. <u>State Level</u> States' responsibilities include: licensing (human) drivers and registering motor vehicles in their jurisdictions; driver education and training; crash investigations; congestion management of their public roads; enacting and enforcing traffic laws and regulations; conducting safety or emissions inspections, where States choose to do so; and regulating motor vehicle insurance and liability.
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if so, please specify.	<u>Federal Level</u> Federal law does not yet expressly regulate driverless vehicles. However, as of the date of this survey, both the House of Representatives and the Senate have proposed legislation which regulate certain aspects of highly automated vehicles. On 6 September 2017, the House of Representatives

1. Driverless Vehicles		
		passed the *Safely Ensuring Lives Future Deployment and Research in Vehicle Evolution Act* ("*SELF DRIVE Act*"), which regulates certain aspects of highly automated vehicles and expressly preempts state laws that conflict with performance and design standards of driverless vehicles set by the federal government. On 28 September 2017, the Senate introduced the *American Vision for Safer Transportation through Advancement of Revolutionary Technologies Act ("AV START Act"),* which also regulates certain aspects of highly automated vehicles and expressly preempts state laws that conflict with performance and design standards of driverless vehicles set by the federal government. To become law, however, the House of Representatives and the Senate must reconcile the proposed bills and the President must sign the final legislation. For a more in-depth discussion of the proposed bills, please see our response to question 2(a) below. On 12 September 2017, the Trump Administration released a new policy document titled '*Automated Driving Systems 2.0: A Vision for Safety*' that updates the *Federal Automated Vehicle Policy'* released by the National Highway Traffic Safety Administration ("NHTSA") in September 2016. The new policy is available online at https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/13069a-ads2.0_090617_v9a_tag.pdf. For a more in-depth discussion of the updated policy, please see our response to question 2(a) below. <u>State Level</u> Twenty-one States and the District of Columbia have enacted laws related to highly automated vehicles as of the date of this questionnaire. Those states are: Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Louisiana, Michigan, Nevada, New York, North Carolina, North Dakota, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, and Vermont. State laws generally (i) legalize the deployment and operation of highly automated vehicles in their jurisdiction (e.g., Colorado), (ii) create a framework for testing highly automated vehicles (e.g., New York), (iii) authorize platooning of highly automated vehicles (e.g., South Carolina), or (iv) merely create committees

1. Driverless Vehicles		
		tasked with conducting studies related to driverless vehicles (e.g., Alabama). In other states, such as Arizona, executive orders have been issued by the state governor permitting the testing of highly automated vehicles (rather than by enacting new laws through the state legislature). Given the number, complexity, and variation in State laws regarding driverless vehicles, this questionnaire will focus primarily on federal laws and will also summarize New York's current regulatory framework for testing, and Colorado's current regulatory framework for use by consumers in order to provide certain State law examples.
	(iii) Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	Generally, yes. At the Federal level, NHTSA has adopted SAE J3016 for classifying driving automation systems. The *SELF DRIVE Act* adopts only certain terms used in SAE J3016, such as automated driving system, dynamic driving task, and operational design domain. Under the *SELF DRIVE Act*, however, the Secretary of Transportation is required to determine the most effective terminology for informing consumers about driving automation systems, including whether such terminology should be adopted from SAE J3016. The *AV START Act*, on the other hand, requires the Secretary of Transportation to use the taxonomy and definitions for automated driving systems set forth in SAE J3016, however, the Secretary of Transportation is also required to review such definitions and provide feedback to SAE for potential updates. At the State level, certain states (e.g., Connecticut and Colorado) expressly refer to SAE J3016 when defining automated driving systems and related terminology in recent amendments to their respective motor vehicle codes.
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**? (i) Does the driverless vehicle need to meet	Existing federal law does not expressly permit, prohibit, or restrict companies from testing driverless vehicles on public roads. Note, however, *49 United States Code § 30115* provides that an automobile manufacturer must self-certify that its vehicles meet design and performance standards in order to sell them in the United States. Some standards explicitly contemplate a human driver operating the vehicle and are based on assumptions of conventional vehicle designs. Highly automated vehicles

