

Are all systems go for self-driving cars in Spain?

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The signing last 14 April of the Declaration of Amsterdam on cooperation in the field of connected and automated driving, by all of the European Union's transport ministers, has given continent-wide legal momentum to self-driving technology.

In the aforementioned Declaration, EU Members States pledge to remove legal barriers to the testing on public roads of different levels of vehicular automation, whilst the industry is called to develop vehicle-to-vehicle (V2V) and vehicle-to-infrastructure (V2I) communication systems (C-ITS) and continue standardisation work to ensure that new services and systems are interoperable at EU level. In other words, the objective is to: 1) work towards a coherent European framework – both legal and technical – for the deployment of interoperable connected and automated driving; and 2) give this work a running start by counting it down to 2019 as desired completion date.

Assuming the necessary drive, Spain can take pole position as a 'test country' because - unlike other countries, including Germany and the UK – it is in the lead in the implementation of self-piloted vehicle test authorisation and testing procedures. In November 2015, Spain regulated, by way of Instrument (*Instrucción*) of the Directorate-General for Traffic (abbrev. DGT), the legal framework for on-road testing of driverless vehicles in Spain. The Instrument regulates the requirements for the application and granting of authorisation for autonomous vehicle tests and trials on public roads. This is a nation-wide authorisation that defines the sections of urban and interurban road on which the vehicle can be tested and trialled. The authorisation has a maximum validity of 2 years with the possibility of successive renewals.

As for the requirements, the autonomous vehicle must hold valid insurance covering the compulsory insurance limits for motor vehicles in Spain, as well as civil liability for any damage caused. It requires the autonomous vehicle to have passed with a technical service provider accredited by the National Accreditation Body (abbrev. ENAC) the procedures set out in the above-mentioned Instrument: 1) review of documentation (registration certificate, log book, software version and emergency shutdown and override information); 2) inspection (safety elements check); and 3) dynamic checks (manual driving check, override systems check and basic functions affecting safety check). Otherwise, evidence must be provided that the competent authority of another Member State of the European Union has already issued authorisation to conduct tests on public roads. Such evidence must include a Risk Assessment document based on HARA ('Hazard Risk Analysis'), which forms the basis of the entire functional safety activity according to ISO 26262 and FMEA ('Failure Mode Effects Analysis').

The Instrument provides that the National Administration must respond to such applications for authorisation within a maximum time limit of one month. The first driverless experiment was conducted following these steps in November 2015, over 599 km of the Vigo-Madrid route.

With this pioneering and already tested legislation, Spain could be the EU country of choice for pilot experiments by the different manufacturers. Although already partly amended in 2014, the full adoption of autonomous vehicles in the future will require a new amendment to the Vienna Convention on Road Traffic. The European Declaration of Amsterdam provides for actions in this regard.

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