FRENCH REPUBLIC

Ministry of Ecological Transition and
Territorial Cohesion

Decree No of

implementing Order No 2021-443 of 14 April 2021 on the system of criminal liability applicable in the event of the use of a self-driving vehicle and its conditions of use

NOR: […]

Target audience: *motor vehicle drivers, motor vehicle manufacturers, road freight operators, freight forwarders, infrastructure managers, approved or accredited qualified bodies, road managers.*

Purpose: *implementation of various provisions resulting from Order No 2021-443 of 14 April 2021 on the system of criminal liability applicable in the event of the use of a self-driving vehicle and its conditions of use.*

Entry into force: *the text shall enter into force on the day after its publication in the Official Journal.*

Notice: *the Decree specifies the detailed rules for the application of Article 6 of Order No 2021-443 of 14 April 2021 on the system of criminal liability applicable in the event of the use of a self-driving vehicle and its conditions of use. As regards automated road freight transport systems, it lays down the safety rules and safety demonstration procedures applicable to such systems. It defines the roles of the service organiser, the system designer and its operator, as well as those of the approved qualified bodies. It sets out the responsibilities of the technical department for ski lifts and guided transport with regard to automated road freight transport systems.*

References: *the provisions of the decree are adopted pursuant to Article L. 3251-1 of the Transport Code. The provisions of this Code amended by this Decree may be consulted, as worded following this amendment, on the Légifrance website (https://www.legifrance.gouv.fr).*

The Prime Minister,

On the report of the Minister for Ecological Transition and Territorial Cohesion,

Having regard to the Convention on Road Traffic done at Vienna on 8 November 1968

Having regard to Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market;

Having regard to Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services;

Having regard to Commission Implementing Regulation (EU) 2022/1426 of 5 August 2022 laying down rules for the application of Regulation (EU) 2019/2144 of the European Parliament and of the Council as regards uniform procedures and technical specifications for the type-approval of the automated driving system (ADS) of fully automated vehicles.

Having regard to the Code of Criminal Procedure, in particular Article 529-10 thereof;

Having regard to the Code of Public Relations with the Administration, in particular Article L. 114-5 thereof;

Having regard to the Highway Code, in particular Articles L. 123-1 to L. 123-4, L. 319-1 to L. 319-4, L. 325-1 to L. 325-3, R. 311-1, R. 412-6, R. 414-2, R. 414-9 and R. 415-12 thereof;

Having regard to the Transport Code, in particular Articles L. 3151-1 to 13, L. 3251-1 and R. 3151-1 to R. 3153-1 thereof;

Having regard to Order No 2016-1057 of 3 August 2016 on the testing of self-driving vehicles on public roads;

Having regard to Order No 2021-443 of 14 April 2021 on the system of criminal liability applicable in the event of the use of a self-driving vehicle and its conditions of use;

Having regard to Decree 2010-1580 of 17 December 2010 on the technical department for ski lifts and guided transport;

Having regard to the Decree No 2021-873 of 29 June 2021 implementing Order No 2021-443 of 14 April 2021 on the system of criminal liability applicable in the event of the use of a self-driving vehicle and its conditions of use;

Having regard to notification No 2023/XX/F addressed to the European Commission on XX and its replies of XX;

Having regard to the opinion of the Permanent Interministerial Group for Road Safety dated XX;

Having heard the Council of State (… section),

Hereby decrees:

PROVISIONS APPLICABLE TO AUTOMATED ROAD FREIGHT TRANSPORT SYSTEMS

Article 1

Book II of Part Three of the Transport Code is supplemented by a Title V which reads as follows:

“ TITLE V

“ AUTOMATED ROAD FREIGHT TRANSPORT SYSTEMS

“ CHAPTER I

“ GENERAL PROVISIONS AND DEFINITIONS

“ *Art. R. 3251-1.*- For the purposes of this Book, the following terms have the meaning given to them in this Article:

“1. Automated road transport technical system: a set of highly or fully automated vehicles, as defined in 8.2 and 8.3 of Article 311-1 of the Highway Code, and technical installations enabling remote intervention or contributing to safety.

