D1.2 – Security, safety & legal issues	
Project Number:	690705
Classification **Deliverable No.:**	Public D1.2
Work Package(s): **Document Version:** **Issue Date:** **Document Timescale:** Start of the Document: Final version due:	WP1 Vs. 1.0 19.12.2016 Project Start Date: September 1, 2016 Month 2 Month 4
Deliverable Overview:	**Main document:** Security, safety & legal issues no Annex
Compiled by:	Iolande Vingiano-Viricel, VEDECOM
Authors:	Iolande Vingiano-Viricel, VEDECOM Myriam Hoeffler, VEDECOM
Technical Approval:	Fabio Tango, CRF
Issue Authorisation:	Andreas Lüdtke, OFFIS

Table of Contents

1 Introduction

One of the main question – if not "The Main" – in the current automotive research is: "What form of autonomous driving do we need"? In fact, this topic seems to be omnipresent and dominates all others. Aviation has already coped with this issue, but in a significantly simpler environment and with mandatory legal regulations for equipment of civil aircraft. Thus, every aircraft must have a transponder (secondary radar) onboard that informs other air-traffic about its altitude. Moreover, moder transponder – mandatory from 2017 – send additional data, such as speed, position, course and rate of ascent/descent.
Unfortunately, automotive industry has much more difficult problems to solve. First, the fact that not all road participants are equally equipped, so the 100% coverage with legally required technically equipment is simply not applicable in this domain. Second, automobiles have to stay on the ground in the designed traffic routes and therefore they have to create an environmental model using complex algorithms and several sensors, such as Laser, Radar, Cameras and so on. Finally, for automotive, the world is much less structured and more complex, thus the perception of artificial agent can be not so accurate (interesting what Richard Szeliski said in the issue of "Understanding of the World through Computers" in 2011: "However despite of all the advances, the dream of having a computer interpreting an image at the same level as a two-year-old child, remains elusive"). For more details, see also the web-site of AdaptiVe European co-funded project (https://www.adaptive-ip.eu/).
Althought it is probably not necessary to understand the whole world in order to autonomously steer a vehicle, however, given this context, which are the motivations for autonomous driving? Basically, we can idenfetify three main categories:

- zero emission
- deomographic change
- zero accidents.

The first aspect deals with the reduction of fuel consumption and CO2 emission, as well as the optimization of traffic flow. The second point is about the support to unconfident drivers and the enhancement of mobility for elderly people. Finally, the third aspect deals with the potentiality for more driver support by avoiding human driving errors.
Here in the AUTOMATE project we consider all these three motivations, with specific focus to make road traffic safer. Hence, the goal of this document is to provide an overview on legal issues related to the TeamMate car concept,

that have to be addressed when developing the TeamMate car for the market.

1.1 What is the TeamMate car concept?

We understand the TeamMate car concept as a team between driver and automation that understand and support each other's in pursuing cooperatively the goal of driving safely, efficiently and comfortably from A to B.

In this report, scenarios provided are analyzed within a legal point of view. On the one hand, it is important to check that TeamMate car concept is in compliance with regulations and especially with the Vienna convention (and national traffic law regulations) and also with European data protection framework because into the TeamMate car concept the driver will not have the same role than into a "classic" car, and also because the TeamMate car concept explores the possibility to share information from the vehicle to the driver but also with others vehicle.

So, the first step is to describe the scenarios and note down what are the questions asked by it.

1.2 What are the scenarios?

The program provides three traffic scenarios.

Scenario 1:

A driver delegates driving task to the TeamMate that constantly monitors the road while the driver is reading.
The driver is out of the loop during the driving delegation when the TeamMate receives information by V2V about a slowly driving tractor which it cannot overtake safely on its own.

Legal questions:
- Is the driver side activity in compliance within the Vienna convention?
- What are the conditions to respect in order to exchange data by V2V?

Scenario 2:

A driver is driving in manual mode when he suddenly receives a distracting message on his phone. The TeamMate identifies his distraction by eyes-tracking and sends him a take-over request.
The driver agrees while still holding his phone in the hand and looking at its screen every few moments. When the driver puts his phone away, the TeamMate starts to hand him back the control over driving.