1. Driverless Vehicles		
	certain standards, or pass an approval process?	that attempt to take advantage of the opportunities presented by full automation (e.g., reconfigured cabin layouts and omission of manual control) may face significant challenges to certification under the existing standards, particularly for "driverless" concepts where human occupants have no way of driving the vehicle. At the state level, some States have passed laws that permit the testing of highly automated vehicles on their public roads. These states include California, Colorado, Connecticut, Florida, Michigan, Nevada, and New York. Other states, such as Arizona, have issued executive orders permitting testing of highly automated vehicles on public roads. Each of these states have different requirements that need to be satisfied in order to test highly automated vehicles on public roads. As an illustrative example, New York's criteria applicable to testing driverless vehicles on public roads is set out in our responses to question 1(b)(i) to (vii) below. (i) <u>Does the driverless vehicle need to meet certain standards, or pass an approval process?</u> Pursuant to New York law, a vehicle with autonomous vehicle technology may only be tested on New York's public highways if approved to do so by the New York Commissioner of Motor Vehicles. In addition to filling out an application, which is referred to in our response to question 1(b)(iii) below, a company may test a driverless vehicle on New York's public highways subject to all of the following requirements: • The driverless vehicle must comply with all applicable federal motor vehicle safety standards and New York state motor vehicle inspection standards; • A human operator must be physically located in the driver seat of the driverless vehicle, and capable of taking control of the driverless vehicle; • Testing of driverless vehicles can only take place under the direct supervision of the New York state police; • The company submit a report documenting the testing to the New York Department of Motor Vehicles ("DMV"); and

1. Driverless Vehicles			
			• The company must insure the driverless vehicle for at least USD 5,000,000. In addition, the New York statute permitting testing of driverless vehicles will expire on April 1, 2018.
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	Yes. Under New York law, the driverless vehicle must be equipped with a driver's seat and technology to permit the human driver to take manual control of the driverless vehicle.
	(iii)	Does the company need to obtain either a special licence or permission from a government authority?	Yes, the company must obtain approval from the New York Commissioner of Motor Vehicles prior to testing a vehicle equipped with "autonomous vehicle technology" on New York's public highways. Companies may apply for an "Autonomous Vehicle Technology Demonstration / Testing Permit" by completing the forms available on the New York DMV's website, https://dmv.ny.gov/dmv/apply-autonomous-vehicle-technology-demonstration-testing-permit. As part of the application, the company must specify where the driverless vehicle will be tested, including: (i) date and time; (ii) origin and destination; (iii) sequence of roads on which your vehicle(s) intends to travel; and (iv) total routing distance in miles to the nearest 1/10 mile.
	(iv)	Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	Yes, New York has insurance requirements specific to the testing of driverless vehicles. Prior to testing a driverless vehicle on New York's public highways, a company must submit proof of insurance for at least USD 5,000,000.
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	Possibly, depending on the cause of the collision. In New York, state laws regarding product liability and negligence will apply.
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads.	Not applicable; besides the requirements outlined above, New York does not have additional requirements as of the date of this questionnaire. Note, however, the New York Commissioner of Motor Vehicles has the discretion

1. Driverless Vehicles			
		In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	to develop requirements for testing in addition to those listed above.
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	No, the requirements discussed above would not apply to the testing of driverless vehicles on private property. New York's legal regime for driverless vehicles is statutorily limited to its public roads.
	(viii)	Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	Yes, many tests of highly automated vehicles are currently taking place throughout the United States, including in New York. For example, as of November 30, 2017, the California Department of Motor Vehicles has issued "Autonomous Vehicle Testing Permits" to 44 entities. (A) Please see below for some of the tests that have been conducted in the United States. • Waymo conducted public trials of its driverless vehicles on public roads in several cities in the United States. For more information, please see http://fortune.com/2017/04/25/waymo-minivans-trial/. • In California, the Contra Costa Transportation Authority is testing driverless vehicles that do not have a human operator physically inside the vehicle. For more information, please see https://www.nbcnews.com/tech/tech-news/look-ma-no-driver-new-california-law-allows-driverless-vehicles-n657301. • In Michigan, the University of Michigan conducts numerous studies related to driverless vehicles at Mcity, an urban test facility located on the university's premises. For a list of research, please see https://mcity.umich.edu/our-work/research/categories/connected-automated-technology/. (B) Numerous entities are conducting tests, either independently or in cooperation with one another. In