“2. Automated road freight transport system: automated technical road transport system, deployed on predefined routes or traffic areas, and supplemented with operating, maintenance and servicing rules, for the purpose of carrying out a road freight transport activity;

“3. Field of use: the conditions of use of an automated road transport technical system associated with specific traffic routes or areas and respecting its technical design domain;

“4. System technical design domain: operating conditions under which an automated road transport technical system is specifically designed to operate, excluding loading and unloading of goods;

“5. Minimal risk manoeuvre: manoeuvre whose purpose is to bring the vehicle to a stop in a situation of minimal risk to its occupants, its load and other road users, automatically performed by the automated driving system following a hazard that is unforeseen under its conditions of use, a serious fault or, in the case of remote intervention, a failure to acknowledge the manoeuvre requested by the system.

“6. Emergency manoeuvre: manoeuvre automatically performed by the automated driving system in the event of an imminent risk of collision, with the aim of avoiding or mitigating it.

“7. Predefined route or traffic area: all road sections or spaces with defined geographical limits, on which the traffic or stopping of one or more vehicles of an automated road freight transport system is provided for;

“8. Remote intervention: action performed by the qualified person referred to in Article L. 3151-3, located outside the vehicle, in the context of an automated road transport system, for the purposes of:

“a) Activating or deactivating the system, giving instructions to perform, modify or interrupt a manoeuvre, or acknowledging manoeuvres proposed by the system;

“b) Instructing the navigation system operating on the transport system to choose or modify the planning of a route or stopping points for users.

“9. Acknowledgement request: a request sent by the system to the remote worker for validation of a proposal from the system that initiates the execution of a manoeuvre; where applicable, from among several proposals;

“10. Safety management system: a set of rules, procedures and methods to be implemented in order to constantly achieve the safety objectives;

“11. Technical system designer: the natural or legal person responsible for the overall design of the technical system and in particular for defining its functions and their conditions of use;

“12. Service organiser: the road freight transport enterprise; the transport agent within the meaning of Article L. 1411-1; the territorially competent authority within the meaning of Article L. 1231-1;

“13. Operator: natural or legal person operating the automated road freight transport system, as well as taking care of its management and maintenance, on its own account or in the context of public road freight transport services.

“ The operator may be the same entity as the service organiser or the designer of the technical system. In the event that there is more than one operator, the term operator shall designate the leader;

“14. Leader: the operator designated by the service organiser to coordinate the operation of the transport system with the support of the various operators and infrastructure managers;

“15. Road manager: the authority in charge of the road within the meaning of the Highway Code;

“16. Qualified body: the body approved to carry out the safety assessment of the design, construction and operation of automated road transport systems;

“17. Assessment manager: the person within a qualified body who is competent to sign safety and inspection opinions and reports;

“18. Substantial modification: any modification of an automated road freight transport system or part of an existing system that modifies the safety assessment;

“ CHAPTER II

“ SAFETY AND CONDITIONS OF USE

“ Section 1

“ Common provisions

“ *Article R. 3252-1*.- The technical department for ski lifts and guided transport is responsible for:

“1. Issuing the approvals mentioned in Articles R. 3252-26 and R. 3252-27;

“2. Drawing up and updating safety assessment and demonstration reference systems in accordance with Articles R. 3252-2 to R. 3252-4;

“3. Using the analysis of incidents and accidents involving automated road transport systems, for the purpose of improving safety;

“4. Drawing up an annual report, which shall be made public;

“5. Prescribing, where applicable, the pre-commissioning tests complementary to the safety demonstration mentioned in Article R. 3252-5.

“ In the context of its responsibilities, the technical department for ski lifts and guided transport shall have access to all of the documents constituting the files mentioned in Articles R. 3252-6 to R. 3252-8 and R. 3252-13 to R. 3252-15.

“ Section 2

“ Safety

“ Subsection 1

“ General provisions

“ *Article R. 3252-2.*- I.-For the purposes of Article L. 3251-1, all automated road freight transport systems or any part of an existing transport system shall be designed, commissioned and, if necessary, modified in such a way that the overall level of safety with regard to operating staff and third parties is at least equivalent to the existing level of safety or to that resulting from implementation of the systems or subsystems providing comparable services or functions, taking into account good practice, feedback about them and reasonably foreseeable traffic conditions on the route or in the traffic area in question.

“ Where it has been found that there is no comparable system with which to assess the safety of the system in question or one of its subsystems, the safety level can be established from a specific safety study for the system or subsystem concerned carried out in accordance with good practice.

“ II.- Any automated road freight transport system shall:

“1. Be designed to avoid any accidents resulting from reasonably foreseeable situations in its area of use;

“2. Recognise whether it is in its area of use and be active only in this area of use;

“3. Detect failures and exit from the area of use and inform the operator thereof, including in the context of a remote intervention.

