

# The Legal Framework for Automated Driving

Prof. Dr. Dr. Eric Hilgendorf  
University of Würzburg, Germany

# Introduction

- On the way to autonomous cars: air-bags, anti-blocking systems, parking assistance
- Autonomous systems: work independently of ongoing human input
- Great social impact
- Many legal problems

# Constitutional Provisions

- Constitutions normally do not deal with new technological developments
- Freedom of Research
- Protection of Property
- State has to ensure safety and efficiency of road traffic

# Road Traffic Law

- Vienna Convention on Road Traffic (1968)
- Spring 2014: proposals for amendments
- National vs. international law

# Civil Liability

- Tort law
- Contractual liability
- Strict liability

# Criminal Liability

- Causing bodily harm by negligence
- Definition of „negligence“
- Dilemma: Relieving the driver of driving tasks vs. controlling the autonomous system

# Liability of Providers

- Cars are becoming increasingly interconnected
- Downloading of data in driving cars as a standard process
- Malware?!
- Liability of the programmer + liability of the provider
- European E-Commerce Directive provides a system of provider liability

# Algorithms of Death

- Autonomous accident avoidance systems
- Problem: what is the lesser evil? And can that question be decided by cars?
- Human body vs. property
- Life vs. life
- One life vs. many lives



# Summary and Outlook

- Relevant problem areas:
  - road traffic law
  - civil liability
  - criminal liability
  - provider liability
  - data protection law
- Some problems can be solved by interpretation, some require new law
- All legal problems of automated driving can be solved

- Thank you for your attention!