1. Driverless Vehicles		
		general, these entities can be categorized as: (1) OEMs; (2) technology companies; (3) academic institutions; or (4) government authorities.
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**?	Existing Federal law does not expressly permit, prohibit, or restrict consumers from using highly automated vehicles for personal use on public roads. At the State level, States have taken various approaches to consumers using highly automated vehicles for personal use on public roads. For example, the following States have passed laws that permit the deployment of highly automated vehicles on their public roads: Colorado, Florida, Georgia, Michigan, Nevada, North Carolina, Tennessee, Texas, and Washington D.C. However, certain states such as Nevada are not issuing permits (as of the date of this survey) for the deployment of highly automated vehicles for personal use on public roads. Other states (e.g., Michigan) have amended state motor vehicle code in a way that arguably creates potential legislative ambiguities concerning the permissibility of highly automated vehicles for personal use on public roads. As of the date of this questionnaire, New York prohibits consumers from using driverless vehicles for personal use on public roads. In States where the motor vehicle code is silent regarding the deployment of highly automated vehicles for personal use on public roads, existing laws in those states (e.g., distracted driving laws) complicate the lawful use of automated driving systems in the manner in which they were designed to be used. As an illustrative example, Colorado's law pertaining to the deployment of driverless vehicles on public roads is set out in our responses to question 1(c)(i) to (v) below.
	(i) Does the driverless vehicle need to meet certain standards, or pass an approval process?	Colorado law requires that any automated driving system used to drive a motor vehicle be capable of complying with every State and Federal law that applies to the function that the system is operating.
	(ii) Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be	Colorado law does not require the vehicle to be equipped with specific hardware of software. However, other states might require specific technology. For example, Florida requires that the vehicle have technology inside the vehicle to indicate when the vehicle

1. Driverless Vehicles			
		equipped with a data recorder for collisions.	is operating in an automated mode.
	(iii)	Does the consumer need to obtain either a special license or permission from a government authority?	Colorado law does not require a special license or permission from a governmental authority. However, other states may require special licenses or permission. For example, Nevada requires that a autonomous vehicle network company obtain permission form the Nevada Transport Authority prior to deploying driverless vehicles for consumer use.
	(iv)	Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**?	Colorado does not have insurance requirements that are specific to driverless vehicles operated by consumers for personal use.
	(v)	If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	Possibly; under Colorado law liability for a crash involving an automated driving system driving a motor vehicle is determined in accordance with applicable state, federal or common law. However, there is no uniformity across the states regarding liability in the event of a collision. Some states might provide that the vehicle owner is liable, other states might provide that the person who engaged the automated driving system is liable, while other states might provide that the automated driving system itself is liable.
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?		New York law provides that no personal shall operate a motor vehicle without having at least one hand on the steering wheel. Other states that have not amended their motor vehicle code to permit the use of driverless vehicles have safety laws (e.g., distracted driving laws) that complicate the lawful use of automated driving systems in the manner in which they were designed to be used.
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or		These requirements vary from state to state. For example, Florida law provides that the vehicle must have a system to safely alert the operator if an autonomous technology failure is detected while the autonomous technology is engaged. When an alert is given, the system must: (i) require the operator to take control of the

1. Driverless Vehicles		
	guidelines issued by the relevant government authority.	autonomous vehicle; or (ii) If the operator does not, or is not able to, take control of the autonomous vehicle, be capable of bringing the vehicle to a complete stop.