“ III.- Any technical automated road transport system shall:

“1. Be designed to avoid any accidents resulting from reasonably foreseeable situations in their system technical design domain;

“2. Use vehicles equipped with an automated driving system designed to perform minimal-risk or emergency manoeuvres;

“3. Be able to detect its failures and the exit from the system technical design domain, and to inform the operator thereof, including in the context of a remote intervention.

“ IV.- For the purposes of Article L. 3251-1, any automated road freight transport system shall be subject to conditions of use which specify in particular:

“1. The area of use;

“2. The technical design field of the system;

“3. The conditions under which a minimal-risk manoeuvre is activated by the automated driving system;

“4. The conditions under which an emergency manoeuvre is activated by the automated driving system;

“5. The conditions under which an authorised person can give the instruction to execute, modify or interrupt a manoeuvre, or acknowledge it remotely;

“6. The description of the manoeuvres in which it is possible to intervene remotely.

“7. For manoeuvres that can be acknowledged remotely, the acknowledgement procedures and, in particular, the duration of the acknowledgement request.

“ *Article R. 3252-3.*- For the application of Article L. 3251-1, remote interventions can only be performed by a qualified person able to produce an appropriate training certificate for remote intervention on the system concerned that is valid for 3 years, and a medical certificate declaring them fit to perform remote interventions.

“ The period of validity of the medical certificate shall be 5 years for persons under the age of 60, but not exceeding the date of the 60th birthday, and 1 year for persons over 60 years of age.

“ The procedures for implementing this Article shall be established by decree of the Minister for Transport.

“ *Article R. 3252-4.*- All automated road freight transport systems and all vehicles integrated into them must be equipped with event data recorders that comply with the construction, assembly and use requirements set out in international legal instruments relating to wheeled vehicles and to equipment and parts likely to be fitted to and/or used on a wheeled vehicle.

“ A decree of the Minister for Transport may specify the additional data to be recorded, taking into account the specificity of events likely to affect automated road transport not covered by international legal instruments.

“ Subsection 2

“ Safety demonstration

“ *Article R. 3252-5.*- The demonstration of safety shall be established prior to the commissioning of the automated road freight transport system, by verifying that, within its intended area of use, the system’s responses to all risks associated with the operation of the system and reasonably foreseeable and identifiable traffic risks meet the conditions laid down in Articles R. 3252-2 to R. 3252-4.

“ This demonstration shall be carried out on the basis of the files provided for in Articles R. 3252-6 to R. 3252-8, accompanied by the opinions of the approved qualified bodies provided for in Articles R. 3252-25 and R. 3252-26.

“ If necessary, the authority provided for in Article R. 3252-1 or the service organiser can prescribe tests before commissioning in addition to the safety demonstration.

“ *Article R. 3252-6.*- I.-The technical system design file shall describe:

“1. The vehicle or vehicles used and evidence of their approval;

“2. The functional design area of the automated driving system of the vehicles integrated into the technical system;

“3. The technical design field of the system;

“4. The manoeuvres performed by self-driving vehicles, their activation and termination conditions in the functional design field, and in particular:

“a) Manoeuvres performed in nominal traffic;

“b) Manoeuvres eligible for remote intervention;

“c) Minimal-risk manoeuvres;

“d) Emergency manoeuvres;

“e) Manoeuvres responding to the orders of the police and when approaching a general interest vehicle or an exceptionally large goods vehicle and its escort vehicles;

“5. The perception and location functions and capabilities, distinguishing between those attached to the vehicles and those dependent on installations located outside the vehicle; and, where applicable, the needs of the system that must be met by these installations;

“6. The remote intervention functions and capabilities;

“7. The requirements for technical and safety installations located outside vehicles, especially as regards signalling, connectivity, location, perception, supervision and remote intervention;

“8. The types of routes or areas permitting the circulation of the technical system;

“9. The results of trials for the type-approval of vehicles integrated into the technical system;

“10. The provisional programme of system tests and trials;

“11. The principles of operation, servicing and maintenance;

“12. Demonstration of safety, including:

“a) Analysis of the risks of failure and traffic hazards taken into account for the design of the technical system;

“b) Criticality analysis of these risks and hazards;

“c) An assessment of the technical system’s responses to risks and hazards affecting public safety;

“d) Safety demonstrations, simulations, tests and trials, where these elements have not been presented as part of the type-approval of the vehicle(s);

“13. Interfaces between automated driving functions and loading, unloading or stowage operations, whether or not these operations use automated functions, and the safety demonstration of these interfaces.

