

Draft of
Legislative decree on testing with and of self-driving units

Pursuant to Section 68(1), first point, Section 92m(7), (8), (3) and (4), (9) and (10), Section 92p, Section 118(13), first point, and Section 134a(2) of the Road Traffic Act, cf. legislative decree no. 1312 of 26 November 2024, as amended by decree no. X of X, and after consultation with the Minister for Justice, the following is established pursuant to Section 3(1) of legislative decree no. X of X on the duties and powers of the Danish Road Traffic Authority and right of appeal:

Chapter 1

Scope and definitions

§ 1. The legislative decree applies to testing with and of self-driving units in the Road Traffic Act area.

§ 2. The following terms are understood as follows in this decree:

- 1) Self-driving unit: A driverless, emission-free vehicle that drives at low speeds on wheels, belts or the like, and that is technically designed so that a physical person can take control of the vehicle.
- 2) Testing: Use of a self-driving unit within a permitted test area, including for the performance of operational tasks.
- 3) Test: Use of a self-driving unit within a designated test zone for the purpose of testing and development of the self-driving unit.
- 4) Testing area: The geographical area that the self-driving unit has been authorised to use for the purpose of testing.
- 5) Test zone: An area designated by the road authorities for testing self-driving units.
- 6) Audio warning device: A horn or loudspeaker that can be used to warn road users in the immediate vicinity or to establish communication between the physical person responsible for taking charge of driving the self-driving unit and a road user.
- 7) Manual driving: Driving by which a physical person either conducts the driving or observes the driving and ensures that the vehicle is driven in accordance with the rules of the Road Traffic Act.
- 8) Automated driving: Driving by which the technical device in the vehicle observes the movement and ensures that the vehicle is driven in accordance with the rules of the Road Traffic Act.

Chapter 2

Authorisation to carry out testing of self-driving units

§ 3. On application, pursuant to Sections 19 and 20, the Road Safety and Transport Agency authorises testing with or of self-driving units.

Paragraph 2. The Danish Road Traffic Authority may establish conditions in relation to monitoring, duration, follow-up, etc. in relation to authorisation in accordance with Paragraph 1.

Paragraph 3. The Danish Road Traffic Authority registers and assigns an individual identification number for each self-driving unit to be used in a test pursuant to this decree.

Paragraph 4. The Danish Road Traffic Authority keeps records of authorisations granted, including identification numbers for the individual units and authorised testing areas.

Chapter 3

Self-driving unit requirements

CE marking, etc.

§ 4. A self-driving unit used for testing under this decree must comply with applicable legislation throughout the test period, including rules on CE marking.

Road traffic regulations

§ 5. The rules of the Road Traffic Act that apply to pedestrians also apply to the use of a self-driving unit and driving with a self-driving unit, subject to Sections 7–16 and Section 24(4).

Speed

§ 6. A self-driving unit may not exceed a prescribed maximum speed of 6 km per hour, subject to Paragraph 2.

Paragraph 2. The Danish Road Safety Agency may allow a higher maximum speed if it is necessary for the performance of a specific test and if driving at the higher speed can be carried out safely and without undue inconvenience to other road users.

Trailers

§ 7. Trailers may be attached to a self-driving unit.

Lighting

§ 8. The self-driving unit must be equipped with at least one headlight with white light and at least one taillight with red light. The trailer, cf. Section 7, must be equipped with at least one taillight with red lens.

Paragraph 2. The headlights and taillights, cf. Paragraph 1, must emit light that is clearly visible from at least 300 metres. The headlights and taillights may emit a blinking light, provided it blinks at least 120 times per minute.

Paragraph 3. The self-driving unit and trailer may be equipped with other lights in addition to those specified in Paragraph 1. These lights may only emit white or yellow light and may not be rearward-facing.

Paragraph 4. Front and taillights, cf. Paragraph 1, must be kept on while driving and may not blind other traffic users.

