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Entire legal requirements for the Automated Driving Regulation, version dated 07.05.2019

Full title

Regulation of the Federal Minister of Transport, Innovation and Technology on the Framework for Automated Driving (Automated Driving Regulation – AutomatFahrV)
StF: Federal Law Gazette II No. 402/2016

Amendment

Federal Law Gazette II No. 66/2019

Preamble/Promulgation clause

The following is hereby enacted based on Articles 34 (6), 102 (3a), and (3b) of the Motor Vehicle Act 1967, Federal Law Gazette No. 267/1967, most recently amended by the federal law Federal Law Gazette I No. 67/2016:

Text

Chapter 1 General Provisions

Scope

Article 1 (1) The provisions of this regulation shall apply to vehicles matching the applications defined in Chapter 2 or Chapter 3 and that are equipped with driver-assistance systems or automated or networked driving systems. Such systems may only be used if

1. these systems are approved, are in series production, and can be assigned to the applications defined in Chapter 3, or
2. these systems are used for test purposes and can be assigned to the applications defined in Chapter 2.

(2) These systems shall be designed such that compliance with the provisions of the Road Traffic Act 1960 (StVO 1960, Federal Law Gazette No. 159/1960), the Rail Crossing Regulation 2012 (EisbKrV, Federal Law Gazette II No. 2016/2012), and the Air Pollution Control Act (IG-L, Federal Law Gazette I No. 115/1997) is ensured at all times during the use of these systems.

(3) Vehicles that are equipped with driver-assistance systems or automated driving systems may only be tested on roads with public traffic if

1. Liability insurance coverage is in force during the test operation and written confirmation from the motor vehicle insurer is carried in the vehicle indicating that insurance coverage according to the provisions of the Motor Vehicle Liability Insurance Act 1994 (KHVG 1994, Federal Law Gazette No. 651/1994) applies in the contracted amount for the duration of test operation, and
2. The following information has been submitted to the Federal Minister of Transport, Innovation and Technology before the commencement of test operation:
 - a) information about the planned application
 - b) name of the entity conducting the testing
 - c) contact person and contact information
 - d) information about the driver of the vehicle that will be used for test operation
 - e) vehicle registration plate of the vehicle that will be used for test operation
 - f) written confirmation from the motor vehicle insurer indicating that insurance coverage according to the provisions of the Motor Vehicle Liability Insurance Act 1994 (KHVG 1994, Federal Law Gazette No. 651/1994) applies in the contracted amount for the duration of test operation
 - g) total of real, virtual, and experimental test kilometres driven with the system to be tested

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- h) beginning and end of the planned test period
- i) planned test route
- j) relevant infrastructural needs.

(4) Systems intended for test purposes may only be used on roads with public traffic if they have been tested sufficiently beforehand. The Federal Minister of Transport, Innovation and Technology will issue authorisation for test operation on roads with public traffic after sufficient proof is submitted. This notice of authorisation shall be carried in the vehicle during all test operation and shall be presented to every law enforcement officer or road management agent for inspection upon request.

(5) Test operation may only be conducted by the applicant during the approved time period. The approved test period shall be indicated in the notice of authorisation issued according to (4).

(6) A report on the findings of the tests shall be submitted to the Federal Minister of Transport, Innovation and Technology after the end of the test period. In particular, the Federal Minister of Transport, Innovation and Technology must be informed immediately of any critical situations or accidents occurring during test operation and the causes.

(7) If tests are to be conducted on motorways or express roads, the applicant shall inform the agency responsible for maintaining the primary road network in advance and involve this agency in the planning. The responsible provincial governor shall also be informed in writing about what applications are to be tested on what roads during what time periods and with what vehicles.

(8) If tests are to be conducted on the secondary road network, the applicant shall inform the responsible provincial governor in writing at least one month before commencing test operation about what applications are to be tested on what roads during what time periods and with what vehicles. The responsible provincial governor is entitled to express any concerns within one month from the receipt of this information. These concerns must be taken into account.