“ II.-The technical system design file shall include the functionality and safety declaration, which shall summarise the characteristics and conditions of use of the vehicles, their self-driving capabilities, the types of routes or areas involved and the pre-commissioning requirements, particularly in terms of trials and installations located outside the vehicle. This declaration shall certify that the technical system meets the requirements of Articles R. 3252-2 to R. 3252-5 and conforms to good practice.

“ *Article R. 3252-7.*- The preliminary safety file describes, with regard to the intended area of use of the automated road freight transport system:

“1. The routes or areas identified for the system traffic and in particular the reference characteristics of the road network on which the safety assessment is based;

“2. The characteristics of the activity, in particular the points and times of service where applicable;

“3. The proposed operational safety management system, which shall describe:

“a) Operating and maintenance rules;

“b) The devices used to check that safety levels are being maintained;

“c) Specifications for the performance of safety-critical tasks;

“d) The measures relating to the organisation of work and staff training;

“4. The envisaged installation of technical and safety installations located outside vehicles, especially as regards signalling, connectivity, location and remote intervention,

“5. Responses to the requirements for technical and safety installations in Article R. 3252-6(7);

“6. The trial and test schedule;

“7. Where applicable, any envisaged improvements to the routes or areas to achieve the reference characteristics of the road network described in 1. and, where available, the scheduling of these improvements by the authorities responsible for the road network;

“8. The characteristics and level of service of the road network, these improvements and these technical and safety installations, necessary to achieve the security level defined in Articles R. 3252-2 to R. 3252-4;

“9. The safety demonstration of the technical system design file completed in view of:

“a) Any failure risks and traffic risks specific to the routes or areas;

“b) The characteristics of the activity;

“c) Any element significantly affecting safety, if these elements are not taken into account in the technical system design file.

“ II. - When a testing has been carried out on part of the route or area, or for part of the activity, pursuant to Order No 2016-1057 of 3 August 2016 on testing of self-driving vehicles on public roads, the preliminary safety file shall include the assessment of this testing or, failing that, the testing request file.

“ The preliminary safety file verifies that the proposed operational safety management system and emergency response plan are consistent with the completed safety assessment.

“ *Article R. 3252-8.*- The commissioning safety file, as regards the intended area of use of the automated road freight transport system, shall:

“1. Integrate the final versions of the operational safety management system, as well as any documents from the preliminary safety file that have changed;

“2. Verify effective implementation of the technical and safety arrangements and installations provided for in the preliminary safety file;

“3. Where appropriate, present the contractual arrangements between the service organiser and the road managers or project owners, in relation to the knowledge of the state of the road and of the technical and safety installations planned during the operation of the activity;

“4. Present the report of the trials and tests carried out;

“5. Update and complete the preliminary file safety demonstration if necessary in view of:

“a) The effective implementation of the provisions provided for in the preliminary safety file;

“b) Any modification affecting safety that has occurred since the preparation of the preliminary safety file;

“c) The result of the tests and trials.

“ *Article R. 3252-9.*- The maintenance of the security level during the operation of the system shall be assessed on the basis of:

“1. The annual report provided for in Article R. 3252-14;

“2. The annual audit provided for in Article R. 3252-15.

“3. Where applicable, the diagnosis provided for in Article R. 3252-16.

“ Subsection 3

“ Functionality and safety declaration

“ *Article R. 3252-10.*- The technical system design file, incorporating the functionality and safety declaration, is drawn up by the designer and under his responsibility.

“ The functionality and safety declaration shall be verified by the qualified body referred to in Article R. 3252-23, on the basis of the technical system design file. The designer shall obtain the opinion of the qualified body on the basis of the technical system design file. The technical system designer shall send the functionality and safety declaration and technical system design file submitted for the opinion of the qualified body to the designated authority in Article R. 3252-1, for information purposes.

“ Subsection 4

“ Commissioning decision

“ *Article R. 3252-11.*- I.- The commissioning of a new or substantially modified automated road freight transport system shall depend on a decision taken by the service organiser based on the technical system design file accompanied by the favourable opinion of the qualified body, the files provided for in Articles R. 3252-7 and R. 3252-8, accompanied by favourable opinions and, where applicable, specific requirements subject to time constraints on implementation, the approved qualified bodies provided for in Articles R. 3252-25 and R. 3252-26 and, where applicable, the results of the pre-commissioning tests referred to in Article R. 3252-5.