2. Regulatory Agencies and Policy Developments		
Question		**United States – Federal Law**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	On 12 September 2017, the Secretary of Transportation released an updated policy that overrides the Federal Automated Vehicles Policy previously released in September 2016. The new policy is available online at https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/13069a-ads2.0_090617_v9a_tag.pdf. Automated Driving Systems 2.0: A Vision for Safety *Automated Driving Systems 2.0: A Vision for Safety* ("*2017 Guidance*") clarified that NHTSA is not contemplating a new regulatory regime specific to driverless vehicles. NHTSA will instead use its current regulatory powers, such as enforcing compliance with federal performance and design standards, in order to regulate driverless vehicles. The *2017 Guidance* also reaffirmed that safety assessment letters are purely voluntary, i.e., an entity does not need to submit a safety assessment letter to NHTSA prior to testing its driverless vehicle in the United States. Importantly, the *2017 Guidance* may conflicts with certain provisions of the *SELF DRIVE Act*, which reference the 2016 version of NHTSA Federal Automated Vehicles Policy. For instance, safety assessment letters are voluntary under the *2017 Guidance*, but would become mandatory if the *SELF DRIVE Act* is signed into law in its current form. In addition, the *2017 Guidance* strongly encourages States to refrain from enacting performance and design standards applicable to driverless vehicles. Under the *SELF DRIVE Act*, such standards would be expressly preempted by federal law to the extent a conflict exists between the a federal and State standard.
(b)	If not, has the government or a government representative in your	N/A.

2. Regulatory Agencies and Policy Developments		
	jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (ii) If so, what is it and what is the likelihood of its approval?	Yes. <u>The SELF DRIVE Act</u> On 6 September 2017, the House of Representatives passed the *SELF DRIVE Act*. The *SELF DRIVE Act* creates significant responsibilities for the United States Department of Transportation ("USDOT") with respect to regulation of driverless vehicles, automated driving systems and components of automated driving systems. If enacted, and perhaps most significant to manufacturers and upfitters, is the dramatic increase in exemptions that NHTSA may grant to entities for the purpose of testing driverless vehicles. The USDOT will be required to create a publicly available electronic database of vehicles exempt from federally mandated design and performance standards. Pursuant to the *SELF DRIVE Act*, the Secretary of Transportation will develop a safety assessment certification process that requires entities developing driverless vehicles to address the safety of their respective driverless vehicles, including fail safe features. Prior to promulgation of this safety assessment certification process, entities will be required to submit safety assessment letters as contemplated by the 2016 version of the *Federal Automated Vehicles Policy*. The Secretary of Transportation must also develop a safety priority plan that will identify components of driverless vehicles that may require performance standards, including human machine interfaces, sensors and actuators, and headlamps. Pursuant to the safety priority plan, NHTSA is responsible for identifying "procedure standards" related to software and cybersecurity in driverless vehicles.

2. Regulatory Agencies and Policy Developments		
		The *SELF DRIVE Act* prohibits manufacturers from selling any highly automated vehicle unless the manufacturer has developed a privacy plan to that includes descriptions of certain practices regarding the collection, use, sharing, and storage of information about vehicle owners or occupants. The *SELF DRIVE Act* provides the Federal Trade Commission with enforcement authority. To promote uniformity, the *SELF DRIVE Act* federally preempts any state or local laws that conflict with federal laws related to motor vehicle safety standards, design, construction, and performance of driverless vehicles. The *SELF DRIVE Act* also requires that the Secretary of Transportation to create a methodology for describing the capabilities of driverless vehicles or partially automated vehicles for the purpose of informing consumers. Manufacturers will be required to inform consumers of their respective driverless vehicles' capabilities in accordance with the methodology. <u>AV START Act</u> On 28 September 2017, the Senate introduced the *AV START Act,* which also regulates certain aspects of highly automated vehicles and expressly preempts state laws that conflict with performance and design standards of driverless vehicles set by the federal government. The *AV START Act* requires the Department of Transportation to issue a report that identifies conflicts with respect to existing Federal motor vehicle safety standards and the use and testing of highly automated vehicles and proposals to resolve such conflicts. The *AV START Act* requires each manufacturer introducing a highly automated vehicle or automated driving system into interstate commerce to provide a safety evaluation report to the Secretary of Transportation. The safety evaluation report shall include information concerning system safety, data recording, cybersecurity, human-machine interface, crashworthiness, capabilities and limitations, post-crash behaviour, the account of applicable traffic laws, and automation function performance. Such reports will be made publically available, but manufacturers may submit trade secret or confidential information separately from

