

University of Groningen

## Legal Aspects of Automated Driving

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## Propositions

1. It is too early for detailed legislation on the testing of automated vehicles such as in California.
2. The approach from §1a StVG is not suitable for application to SAE Level 5 vehicles.
3. In ECLI:NL:GHARL:2019:6122, the court has, in the light of the Geneva Convention on Road Traffic of 1949 and the 1968 Vienna Convention on Road Traffic, given a correct interpretation of the notion of *driver*.
4. The *functioneel daderschap* approach for international traffic law is necessary to accommodate future technical developments in smart mobility.
5. Software should be regarded to be a product within the meaning of the Product Liability Directive, irrespective of whether or not it is stored on a carrier.
6. The development risk defence of art. 7(e) of the Product Liability Directive puts an unacceptable burden on the randomly injured party.
7. The increased influence of the (type-)approval on the liability of road authorities requires more input from these authorities on vehicle requirements, for which reason road authorities should get a formal vote in the fora establishing these vehicle requirements.
8. The two fatal accidents with the Boeing 737 Max aeroplane show that a policy of (partial) self-certification is not a reliable system to ensure safety in vehicles.
9. Crash tests should be conducted with more diverse dummies than the 50<sup>th</sup> percentile male dummy.
10. A smooth sea never made a skilled sailor.