“ The organiser of the service shall notify the Prefect and the authority designated in Article R. 3252-1 of its decision prior to commissioning.

“ II.- The preliminary safety file shall be drawn up under the responsibility of the service organiser prior to carrying out the work for the technical installations necessary for the system.

“ The qualified body referred to in Article R. 3252-23 shall verify that the system described in this file meets the requirements of Articles R. 3252-2 to R. 3252-5 and conforms to good practice. This verification is formalised by a notice which is attached to the preliminary safety file.

“ III.- The service organiser shall be responsible for establishing the commissioning safety file. The operational safety management system shall be established by the operator.

“ The qualified body referred to in Article R. 3252-23 shall verify that the commissioning safety file demonstrates that the system meets the requirements of Articles R. 3252-2 to R. 3252-5 and conforms to good practice. This verification is formalised by an opinion which is attached to the commissioning safety file.

“ IV.-When the opinion of the approved qualified body is accompanied by specific operating and safety requirements with an implementation deadline, the service organiser shall ensure that the requirements are properly taken into account within the period prescribed. Otherwise, the activity cannot be operated until the requirements are effectively taken into account.

“ If no transport activity has been carried out within 6 months of notification of the opinion of the qualified body referred to in Article R. 3252-25, this opinion shall become null and void as well as the commissioning decision that it supports.

“ The opinion of the approved qualified body referred to in Article R. 3252-22 attached to the file mentioned in Article R. 3252-6 shall be sent to the authority designated in Article R. 3252-1.

“ The opinions of the approved qualified bodies referred to in Article R. 3252-22 attached to the files referred to in Articles R. 3252-7 and R. 3252-8 shall be forwarded to the Prefect. These opinions shall also be sent to the authority designated in Article R. 3252-1.

“ V.- In the event of the coexistence of several operators, a leader shall be appointed by the service organiser, who shall inform the Prefect of this designation. This leader ensures the day-to-day coordination of the operation of the system and reports it to the service organiser. As such, their duties shall be:

“1. To establish the leader’s safety management system, notably providing the interfaces between the safety management systems of the various operators;

“2. To establish the intervention and contingency plan provided for in Article R. 3252-13;

“3. To establish the annual report on the operational safety of the system provided for in Article R. 3252-14;

“4. To have the annual external audit provided for in Article R. 3252-15 carried out.

“ *Article R. 3252-12.*- Operations of vehicles, without goods, necessary for the registration of the characteristics of the route or traffic area, for checks prior to the commissioning and training of operating personnel, shall be carried out prior to commissioning.

“ Where such operations are carried out in self-driving mode, they are subject to the agreement of the qualified body approved for the overall assessment of system safety, which ensures that the risks to third parties are controlled prior to commissioning.

“ All other self-driving operation shall be prohibited prior to commissioning.

“ *Article R. 3252-13.*- The intervention and contingency plan shall describe:

“1. The internal organisation in place to take immediate action in case of an event affecting or likely to affect the safety of the system or third parties in the vicinity;

“2. The resources likely to be mobilised in this case;

“3. Where applicable, the division of tasks between the operator and road managers;

“4. The procedures for alerting external emergency services and for communicating and coordinating with these services.

“ The operator shall be responsible for establishing the intervention and contingency plan. It is sent to the Prefect 1 month prior to commissioning.

“ *Article R. 3252-14.*- The service organiser shall send the Prefect and the authority designated in Article R. 3252-1 an annual report on the safety of the operation of the system, drawn up by the operator.

“ This report shall include a part relating to accidentology, a part relating to changes in the system, a part relating to any substantial modifications made and a part relating to a single action plan envisaged to maintain and improve the safety of the system.

“ This report shall be accompanied by an opinion from the service organiser regarding the action plan integrated into the annual report.

“ *Article R. 3252-15.*- I. The operator shall have an external annual audit carried out by the organisation referred to in Article R. 3252-26 in order to assess:

“1. The application of the operational safety management system;

“2. The effectiveness of the internal monitoring;

“3. The adequacy of the safety management system for addressing developments in operational safety issues.