2. Regulatory Agencies and Policy Developments		
		the report. To engage the industry, the *AV START Act* requires the Secretary of Transportation to establish a Highly Automated Vehicles Technical Committee ("Committee") to provide a forum for stakeholders to discuss, prioritize and make technical recommendations for highly automated vehicles and automated driving system safety. The Committee may also establish various Working Groups with industry representatives. Significantly, the *AV START Act* requires manufacturers of highly automated vehicles and automated driving systems to create cybersecurity plans, which must meet the requirements of the *AV START Act*, and must be submitted to the Secretary of Transportation for inspection. To promote uniformity, the *AV START Act* also federally preempts any state or local laws that conflict with federal laws related to motor vehicle safety standards, design, construction, and performance of driverless vehicles.
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	• NHTSA: NHTSA is responsible for enforcing compliance with federally required performance and design standards as well as managing recalls for defective vehicles. This authority extends to driverless vehicles and automated driving systems, including technology required to operate a driverless vehicle. For instance, NHTSA has taken the position that it may exercise its recall authority if defective software in a vehicle creates a safety risk, which is evidenced in *81 Fed. Reg. 65,705 (September 23,2016), NHTSA Enforcement Guidance Bulletin 2016-02: Safety-Related Defects and Automated Safety Technologies*. • Federal Motor Carrier Safety Administration ("FMCSA"): To the extent automated driving systems and driverless vehicles are deployed in commercial vehicles, the FMCSA will likely have some responsibility with respect to such regulation. • Federal Trade Commission ("FTC"): The FTC may be responsible for ensuring that automobile manufacturers and upfitters accurately describe the capabilities and limitations of their driverless vehicles

2. Regulatory Agencies and Policy Developments		
		in advertisements and communications to the public. • Federal Communications Commission ("FCC"): To the extent driverless vehicles use the radio spectrum for operation (e.g., using certain frequencies to communicate with other driverless vehicles or connected infrastructure), the FCC may have an interest in promulgating regulations that impact driverless vehicles. • State regulatory agencies, each State's Department of Transportation and Department of Motor Vehicles will also have an interest in regulating driverless vehicles, especially in confirming that driverless vehicles are capable of complying with each State's respective motor laws.

Ukraine

Jurisdiction	Ukraine
Responsible Baker McKenzie office	Kiev
Person(s) responsible for completing questionnaire	Oleksiy Stolyarenko
Completion date	2 October 2017

1. Driverless Vehicles			
Question			**Ukraine**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	No. Ukraine is a unitary state in which vehicles are primary regulated at the state level.
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if so, please specify.	No
	(iii)	Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	No
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**? (i) Does the driverless vehicle need to meet certain standards, or pass an approval process?		Ukraine has not enacted any detailed procedure regulating the testing of vehicles, including driverless vehicles on public roads. The Ministry of Infrastructure's *"Procedure for Approval of the Construction of Vehicles, their Parts and Equipment* and *Procedure for Maintaining the Register of Vehicle Type Certificates and Equipment and Certificates of Conformity of Vehicles or Equipment Issued by Manufacturers*," dated 17 August 2012 No 521, specifically excludes from certification requirements "test vehicles used in the public road network for the purpose of carrying out the tests to introduce the vehicles into