Audible warning device and noise

§ 9. The self-driving unit must be equipped with an audible warning device.

§ 10. The self-driving unit may not produce unnecessary noise.

Inscriptions

§ 11. The authorisation holder is responsible for ensuring that the self-driving unit has an inscription with the following information:

- 1) Name of the authorisation holder
- 2) Authorisation holder's CVR number
- 3) Authorisation holder's phone number
- 4) Identification number, cf. Section 3(3)

Paragraph 2. The inscription must be visible on the self-driving unit. The inscription must have a font height of at least 8 mm and number height of at least 8 mm.

Paragraph 3. The inscription must be in a colour that clearly differs from the background colour and any advertisements.

Paragraph 4. The inscription may not be placed on removable signs or the like. If the inscription is on foil or a similar material, it must be a material that cannot be reused after removal.

Transport of hazardous goods

§ 12. The self-driving unit may not be used to transport hazardous goods.

Cameras

§ 13. If the self-driving unit is equipped with cameras as part of the unit's navigation system, the cameras must be arranged so that pixelation is performed automatically during recording. It must not be possible for the pixelation to be cancelled afterwards.

Paragraph 2. The pixelation must involve algorithms integrated into the equipment locally and must, at a minimum, ensure that it is not possible to identify faces or vehicle registration plates.

Protection against illegal takeover

§ 14. The self-driving unit must be designed with built-in mechanisms that prevent unauthorised takeover and unauthorised access to the self-driving unit's positioning, control and video signal.

Chapter 4

Requirements for the physical person responsible for taking charge of operating the self-driving unit

§ 15. The physical person responsible for taking control of a self-driving unit must:

- 1) be at least 18 years of age;
- 2) be in Denmark while driving the unit;

3) have received an adequate review of the typical traffic situation on the route or area where the unit is to operate; and

4) have received appropriate instructions to control the unit with the vehicle's special control unit.

§ 16. Sections 55(1) and (2) of the Road Traffic Act and provisions laid down pursuant to Section 55(4), first point, of the Road Traffic Act apply at all times of automated driving to the physical person responsible for taking over the driving of the self-driving unit. Section 77(1) of the Road Traffic Act applies *mutatis mutandis*, regardless of whether the self-driving unit is driven manually or automatically.

Chapter 5

Requirements for the authorisation holder

§ 17. The authorisation holder must enter information on the use of self-driving units in a logbook or equivalent record, which must be retained for at least three years. The reports must contain the following information at a minimum:

1) Number of routes driven or trips per unit

2) Number of kilometres driven per unit

3) Duration of the self-driving unit's driving, including duration of automated and manual driving

4) Number of manual takeovers of the self-driving unit by the physical person responsible for taking charge of driving the self-driving unit

5) Information on any accidents in connection with driving the self-driving unit, including whether the accidents occurred during automated or manual driving and whether the unit indicated prior to the accident that the physical person responsible for driving the self-driving unit should take control of it and

6) Information about any unintended downtime associated with driving the unit

Paragraph 2. The authorisation holder must at all times be in possession of information on the identity of the physical person responsible for taking over the operation of a self-driving unit, as well as information on the location of the physical person, including whether he or she is in the immediate vicinity of the self-driving unit or at a fixed address.

Paragraph 3. It must be possible for the logbook or equivalent record, cf. Paragraph 1, to be handed over or submitted to the Danish Road Traffic Authority at any time on request.

§ 18. The authorisation holder is responsible for ensuring that the physical person responsible for taking charge of driving the self-driving unit meets the requirements of Section 15(1-2) and that the physical person has received the necessary review and training in the matters covered by Sections 15(3-4).