Legal questions:
- Is the driver side activity in compliance within the Vienna convention?
- What are the conditions to respect in order to collect data from monitors that evaluate the driver's physical and psychological condition?

Scenario 3:

A TeamMate Car is driving through a complex roundabout with different traffic and driving status conditions (i.e. risky driving situation (i.e. hidden pedestrian crossing), high/low driver workload).
By driving through a complex roundabout several times, the system learns from the driver how to deal with it efficiently and how to manage hand-over situation between human and automated system efficiently.

Legal questions:
- What the driver is actually allowed to do (i.e. reading, watching videos, etc.) when not fully involved in the driving task?
- What are the conditions to allow the TeamMate to collect and record what the driver does in certain traffic scenario?
- What are the conditions to allow the TeamMate to communicate in the future with other cars via V2V in order to solve safely and efficiently the complex traffic situation it learnt from the driver?

2 Legal issues

Scenarios provided by the program highlight two particularities: first, the driver will not have exactly the same role like he has today into a "simple" car. The TeamMate car concept offers him/her the possibility to delegate part of the driving task while him/her can do something else. This is made possible with connections included into the vehicle that allow to the TeamMate car to communicate with the driver asking him to take back the driving and also with others vehicles.
Are this particularities in compliance with law?

Indeed, as a car, TeamMate car concept has to respect national and European framework about the Vienna convention (2.1) and the European data protection framework about data collection and processing (2.2).

2.1 The Vienna convention[1]

The TeamMate car concept is a car. It is a motor vehicle with part of automation, part of connection (allowing communication with the driver but also with others vehicles or infrastructure). This kind of car will also have an "event data recorder" which can be used for example for the determination of the origin of an accident.
Thus, as a car, the TeamMate car concept has to respect the compulsory insurance[2] but also to be in compliance with the Vienna convention amended on March 2016. The amendment is about Advanced Driver Assistance Systems (or ADAS).

> *« 8.5bis. Vehicle systems which influence the way vehicles are driven shall be deemed to be in conformity with paragraph 5 of this Article and with paragraph 1 of Article 13, when they are in conformity with the conditions of construction, fitting and utilization according to international legal instruments concerning wheeled vehicles, equipment and parts which can be fitted and/or be used on wheeled vehicles.*
> *Vehicle systems which influence the way vehicles are driven and are not in conformity with the aforementioned conditions of construction, fitting and utilization, shall be deemed to be in conformity with paragraph 5 of this Article and with paragraph 1 of Article 13, when such systems can be overridden or switched off by the driver ».*

Questions are:

- Is a driver always required within the vehicle? (2.1.1)

[1]Vienna Convention on Road Traffic, 8 November 1968.
[2] Directive 2009/103/EC of the European parliament and of the council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability.

- Does the driver have more or less actions to assume when driving? (2.1.2)

2.1.1 The driver concept

The last Vienna convention amendment does not remove the driver concept defined at the article 1.

> *“"Driver" means any person who drives a motor vehicle or other vehicle (including a cycle), or who guides cattle, singly or in herds, or flocks, or draught, pack or saddle animals on a road “*

A physical person seems to be always needed for the driving task even if part of delegation is allowed. Therefore, we consider that level 5 SAE is always forbidden by the Vienna convention.

⇨ **Within the Vienna convention driver concept we should consider that there is a driver in scenarios 1, 2 and 3. Indeed a person is into the vehicle and delegates part of the driving task to the vehicle.**

⇨ **However, are these three scenarios in compliance with the Vienna convention that imposes to the driver to be able to control his vehicle at any time?**

2.1.2 The control concept in the Vienna convention: questions about side activities to the driving

The last Vienna convention amendment does not remove articles 8 § 5 and 13 related to control.

> *“ARTICLE 8 Drivers*
> *5. Every driver shall at all times be able to control his vehicle or to guide his animals.*
>
> *ARTICLE 13*
> *1. Every driver of a vehicle shall in all circumstances have his vehicle under control so as to be able to exercise due and proper care and to be at all times in a position to perform all maneuvers required of him. He shall, when adjusting the speed of his vehicle, pay constant regard to*

the circumstances, in particular the lie of the land, the state of the road, the condition and load of his vehicle, the weather conditions and the density of traffic, so as to be able to stop his vehicle within his range of forward vision and short of any foreseeable obstruction. He shall slow down and if necessary stop whenever circumstances so require, and particularly when visibility is not good."