1. Driverless Vehicles			
			mass production." However, as noted above, there is no special procedure approved by the government for testing of vehicles on the public roads. Therefore, further clarification from Ukrainian government is needed to understand how this "test vehicle" option could be used for testing driverless vehicles in Ukraine.
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	N/A
	(iii)	Does the company need to obtain either a special licence or permission from a government authority?	N/A
	(iv)	Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	N/A
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	Since the issue of liability for damages caused by the driverless vehicles has not been decided on in Ukrainian courts, two potential approaches could be used in relation to the allocation of damages. The *Civil Code* of Ukraine establishes "a strict liability" on the owner, or operator of the vehicle for all damage caused by the vehicle in a collision. Therefore, if the company is the owner of the vehicle, it may be found liable for all damages associated with a collision. Alternatively, the Law of Ukraine "*On liability for damages caused by a defect of products*" holds the manufacturer liable for the defected product and all damages caused by this product. This creates an opportunity for the company owner (but not the manufacturer) of the driverless vehicle to revert a damage claim to the manufacturer if the collision was caused by the defect in

1. Driverless Vehicles		
		the vehicle.
	(vi) Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.	The Ukrainian government has not been active in issuing policy statements concerning driverless vehicles. However, it has started to develop an interest in technology matters and recently adopted a drone regulation. Therefore, we expect the start of public discussion and increased interest on the part of the government regarding this issue in the near future.
	(vii) Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	No. Ukrainian regulations do not contain restrictions on the testing of driverless vehicles on private property.
	(viii) Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	We are not aware of any officially conducted tests of driverless vehicles on public roads in Ukraine. The only information publicly available at the moment is related to the testing of KrAZ-Spartan, the self-driving military armored car developed by the state enterprise Dershoboronprom. However, it is highly unlikely that this vehicle was tested on public roads. For more information (in Ukraonian only), please see 112.international/society/first-ukraine-made-driverless-car-kraz-spartan-successfully-tested-10001.html and avtoholding.kiev.ua/ua/prezident/v-zaporozhe-sozdali-prototip-bespilotnogo-avtomobilya.
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**?	Ukraine has not adopted any specific regulations permitting, prohibiting, or restricting consumers from using driverless vehicles for personal use on public roads. However, the vehicle safety rules that apply to regular vehicles, as well as the road rules that apply consumers driving them, will be relevant.
	(i) Does the driverless vehicle need to meet certain standards, or pass an approval process?	N/A

1. Driverless Vehicles			
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	N/A
	(iii)	Does the consumer need to obtain either a special license or permission from a government authority?	N/A
	(iv)	Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**?	N/A
	(v)	If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	As discussed in our response to question 1(b)(v) above, both the owner, operator (consumer), and manufacturer of the driverless vehicle could be found liable for all damages associated with the collision.
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?		No, there are no specific safety rules that directly permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads.
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.		N/A

2. Regulatory Agencies and Policy Developments		
Question		**[Ukraine]**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	No. Ukraine has not yet adopted any policies concerning driverless vehicles.
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	No.
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	No.
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	• Ministry of Infrastructure of Ukraine • State Road Transport Research Institute, a state enterprise • National Police of Ukraine

Vietnam

Jurisdiction	Vietnam
Responsible Baker McKenzie office	Ho Chi Minh, Hanoi
Person(s) responsible for completing questionnaire	Yee Chung Seck, Manh Hung Tran, Thanh Son Dang, and Troy Taylor
Completion date	14 September 2017

1. Driverless Vehicles			
Question			**Vietnam**
(a)	(i)	If your country has states or provinces, are vehicles primarily regulated at the Federal level, or at state/provincial level, or both?	Vehicles are primarily regulated at the national level with specific regulations existing at the provincial level. Relevant laws and regulations include: • *Law on Road Traffic No. 23/2008/QH12*, adopted by the National Assembly on 13 November 2008 ("*Law on Road Traffic*"); • *Circular No. 31/2011/TT-BGTVT* of the Ministry of Transport dated 15 April 2011, regulating the inspection of quality of technical safety and environmental protection for imported motor vehicles, as amended and supplemented by *Circular No. 55/2014/TT-BGTVT* dated 20 October 2014 ("*Circular No. 31*"); • *Circular No. 30/2011/TT-BGTVT* of the Ministry of Transport dated 15 April 2011, regulating the inspection of quality of technical safety and environmental protection for production and assembly of motor vehicles as amended and supplemented by *Circular No. 54/2014/TT-BGTVT* dated 20 October 2014 ("Circular No. 30"); and • *National Technical Regulation on Safety and Environmental Protection for Automobiles No. 09:2015/BGTVT*, promulgated with Circular No. 87/2015/TT-BGTVT of the Ministry of Transport dated 31 December 2015 ("*QCVN 09*").
	(ii)	Has your jurisdiction issued regulations related to driverless vehicles at any of these levels, and if	There is no regulation under Vietnamese law that explicitly addresses the use of driverless vehicles.