Article 2 If the formulations used in this regulation refer to natural persons, they refer equally to both genders. If applied to an individual, the gendered version of this formulation must be used.

Driver

Article 3 (1) Vehicles that are equipped with such systems may only be operated when the driver is properly occupying the position intended for the driver in the vehicle.

(2) The driver may transfer certain driving tasks to these systems, but remains responsible at all times for resuming all driving tasks.

(3) Test operation may only be conducted by drivers who have passed their legal probationary period, who have been properly trained, and who are familiar with the specific system in question.

(4) The driver must agree to the recording and storage of data from the electronic control units in the test vehicle during test operation.

Operation of Vehicles Not Registered for Use on Public Roads

Article 4 Vehicles that are equipped with driver-assistance systems or automated or networked driving systems and that are not registered for use on public roads may be operated on roads with public traffic with temporary registration plates.

Accident Data Recording

Article 5 (1) In the instances described in Article 1 (1) item 2, every vehicle shall be equipped with an accident data recording system, and this system shall be used during test operation.

(2) The accident data recording system may only record data from the electronic control systems in the test vehicle. It shall not be possible to modify these data.

(3) These data may only be used for test purposes and for the reconstruction of critical situations or accidents. In the event of accidents, the accident-relevant data for the period from 30 seconds before to 30 seconds after the accident shall be submitted to the investigating authorities and the Federal Minister of Transport, Innovation and Technology upon request.

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Test Data

Article 6 If video data are also recorded in addition to the data specified in Article 5, authorisation for this shall be obtained from the data protection authorities in accordance with Article 7 (3) of the Data Protection Act (DSG). In these cases, the vehicle registration plates of any recorded vehicles and the identifying features of any recorded persons shall be obfuscated unless this obfuscation would defeat the purpose of the test. Recordings may only be used internally by the test organisation. The data may only be passed on according to Article 1 (6) and Article 5 (3).

Chapter 2 Test Applications

Autonomous Minibus

Article 7 (1) For the purposes of this regulation, an autonomous minibus is a category M1, M2, or M3 vehicle that is equipped with a system capable of assuming all driving tasks up to a speed of 20 km/h.

(2) This system may be tested by vehicle manufacturers, system developers, research institutions, transport companies, and operators of motorised transport lines.

(3) The system may only be used on roads with public traffic after at least 1,000 test kilometres have been driven with the system.

(4) The autonomous minibus may be used on a pre-defined test route.

(5) As soon as the driver activates the system, all driving tasks are transferred to the system. This means that the system must be capable of automatically handling all driving situations.

(6) There must be an emergency mechanism for deactivating the system. The driver must immediately activate the emergency mechanism if a critical situation arises.

(7) The system may be tested up to a maximum speed of 20 km/h.

(8) Passengers may only be located in passenger seats during the test period, and no commercial passenger transport may be conducted.

Motorway Pilot with Automatic Lane Changing

Article 8 (1) For the purposes of this regulation, a motorway pilot with automatic lane changing is a system that can guide the forward and lateral movement of the vehicle on motorways and express roads.

(2) This system may be tested by vehicle manufacturers, system developers, and research institutions.

(3) The system may only be used on roads with public traffic after at least 10,000 test kilometres have been driven with the system.

(4) As soon as the driver has entered the motorway or express road and has merged into the flow of traffic, he can activate the system. The following driving tasks can be transferred to the system when the system is activated:

1. Forward guidance of the vehicle, such as acceleration, braking, stopping, distance control
2. Lateral guidance of the vehicle such as staying within a lane, changing lanes, passing

(5) The driver shall resume the driving tasks in good time before reaching the intended exit.

(6) The driver must immediately resume the transferred driving tasks if a critical situation arises.

(7) There must be an emergency mechanism for deactivating the system. The driver must immediately activate the emergency mechanism if a critical situation arises.

(8) The system may only be tested on motorways and express roads.