The Vienna convention imposes to the driver – a physical person – to have his vehicle under control. There is no precision neither in the Vienna convention nor in the French traffic law that could allow us to define what the control concept means: does the driver have his/her vehicle under control when he/she pushes on the delegation?

French judges recognized passengers as driver when they have a real action to the driving task such as pushing down driver's leg while the "real" driver was driving so as to accelerate[3]. In this case, judges are not focus on the person who was driving but the **person who has the control of the vehicle**. That is why we consider the driver like a physical person inside or outside the vehicle as long as he/she can take back the control of his/her car.

There is still a question: should the driver control his/her driving environment or the system or both?

The three scenarios we study have the same legal problem: during the driving, a person delegates the driving task and at a moment the TeamMate brings him/her back into the loop.

1st sense to the control term: the driver has to control his/her environment

- ⇨ **The person into the TeamMate car concept is not a driver in control of his/her vehicle. He/she has to keep his/her eyes on the road and control his/her environment even if he/she delegates the driving task to the vehicle.**
  He/she cannot do anything neither read a book (scenario 1) nor play or anything else.
  Moreover, scenario 2 is forbidden by the Vienna Convention:

[3] Cass.2ème civ. 31 mai 2000, n°98-21203 ; *Bull. civ.* 2000, II, N° 91.

> ***"A driver of a vehicle shall at all times minimize any activity other than driving. Domestic legislation should lay down rules on the use of phones by drivers of vehicles. In any case, legislation shall prohibit the use by a driver of a motor vehicle or moped of a hand-held phone while the vehicle is in motion"*. (Article 8 §6)**

So, in scenario 2 and in scenario 3 Martha and Eva are not allowed to use her mobile phone.

2nd sense to the control term: the driver has to control only the system

- ⇨ **The person into the TeamMate car concept is absolutely the driver. He/she can have side activities BUT he/she has to take back the control of the TeamMate car concept as soon as he/she receives the request.**
  Moreover if the driver observes a default from the system, he/she has to take over the driving even if he/she has no request.

3rd sense to the control term: the driver has to control his/her environment AND the system

- ⇨ **The person into the TeamMate car concept will be the driver only if he/she does not do anything else than monitoring the environment even if the driving task is carried out by the vehicle. Besides, he/she has to take back the control of the TeamMate car concept as soon as he/she receives the request. And finally, if the driver observes a default from the system, he/she has to take over the driving even if he/she has no request.**

For the moment we do not know what definition of the control will be used because of the lack of definition into European or French traffic law so that we cannot say if the driver into the TeamMate car concept is or not in compliance with the Vienna convention.

2.2 European data protection framework

After over four years of discussion, the new European data protection regulation[4] has finally been adopted[5]. It will replace the current Directive (Directive 95/46/EC[6]) and will be directly applicable in all Member States without the need for implementing national legislation.

The Regulation intends to answer the new challenges generated by the increased amount of personal data processed and exchanged during the last decade. It aims to ensure the citizens' right to privacy by adapting European law to these evolutions and harmonizing regulations between the various Member States.

By generating an important amount of personal data, the automated car is highly concerned by the new obligations set up by the Regulation. This new framework will apply on an extended scope (1), will reinforce legal conditions for the processing of personal data (2) and will introduce new requirements for the professionals (3).

2.2.1 Application scope of the Regulation

Temporal scope. The Regulation was adopted on 14 April 2016 by European Parliament and will apply on 25 may 2018. Companies will therefore have two years to prepare for the new obligations.

Territorial scope. The Regulation applies to the processing of personal data in the context of the activities of an establishment in the Union, regardless of whether the processing takes place in the Union or not.

It also applies to the processing of personal data of subjects who are in the Union by a controller or processor not established in the Union, as long as the processing activities are related to the offering of goods or services in the Union, or to the monitoring of the behaviour of the subject if this behaviour takes place within the Union.

[4] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.
[5] This Regulation is the subject matter of a deliverable for the purpose of the AdaptIVe project in which we take part.
[6] Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

In practice, it means that a company outside the European Union which is targeting consumers in the European Union will be subject to the Regulation.