1. Driverless Vehicles		
	so, please specify.	
	(iii) Has your jurisdiction adopted the automation levels set out in SAE J3016 for the purpose of defining "driverless vehicle"?	No.
(b)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict companies (such as automobile manufacturers or IT companies) from **testing** driverless vehicles on **public roads**? (i) Does the driverless vehicle need to meet certain standards, or pass an approval process?	Since there is no regulation under Vietnamese law that prohibits the testing of driverless vehicles, it can be interpreted that the testing of driverless vehicle is allowed in Vietnam. Having said that, testing driverless vehicles on public roads may not be allowed. In general, vehicles used on public roads in Vietnam must meet general requirements concerning technical safety and environmental protection. The quality of the vehicles will be assessed based on requirements provided by the *Law on Road Traffic*, article 53, which lays out the general requirements that must be met by vehicles used on public roads, and relevant national technical regulations. However, automated features are not clearly mentioned under current requirements and national technical regulations. The importers and/or manufacturers of the vehicles must obtain a Certificate of Conformity issued by the Ministry of Transport's Vietnam Register Department. Although it is not explicitly prohibited under the law, it is likely that driverless vehicles are currently *not* permitted on public roads in Vietnam. Vehicles used on public roads in Vietnam must have the steering wheel function in accordance with legal requirements. *Law on Road Traffic*, article 53, generally requires the steering wheel to be on the left side of the automobile (the use of overseas-registered automobiles with a right-hand steering wheel is subject to specific Government regulations). *QCVN 09*, section 2.4, also addressed requirements on drive systems including requirements on steering wheels, guiding wheels, and so forth. Due to this, driverless vehicles without a proper driving system would likely not qualify for use or testing on public roads. As current legislation has not kept up with the development of driverless vehicle technology, the driverless vehicle developers may need to work directly

1. Driverless Vehicles			
			with competent Vietnamese authorities (i.e., Ministry of Transport) to consult on this issue.
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	N/A. Vietnamese law is silent on this issue.
	(iii)	Does the company need to obtain either a special licence or permission from a government authority?	The company will likely need to obtain a special license or permission from the government. Vietnamese law is silent on requisite licences/permissions for testing driverless vehicles on public roads. Before being used on public roads, importers and/or manufacturers of driverless vehicles must obtain a Certificate of Conformity issued by the Vietnam Register Department.
	(iv)	Does the company need to obtain insurance? Are there insurance requirements specific to driverless vehicles?	N/A. Vietnamese law is silent on this issue.
	(v)	If the company's driverless vehicle is involved in an automobile collision, will the company be liable for all damages associated with that collision?	Yes. The company, as the owner of driverless vehicles, must be responsible for damages associated with collisions. In general, under article 601 of the *Civil Code*, the owner of a vehicle involved in an accident must compensate for the loss and damage caused, even where the owner is not at fault, except in either of the following cases: (a) The aggrieved person is entirely at fault for intentionally causing the loss and damage. (b) The loss and damage occurred due to an event of force majeure or in an emergency situation, unless otherwise provided by law.
	(vi)	Please outline any other requirements that must be satisfied to test driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements	Please see our response to question 1(a)(i) above for the list of motor vehicle regulations. Also as previously mentioned, Vietnam's laws have not yet addressed driverless vehicles.