(9) The system may be tested in category M1, M2, M3, N1, N2, and N3 vehicles.

Autonomous Military Vehicle

Article 9 (1) For the purposes of this regulation, an autonomous military vehicle is a category N1, N2, N3, T1, T2, T3, T4, or T5 vehicle that is equipped with a system that is capable of assuming all driving tasks or of being remotely operated.

(2) This system may be tested by the Federal Ministry of Defence and Sports.

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(3) The system may only be tested on roads with public traffic after at least 300 test kilometres have been driven with the system.

(4) The following functions should be tested with the system:

1. autonomous driving
2. remote driving
3. autonomous following (convoy operation)
4. full power steering systems according to ECE Regulation No. 79 with purely hydraulic steering systems, purely electric steering systems, or hybrid steering systems.

A driver must be present in every test vehicle in all cases specified in items 1 to 4 and must fulfil his driving duties as specified in Article 3.

(5) As soon as the driver activates the system, all driving tasks are transferred to the system. This means that the system must be capable of automatically handling all driving situations.

(6) The driver must immediately resume the transferred driving tasks if a critical situation arises.

(7) There must be an emergency mechanism for deactivating the system. The driver must immediately activate the emergency mechanism if a critical situation arises.

(8) The system may be tested on all types of roads.

Chapter 3

Applications for Systems in Series Production

Parking Assistant

Article 10 (1) For the purposes of this regulation, a parking assistant is a system that can assume the driving tasks when manoeuvring a vehicle into or out of a parking space by means of an automatic steering function as defined in ECE Regulation No. 79.

(2) The system may only be used for manoeuvring the vehicle into or out of a parking space.

(3) As soon as the driver activates the system, individual or all driving tasks for manoeuvring the vehicle into or out of a parking space are transferred to the system. This means that the system must be capable of automatically handling all transferred driving tasks for manoeuvring the vehicle into or out of a parking space.

(4) As long as the system is activated, the driver shall not be required to occupy the driver's seat or to hold the steering device with at least one hand while the vehicle is in motion. As long as the system is activated, the driver must remain in the immediate vicinity of the vehicle and monitor the parking or exit procedure.

(5) There must be an emergency mechanism for immediately deactivating or overriding the system. The driver must immediately activate the emergency mechanism if a critical situation arises.

(6) The system may only be used in accordance with the manufacturer's instructions and up to a maximum speed of 10 km/h.

(7) The system may be used on all types of roads.

(8) The system may be used in category M1 and N1 vehicles.

Motorway Assistant with Automatic Lane Guidance

Article 11 (1) For the purposes of this regulation, a motorway assistant with automatic lane guidance is a system that can assume the forward guidance of the vehicle such as acceleration, braking, stopping, and distance control as well as the lateral guidance of the vehicle for remaining in a lane on a motorway or express road by means of an automatic steering function as defined in ECE Regulation No. 79.

(2) As soon as the driver has entered the motorway or express road and has merged into the flow of traffic, he can activate the system.

(3) As long as the system is activated, the driver shall not be required to hold the steering device with at least one hand while the vehicle is in motion.

(4) The driver shall resume the driving tasks in good time before changing lanes, entering a construction zone, or reaching the intended exit.

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(5) There must be an emergency mechanism for immediately deactivating or overriding the system. The driver must immediately activate the emergency mechanism and resume the transferred driving tasks if a critical situation arises.

(6) The system may only be used in accordance with the manufacturer's instructions and may only be used on motorways and express roads, but not in construction zones.

(7) The system may be used in category M1, M2, M3, N1, N2, and N3 vehicles.

Chapter 4

Final Provisions

Entry into Force

Article 12 Article 1 (1), (7), and (8), Article 6, the heading of Chapter 2, Article 7 (2), Article 9 (4), and Chapter 3 including the heading in the amended version of the regulation Federal Law Gazette II No. 66/2019 shall come into force on 11 March 2019.