Chapter 6

Application for authorisation to conduct tests with self-driving units

§ 19. The application in accordance with Section 92m(2) for authorisation to conduct tests with self-driving units must be sent to the Danish Road Traffic Authority. The application must include the following information at a minimum:

1) Description of the specific test, including the time frame and geographical limits of the test

2) Description of the technical design, properties and dimensions of the self-driving units

- 3) Evidence that the self-driving units meet the requirements of Section 4, Section 6(1), Sections 8-11 and Section 13
- 4) Evidence that any trailers comply with the requirements of Section 7(2)
- 5) Insurance information, cf. Section 105 of the Road Traffic Act, and
- 6) Documentation of the consent of any private road owners

Paragraph 2. The Road Safety and Transport Agency may require that the applicant provide other information or documentation if deemed necessary for the Agency's processing of the application.

Application for authorisation to test self-driving units

§ 20. The application in accordance with Section 92m(4) for authorisation to conduct tests with self-driving units must be sent digitally to the Danish Road Traffic Authority. The application must include the following information at a minimum:

- 1) Description of the specific test, including the timeframe of the test
- 2) Information on the test zone designated by the road authorities
- 3) Description of the technical design, properties and dimensions of the self-driving unit
- 4) Evidence that the self-driving unit meets the requirements of Section 4, Section 6(1), Sections 8-11 and Section 13
- 5) Evidence that any trailers comply with the requirements of Section 7 (2) and
- 6) Insurance information, cf. Section 105 of the Road Traffic Act

Paragraph 2. The Road Safety and Transport Agency may require that the applicant provide other information or documentation if deemed necessary for the Agency's processing of the application.

Revocation

§ 21. The Danish Road Safety and Transport Agency may at any time revoke authorisation for testing self-driving units with the effect that the test must be terminated immediately.

Chapter 7

Monitoring

§ 22. The Danish Road Traffic Authority monitors that the authorisation holder complies with the rules in this decree and the conditions set out in the authorisation throughout the test period.

Paragraph 2. The Danish Road Safety and Transport Agency may require the provision of information and documentation free of charge in connection with its monitoring of the permitted testing if deemed necessary to carry out monitoring.

Chapter 8

Appeals

§ 23. The Danish Road Traffic Authority's decisions pursuant to this decree cannot be appealed to the Minister for Transport or another administrative authority, cf. the legislative decree on the Danish Road Traffic Authority's tasks, powers and right of appeal.

Chapter 9

Penal provisions

§ 24. The rules in Chapter 17 of the Road Traffic Act on penalties for violation of the rules of the Road Traffic Act, as well as the Criminal Code's rules on penalties for violation of the rules of the Criminal Code, apply if the physical person responsible for taking over operation of the self-driving unit has taken over operation of the self-driving unit.

Paragraph 2. The rules in Chapter 17 of the Road Traffic Act on penalties for violation of the rules of the Road Traffic Act, as well as the rules of the Criminal Code on penalties for violation of the rules of the Criminal Code, also apply if the physical person responsible for taking charge of driving the self-driving unit fails to take charge of driving the self-driving unit when indicated by the self-driving unit's technical device or otherwise required.

Paragraph 3. The rules in Chapter 17 of the Road Traffic Act on penalties in connection with violations of Sections 53 and 54 of the Road Traffic Act apply notwithstanding Paragraphs 1 and 2 for the physical person responsible for taking charge of driving a self-driving unit at all times during automated driving.

Paragraph 4. Fines for violations of the Road Traffic Act and this decree are determined in accordance with Section 118a(1), first point, of the Road Traffic Act.

§ 25. Similarly, a fine under Section 118(1)(2) of the Road Traffic Act will be imposed on anyone who fails to comply with the conditions for authorisation granted under this decree.

§ 26. The authorisation holder may be punished by a fine for violation of Section 6(1), Sections 7-15 and Sections 17-18.

§ 27. Companies, etc. (legal persons) may be rendered criminally liable in accordance with the provisions of Chapter 5 of the Penal Code.

Chapter 10

Provisions for entry into force

§ 28. This decree takes effect on 1 July 2025.

Paragraph 2. Legislative decree no. 941 of 19 May 2021 on testing with self-driving devices is hereby repealed.