“ II. The annual external audit report shall draw a conclusion regarding the ability of the system implemented to ensure that safety levels are maintained in operation and shall issue an opinion regarding continued operation. This report shall be accompanied, where applicable, by an action plan whose implementation is monitored by the body mentioned in Article R. 3252-26.

“ III. – The service organiser shall submit this report to the Prefect.

“ *Article R. 3252-16.* – I. - The Prefect may request that the operator provide a system safety diagnosis performed by a qualified body:

“1. In the event that the annual report on the operational safety of the system established by the operator is inadequate;

“2. If there is serious doubt regarding the application of the safety management system or the intervention and contingency plan, or regarding their adequacy in addressing the safety issues.

“II. – The operator shall carry out the diagnosis mentioned in I at his own expense and within the time limit set by the Prefect.

“ *Article R. 3252-17.*- A decree of the Minister for Transport may, where appropriate, specify all or part of the content of the files provided for in Articles R. 3252-6 to R. 3252-8 and of the report provided for in Article R. 3252-14.

“ Subsection 5

“ Operation and modification of the system

“ *Article R. 3252-18.*- I.- The service organiser, the designer and the operator shall ensure, each as far as they are concerned, that the level of security vis-à-vis third parties is maintained throughout the duration of the operation.

“ The operator shall ensure that the conditions of use of the system are respected and set up the monitoring mechanisms intended to check that the elements of the traffic environment contributing to the safety of the system enable to maintain safety levels for users, operating staff and third parties throughout the duration of the operation.

“When the operator is aware of changes in the traffic environment, in particular the use of buildings and plots of land adjacent to the route, or of accidents or incidents, which lead to a substantial change in the safety assessment, they shall inform the service organiser without delay.

“ II.-The technical system designer shall inform the operator and the service organiser of any design defect identified in the technical system used.

“ III.– The operator shall inform the service organiser of the existence or necessity of any substantial modification of the automated road freight transport system, where appropriate on the basis of the elements transmitted by the technical system designer.

“ IV.- When the system is substantially modified, the service organiser shall suspend operations and then decide on the commissioning of the modified system under the conditions described in Articles R. 3252-10 to R. 3252-12.

“ *Article R. 3252-19.*- No one may be assigned to a safety-critical task for which he is not authorised.

“ The staff responsible for assessing safety shall be from departments separate from those responsible for implementation and shall perform their duties by carrying out analyses, monitoring, testing or inspections.

“ Operating personnel assigned to a safety-critical task shall receive adequate training and an authorisation, for which the content and delivery procedures shall be set by the safety management system mentioned in Article R. 3252-7.

“ *Article R. 3252-20.*- The service organiser or operator shall suspend the operation of the system in the event of an imminent risk of serious harm to the safety of persons. They shall immediately notify the Prefect and the authority referred to in Article R. 3252-1.

“ *Article R. 3252-21.*- When the body responsible for the audit provided for in Article R. 3252-15 finds a serious breach of the regulations or a serious risk to the safety of persons, it shall immediately notify the Prefect, the service organiser and the operator.

“ *Article R. 3252-22.*- I.- Any bodily injury or accident resulting in significant damage shall be brought immediately to the attention of the Prefect, the service organiser, the traffic and parking police authority, the road manager, the qualified bodies having endorsed the opinions enclosed with the files referred to in Articles R. 3252-7 and R. 3252-8, the authority referred to in Article R. 3252-1 and the land transport accident investigation office by the operator. This information shall relate in particular to the course of the accident or incident and its severity.

“ The operator shall analyse the event and shall, without delay, in conjunction with the service organiser, take measures to maintain the safety of the operation. Following this analysis, he shall decide whether to continue operating the system or not.

“ II.- Within 2 months of the occurrence or discovery of the accident or serious incident mentioned in I, the operator shall send a report on this event to the Prefect, the road managers, the service organiser, the authority referred to in Article R. 3252-1 and the land transport accident investigation office. The technical system designer shall provide the operator, upon request, with all information necessary in order to produce this report. The report shall analyse the identified causes and consequences of this event, as well as the potential risks, and indicate the lessons that have been learned from it as well as the measures taken to avoid its recurrence.

“ The road managers shall provide the Prefect and the operator with information enabling them to analyse the circumstances of the accident or serious incident.

“ The Prefect may, where appropriate, request the operator to submit such analysis to an approved qualified body at its own expense.