1. Driverless Vehicles			
		or guidelines issued by the relevant government authority.	
	(vii)	Would any of the above requirements apply to testing on private property? If so, please specify which requirements.	Vietnamese law does not restrict or prohibit the testing of driverless vehicles on private property.
	(viii)	Are there any tests taking place? If so: (A) Have the tests been publicly disclosed? (B) Who is conducting the tests?	We are not aware of any tests of driverless vehicles taking place in Vietnam.
(c)	In your jurisdiction, do applicable regulations permit, prohibit, or restrict **consumers** from using driverless vehicles for **personal use** on **public roads**?		See our response to question 1(b)(i) above. At a minimum, vehicles used on public roads in Vietnam must meet general requirements on technical safety and environmental protection. Before use on public roads, the importers and/or manufacturers of the vehicles must obtain a Certificate of Conformity issued by the Vietnam Register Department.
	(i)	Does the driverless vehicle need to meet certain standards, or pass an approval process?	As already mentioned, driverless vehicles are not regulated in Vietnam, which means that they are likely prohibited from being tested or used on public roads. At a minimum, a driverless vehicle would have to conform to a Certificate of Conformity from inspection of quality technical safety and environmental protection issued by the Vietnam Register Department.
	(ii)	Must the vehicle be equipped with specific hardware or software? For example, certain jurisdictions require that driverless vehicles be equipped with a data recorder for collisions.	N/A. Vietnamese law is silent on this issue.
	(iii)	Does the consumer need to obtain either a special	Before driverless vehicles are sold to Vietnamese consumers for use on public roads, they must meet all

1. Driverless Vehicles			
		license or permission from a government authority?	the requirements set out in our response to questions 1(a) and 1(b) above. Additionally, customers must also register the vehicles (e.g., car number plates) and pay all the applicable taxes and fees (if any) before they are used on public roads.
	(iv)	Does the consumer need to obtain insurance? Are there insurance requirements specific to driverless vehicles operated by **consumers for personal use**?	N/A. Vietnamese law is silent on this issue.
	(v)	If the consumer's driverless vehicle is involved in an automobile collision, will the consumer be liable for all damages associated with that collision?	Yes. The consumer, as the owner of a driverless vehicle, must be responsible for damages associated with that collision. As mentioned in our response to question 1(b)(v) above, the owner of a vehicle must compensate for loss and damage caused by the accident in accordance with article 601 of the *Civil Code* even where the owner is not at fault, except in either of the following cases: (a) The aggrieved person is entirely at fault for intentionally causing the loss or damage. (b) The loss and damage occurred due to an event of force majeure or in an emergency situation, unless otherwise provided by law.
(d)	In your jurisdiction, are there any **vehicle safety rules** that permit, prohibit, or restrict consumers from using driverless vehicles for personal use on public roads?		See our response to question 1(b)(i) above.
(e)	Please outline any other requirements that must be satisfied to use driverless vehicles on public roads. In addition to laws and regulations, please consider policy statements or guidelines issued by the relevant government authority.		As previously mentioned, driverless vehicles are not regulated in Vietnam, meaning it is likely that their use on public roads is prohibited.

2. Regulatory Agencies and Policy Developments		
Question		**Vietnam**
(a)	In the USA, the National Highway Traffic Safety Administration has developed a Federal Automated Vehicles Policy. Is there a similar policy in your jurisdiction?	No.
(b)	If not, has the government or a government representative in your jurisdiction made any policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles or roadway infrastructure improvements to facilitate the adoption of driverless vehicles? (i) If so, please provide a copy of the statements.	We are not aware of any official policy statements regarding the government's attitude and regulatory intentions in relation to driverless vehicles.
(c)	Are there new laws or regulations being proposed in your jurisdiction that expressly apply to driverless vehicles? (i) If so, what is it and what is the likelihood of its approval?	Currently, there is no new law and/or regulation being proposed in Vietnam in relation to driverless cars.
(d)	Please list the regulatory agencies that would likely have regulatory authority over driverless vehicles in your jurisdiction.	The regulatory agencies and government departments responsible for management of vehicles (including automated vehicles) in Vietnam are as follows: • Ministry of Transport (http://mt.gov.vn) • Vietnam Register Department (http://www.vr.org.vn/VRE/homeNE.aspx) • Directorate for Road of Vietnam (http://drvn.mt.gov.vn/web/guest)

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