Material scope. The Regulation provides a framework for personal data protection. Personal data is defined in Article 4:

> *'Personal data' means any information relating to an identified or identifiable natural person, called 'data subject'. This data subject is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.*

It appears that the Regulation opted for a broad understanding of the concept of 'personal data', which applies regardless of the form taken by the data or the technology used to convey it.

The protection afforded applies to natural persons, whatever their nationality or place of residence. It concerns all identifying information, either directly or indirectly, *i.e.* by overlapping with other data.

The Regulation provides for enhanced protection for special categories of personal data that may result in a discrimination risk, called sensitive data, such as data revealing ethnic origin, political opinions, religious or philosophical beliefs (article 9). Data concerning health ('health data') are also considered as sensitive data. Besides, welfare data that measure the human body features may also be considered as health data according to the WP29[7].

- ⇨ **In the three scenarios presented above, the TeamMate collects and processes data regarding the driver behaviour and conduct habits. When combined with the vehicle owner identity, these data appear to be related to an identifiable person and shall therefore be considered as personal data.**

[7] The Article 29 Working Party (WP29) is the European authority in charge with personal data protection issues.

- ⇨ **In scenario 2, the eyes-tracking data provide information about the driver physical and/or psychological condition, which is likely to inform about his/her health. These data might therefore be considered as sensitive data requiring enhanced protection.**

- ⇨ **This is applicable also to scenario 3, in the same terms.**

2.2.2 Consent as condition for processing personal data

Consent. The Regulation strengthens the requirement to obtain the consent of the person before collecting, processing, recording and storing his/her data. The 'consent' is defined in Article 1(11) as:

> *'Any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her'.*

Consent can be given by a written statement, including by electronic means, or an oral statement. This could include ticking a box when visiting an internet website, choosing technical settings for information society services or another statement or conduct which clearly indicates in this context the data subject's acceptance of the proposed processing of his/her personal data. Silence, pre-ticked boxes or inactivity should not therefore constitute consent.

Consent covers all processing activities carried out for the same purpose. When the processing has multiple purposes, consent should be given for all of them.

Consent must be as easy to withdraw as to give. It must be 'explicit' for sensitive data. The data controller is required to be able to demonstrate that consent was given.

Principle of transparency. In order for the person to consent freely, transparent information relating to the processing of his/her data must be provided.

The information required is listed at Article 12. It includes the nature of the data collected, the purpose of the processing, the identity of the processor and a reminder of the person rights.

This information shall be easily accessible and easy to understand. Clear and plain language shall be used.

- ⇨ **In each of the three scenarios, the consent of the vehicle user has to be obtained before processing his/her data. It implies providing a clear information to the user before asking for his/her consent.**

- ⇨ **In case of the potential sensitive data handled in scenario 2, the and 3 consent has to be 'explicit'.**

2.2.3 Requirements for the professionals

Companies are intended to become key actors of the data protection. The Regulation reinforces the requirements they have to comply with.

Privacy-by-design. Data controllers have to take appropriate technical and organisational measures to implement data protection principles in an effective manner. The objective is to integrate the necessary safeguards into the processing in order to protect the rights of the data subjects.

In particular, the principle of data minimization has to be implemented into the technology. Data processors must ensure that, by default, only personal data which are necessary for each specific purpose of the processing are collected. Moreover, the period for which the data are stored has to be limited to a strict minimum.

An approved certification mechanism may be used as an element to demonstrate compliance with the requirements.

Security measures. A level of security appropriate to the risk must be ensured by various measures including:

- the pseudonymisation and encryption of personal data,
- measures to ensure the confidentiality, integrity, availability and resilience of processing systems and services,

- the ability to restore the availability and access to personal data in a timely manner in the event of a physical or technical incident,
- a process for regularly testing, assessing and evaluating the effectiveness of these security measures.

Pseudonymisation. Among the privacy measures encouraged, the Regulation provides for the implementation of technical measures of dis-identification, in particular pseudonymisation. Pseudonymisation is defined in Article 4(5):

> *'Pseudonymisation' means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person.*

Pseudonymisation is defined as a treatment of personal data that disguises the identity of the person without making it disappear. The information for identifying the person are replaced by fake IDs.