“ III.- Any other event affecting the operational safety of the system or having been liable to cause bodily injury shall be brought to the attention of the Prefect, the authority referred to in Article R. 3252-1 and the service organiser by the operator.

“ The Prefect may request the operator to send him a detailed report on this event within 2 months.

“ IV.- When an accident, incident or event affecting the safety of the system is likely to jeopardise the design of the system, the operator shall also immediately inform the authority referred to in Article R. 3252-1 and the system designer.

“ Where applicable, the technical system designer shall take the necessary measures to meet the conditions of Articles R. 3252-2 to R. 3252-4, update the technical system design file and inform any other operators using the same system, as well as the authority mentioned in Article R. 3252-1.

“ If the system designer no longer legally exists, the authority referred to in Article R. 3252-1 shall inform any other operators using the same system and determine whether there is an imminent risk of a serious impact on public safety.

“ V.- The Prefect can suspend the operation of the system in the event that there is an imminent risk of a serious impact on public safety.

“ The Prefect may make recommissioning of the system subject to his authorisation and request that all necessary elements be provided to ensure that the system’s security level is restored.

“ Section 3

“ Qualified bodies

“ Subsection 1

“ Common provisions

“ *Article R. 3252-23.*- For each opinion enclosed with the files referred to in Articles R. 3252-6 to R. 3252-8, the qualified body shall establish an assessment report presenting the principles, highlights and detailed conclusions of the checks and analyses carried out, as well as the details of any observations and reservations.

“ *Article R. 3252-24.*- A joint decree of the ministers for transport and the interior specifies the content of the opinions referred to in Article R. 3252-25.

“ *Article R. 3252-25.*- I.- The body whose opinion is attached to the technical system design file shall be designated by the designer of the technical system.

“ The body whose opinion is attached to the preliminary safety file and to the safety file for putting into service shall be designated by the service organiser or by the system designer provided that it is validated by the service organiser.

“ In carrying out its duty to assess the safety of the technical system and the automated road freight transport system, the body shall be independent of the system designer, the operator and the service organiser.

“ II.- The body responsible for the annual operational safety audit shall be designated by the operator and validated by the service organiser.

“ In carrying out its duty to audit the operational safety of the technical system, the body shall be independent of the system designer, the operator and the service organiser.

“ Subsection 2

“ Approval of qualified bodies

“ *Article R. 3252-26.*- The body whose opinion is attached to the files referred to in Articles R. 3252-6 to R. 3252-8, shall be approved by the authority referred to in Article R. 3252-1.

“ This body shall at least be approved for the technical field of the overall system safety assessment.

“ If it does not have competences in all of the other technical fields relating to the system, the body may call on other qualified bodies that are approved, in their spheres of competence, by the authority referred to in Article R. 3252-1, under the conditions set out in Article R. 3252-28. These bodies must comply with the independence requirements set out in Article R. 3252-25.

“ In this case, the body approved for overall safety assessment of the system shall be responsible for coordinating the intervention of these other qualified bodies and remains solely responsible for the opinion.

“ A director responsible for the assessments of an approved qualified body may not establish an opinion on one or more transport systems in the design or construction of which he has been involved during the previous 5 years.

“ *Article R. 3252-27.*- The body conducting the operational safety audit provided for in Article R. 3252-15 shall be approved by the authority referred to in Article R. 3252-1 and shall have competence in the field of operational safety management systems.

“ *Article R. 3252-28.*- I.-The approval shall be issued by the authority referred to in Article R. 3252-1, which shall ensure that the body has the necessary competences to fulfil its duties in the technical fields in question.

“ II.- The approval shall be granted for one or more of the following technical fields:

“1. Reliability of embedded systems;

“2. Reliability of connectivity or positioning equipment;

“3. Cybersecurity;

“4. Safety of road infrastructure and equipment;

“5. Safety of the road behaviour of vehicles;

“6. Operational safety management systems;

“7. Overall assessment of the safety system.

“ *Article R. 3252-29.*- The approval shall be issued for 5 years. It shall indicate the name(s) of the manager(s) responsible for the opinions and, where applicable, the technical field(s) in which the qualified body can carry out safety assessments.

“ The approval may be suspended or withdrawn by the authority designated in Article R. 3252-1 when the qualified body no longer meets the conditions for its issue.

“ The activity of the approved qualified bodies may be subject to inspections or audits carried out by officials of the authority designated in Article R. 3252-1. As such, the latter can obtain from the qualified body, the designer of the system, the operator or the service organiser, the works and the inspected body, all documents or other evidence necessary in order to complete the inspection and attend meetings and visits organised by the qualified body as part of its assessment duties.