Pseudonymisation can be achieved by various methods. It requires to comply with two conditions: a separate conservation of the re-identification keys (*i.e.* the 'additional information' for assigning the personal data to a subject) as well as technical and organisational measures to prevent re-identification.

⇨ **In each of the three scenarios, technical and organisational measures have to be taken in order to ensure the security of the processing and the protection of the driver privacy. In particular, personal data have to be pseudonymised to prevent the driver identification.**

⇨ **These security measures also apply regarding the exchange of personal data in case of V2V communication as described in scenario 1, or in case of potential V2V learning in order to improve driving efficiency and safety in scenario 3.**

3 Security and safety issues from a legal point of view

In this part, the purpose is to describe the European framework on security (3.1) and safety aspects (3.2) that we identify.

Before being placed on the market, we should check that the TeamMate car concept is in compliance with General rules about product safety. If not, the victim of an accident involving the TeamMate could seek the liability of the producer under the conditions laid down by Product Liability Directive.

Security and safety issues are actually observed within a legal point of view. For the 1st one, there is no specific measure to be taken by the producer, it is the actions available to the victim for the breach of security. For the 2nd one, the text describes the availability for national authorities to take measures after having become aware of a breach. There is no specific measures to recommend to the TeamMate car concept except to remember that it will have to respect guidelines, best practice, state of the art and technology when creating the car characteristics. In section 3 security and safety will be discussed from a legal point of view. Other aspects, i.e. security and safety on the technical point view, are out of the scope for our report but information from other projects will be added in later versions of the document.

3.1 Council Directive 85/374/ECC of 25 July 1985 on the approximation of the regulations and administrative provisions of the Member States concerning liability for defective products

Product Liability Directive entered into force on 30 July 1985 establishes the principles of liability without fault to European producers. Where a defective product causes damage to a consumer, the producer may be liable even without negligence or fault on their part.

The directive applies to damage neither caused by death or by personal injuries nor caused to private property (article 8).

However, each EU countries may set a limit for the total liability of a producer in the case of death or personal injury caused by identical items with the same defect.

Several questions are to be solved:

- Is the vehicle a product? (3.1.1)
- Who is concerned by the Directive? (3.1.2)

- What are the conditions? (3.1.3)

3.1.1 Product

Product is defined as:

> "*all movables, with the exception of primary agricultural products and game, even though incorporated into another movable or into an immovable. 'Primary agricultural products' means the products of the soil, of stock-farming and of fisheries, excluding products which have undergone initial processing. 'Product' includes electricity".* (Article 2)

So, the vehicle is a product within the meaning of the Directive.

3.1.2 Producer

> "1. *'Producer' means the manufacturer of a finished product, the producer of any raw material or the manufacturer of a component part and any person who, by putting his name, trade mark or other distinguishing feature on the product presents himself as its producer.*
>
> *2. Without prejudice to the liability of the producer, any person who imports into the Community a product for sale, hire, leasing or any form of distribution in the course of his business shall be deemed to be a producer within the meaning of this Directive and shall be responsible as a producer.*
>
> *3. Where the producer of the product cannot be identified, each supplier of the product shall be treated as its producer unless he informs the injured person, within a reasonable time, of the identity of the producer or of the person who supplied him with the product. The same shall apply, in the case of an imported product, if this product does not indicate the identity of the importer referred to in paragraph 2, even if the name of the producer is indicated*" (article 3)

The definition is quite extensive as producer can mean:

- the producer of a raw material, the manufacturer of a finished product or of a component part,
- the importer of the product,
- any person putting their name, trade mark or other distinguishing feature on the product,
- Any person supplying a product whose producer or importer cannot be identified.

Moreover, where 2 or more persons are liable for the same damage, they shall be liable jointly.

3.1.3 Proof of damage

The injured person carries the burden of proof. He/she must prove an actual damage, a defect in the product and a causal link between the damage and the defect (article 3).

Nevertheless, victims have not to prove the negligence or fault of the producer.