“ Where an approved qualified body wishes to carry out assessment duties other than in the fields for which it is accredited, modification of the current approval to include these new duties shall not modify the duration of validity of this approval.

“ *Article R. 3252-30.*- The content of approval applications and the procedures for examining requests shall be defined by decree of the Minister for Transport.

“ A lack of response from the authority designated in Article R. 3252-1 for more than 4 months after receipt of a complete authorisation request, under the conditions of Article L. 114-5 of the Code of Public Relations with the Administration, shall constitute a rejection decision.

“ Subsection 3

“ Technical regulations

“ *Article R. 3252-31*.- The technical and safety regulations applicable to automated road freight transport systems governed by this Title may be specified by decree of the Minister for Transport.

“ *Article R. 3252-32*.- The technical and safety regulations applicable to the devices of automated road freight transport systems enabling the control of cargo, pursuant to Article L. 1451-1 of this Code, may be specified by order of the Minister for Transport.

“ Section 4

“ Special goods

“ *Article R. 3252-33*.- Automated road transport of substances posing a proven risk to the environment or living things, or certain categories of indivisible masses covered by exceptional transport, or live animals may be prohibited by order of the Minister for Transport.

“ Section 5

“ The transport of goods ancillary to passenger transport and the carriage of persons ancillary to the carriage of goods

“ *Article R. 3252-34*.- The automated road transport of goods carried out on an ancillary basis by means of an automated road transport system within the meaning of Article R. 3151-1, as well as the automated road transport of persons carried out on an ancillary basis by an automated road freight transport system shall be subject to the provisions of Title V of Book I of Part Three of the regulatory part of this Code and to Articles R. 3252-31 to R. 3252-33.

“ CHAPTER III

“ CRIMINAL LIABILITY

“ *Article R. 3253-1*.- I.- Even in the absence of any sign of obvious drunkenness, it is an offence punishable by a fourth-class fine for an authorised person within the meaning of Article L. 3151-3, to intervene remotely on a self-driving vehicle operated as part of an automated road freight transport system under the influence of alcohol characterised by a blood alcohol concentration equal to or greater than 0.50 grams per litre or by a breath alcohol concentration equal to or greater than 0.25 milligrams per litre and lower than the thresholds set in Article L. 3151-9, when the self-driving vehicle is operated as part of an automated road freight transport system.

“ II.- Any person guilty of one of the offences mentioned in I shall also incur the additional penalties provided for in Article R. 234-1(III) of the Highway Code.

“ III.- This offence shall automatically give rise to the loss of 6 points from the driving licence.”

Article 2

Article 2(I) of the Decree of 17 December 2010 is amended as follows:

“1. In the first subparagraph, the words: “automated road transport systems defined in Article R. 3151-1 of the same code” are replaced by the words “automated road transport systems defined in Article R. 3151-1 of the same code and automated road freight transport systems defined in Article R. 3251-1 of the same code”.

“2. In the 11th subparagraph, the words: “ To issue the approvals referred to in Articles R. 3152-26 and R. 3152-27 of the Transport Code” are replaced by the words “To issue the approvals referred to in Articles R. 3152-26, R. 3152-27, R. 3252-26 and R. 3252-27 of the Transport Code”.

“3. In the 12th subparagraph, the words: “ Prescribing, where appropriate, the pre-commissioning tests in addition to the safety demonstration referred to in Article R. 3152-5 of the Transport Code” shall be replaced by the words “Prescribing, where appropriate, the pre-commissioning tests in addition to the safety demonstration referred to in Articles R. 3152-5 and R. 3252-5 of the Transport Code”.

Article 3

The Minister for the Ecological Transition and Territorial Cohesion, the Minister attached to the Minister for the Ecological Transition and Territorial Cohesion, responsible for Transport, the Minister of Interior and Overseas Territories shall each be responsible for the implementation of this Decree, which shall be published in the *Official Journal* of the French Republic.

Dated,

By the Prime Minister:

The Minister for Ecological Transition and
Territorial Cohesion,

Christophe BECHU

The Minister for the Interior and Overseas
Territories,

Gérald DARMANIN

The Minister attached to the Minister for
the Ecological Transition and Territorial
Cohesion, responsible for transport,

Clément BEAUNE