Indeed, a product is defective when:

> "*A product is defective when it does not provide the safety which a person is entitled to expect, taking all circumstances into account, including:*
> *(a) the presentation of the product;*
> *(b) the use to which it could reasonably be expected that the product would be put;*
> *(c) the time when the product was put into circulation.*
> *2. A product shall not be considered defective for the sole reason that a better product is subsequently put into circulation*". (Article 6)

Producer can also benefit from an exemption from liability in the following cases:

> "*(a) that he did not put the product into circulation; or*
> *(b) that, having regard to the circumstances, it is probable that the defect which caused the damage did not exist at the time when the product was put into circulation by him or that this defect came into being afterwards; or*

> *(c) that the product was neither manufactured by him for sale or any form of distribution for economic purpose nor manufactured or distributed by him in the course of his business; or*
> *(d) that the defect is due to compliance of the product with mandatory regulations issued by the public authorities; or*
> *(e) that the state of scientific and technical knowledge at the time when he put the product into circulation was not such as to enable the existence of the defect to be discovered; or*
> *(f) in the case of a manufacturer of a component, that the defect is attributable to the design of the product in which the component has been fitted or to the instructions given by the manufacturer of the product*" (Article 7).

Victims have 3 years within which to seek compensation. This period starts from the date on which the injured person became aware of the damage, the defect and the identity of the producer. But the producer is no longer liable 10 years after the date the product was put on the market.

3.2 Directive 2001/95/EC of the European Parliament and the Council of 3 December 2001 on general product safety

General rules about product safety have to be taken into account since Directive 2001/95/EC of the European Parliament and the Council of 3 December 2001 on general product safety.
This directive requires firms to ensure that items on sale are safe and to take corrective action when that is found not to be the case.

> "*1. The purpose of this Directive is to ensure that products placed on the market are safe*." (Article 1)

3.2.1 Product

The General Product Safety Directive defines a product as any item intended for sale to, or likely to be used by consumers, whether it is new, used or reconditioned (article 2) but the definition does not apply to second-hand products supplied as antiques or as products to be repaired or reconditioned prior to being used, provided that the supplier clearly informs the person to whom he supplies the product to that effect.

Referring to the directive, a product is considered safe if it meets specific national requirements or EU standards. If no such requirements or standards exist, the safety assessment must be based on:

- Commission guidelines,
- best practice in the sector concerned,
- state of the art and technology,
- reasonable consumer safety expectations.

3.2.2 Producer

> "*"producer" shall mean:*
> *(i) the manufacturer of the product, when he is established in the Community, and any other person presenting himself as the manufacturer by affixing to the product his name, trade mark or other distinctive mark, or the person who reconditions the product;*
> *(ii) the manufacturer's representative, when the manufacturer is not established in the Community or, if there is no representative established in the Community, the importer of the product;*
> *(iii) other professionals in the supply chain, insofar as their activities may affect the safety properties of a product*;"
>
> (Article 2)

Distributors are also concerned by these general rules as directive requires EU members to "*ensure that producers and distributors comply with their obligations under this Directive in such a way that products placed on the market are safe*" (article 6).

Within the meaning of the directive, distributors are "*any professional in the supply chain whose activity does not affect the safety properties of a product*" (article 2)

3.2.3 Alert system

The directive introduces an EU rapid alert system for dangerous non-food products. This enables national authorities to share information promptly on any measures taken to withdraw such products from sale (article 4 and 5).

When using the rapid alert system, national authorities provide information that identifies the item and its availability elsewhere in Europe, details of the

risks it presents and any action taken to protect the public, for example if a recall is required.

We recommend to be aware about the state of the art and technology, and to think about reasonable consumer safety expectation in order to be in compliance with the European framework.

4 Conclusions

The Vienna convention always requires a driver. He/she can be inside or outside the vehicle. BUT the driver – a physical person – has the absolute obligation to be in control of the vehicle. Even if the system allows him to be out of the loop and to have side activities to the driving, the driver has to monitor both the environment and the system in compliance with the Vienna convention until there is more precision about the control concept.
Moreover, the automated system needs to collect and process personal data for its functioning. Therefore, professionals are required to comply with the new obligations set up by the European data protection regulation, in keeping with the potential specificities of national laws.

Finally, safety and security issues from a legal point of view emphasize the necessity for the producers to introduce safe product in compliance with the General Product Safety Directive. National authorities have to take measures as soon as they are aware that the product has a defect. If the product causes a damage, the victim can seek the producer liability based on the Product Liability Directive.
Safety and security issues from a technical point of view are important. Producers have to be aware about all guidelines, best practice, state of the art and technology related to vehicle and data protection.