

**Draft**  
**of**  
**Order on Tests with Self-Driving Units<sup>1</sup>**

Pursuant to Section 92 g (5), (8) and (9), Section 118 (13) and Section 134 a (1) and (2) of the Road Traffic Act, cf. Consolidation Act No XX, and after consultation with the Minister for Justice, the following is hereby determined:

*Objective*

**Section 1.** This Order lays down the detailed rules for testing self-driving motor vehicles.

*Scope*

**Section 2.** The Danish Road Directorate may, pursuant to this Order and in accordance with Section 92 h(1) of the Road Traffic Act, grant authorisation to carry out tests on self-driving motor vehicles. In this connection, the Danish Road Directorate must ensure that the road authority, the police and any private road owners have been consulted.

**Section 3.** Tests must be carried out with self-driving motor vehicles up to level 4 according to SAE standard J3016.

(2) Tests must be conducted in specific areas and may be limited to specific times.

*Definitions*

**Section 4.** The following definitions apply to this Order:

- 1) *Manual driving*: Driving where a natural person either conducts the driving or monitors the driving and ensures that the vehicle is driven in accordance with the rules of the Road Traffic Act.
- 2) *Automated driving*: Driving where the technical equipment of the vehicle drives the vehicle and monitors the driving and ensures that the vehicle is driven in accordance with the rules of the Road Traffic Act.
- 3) *Driver*: A natural person who is in the vehicle and who is responsible for taking over the driving when this is indicated by the technical equipment of the self-driving motor vehicle, or when the person considers that there is a need for it.
- 4) *Operator*: A natural person who is outside the vehicle and who is responsible for taking over the driving when this is indicated by the technical equipment of the self-driving motor vehicle, or when the person considers that there is a need for it.

*The natural person*

**Section 5.** Tests require the participation of a natural person who can either participate as driver or operator of the self-driving motor vehicle and who has the responsibility to take over the driving, when this is indicated by the technical equipment of the self-driving motor vehicle, or when the natural person considers that there is a need for it.

(2) The natural person, cf. (1) shall have obtained a driving licence for the vehicle category in question and shall comply with the rules on drink-driving and driving under the influence of consciousness altering drugs in Sections 53 and 54 of the Road Traffic Act, cf. Section 92 g(3), second sentence.

(3) Section 55(1)-(3) of the Road Traffic Act and provisions laid down pursuant to Section 55(4) shall apply to the natural person at all times during manual and automated driving, cf. (1). Section 77(1) of the Road Traffic Act applies mutatis mutandis, regardless of whether the self-driving unit is driven manually or automatically.

(4) It shall be the responsibility of the authorised person to ensure that the natural person, cf. (1) has received adequate instruction to steer the vehicle with the special control unit of the vehicle.

#### *Recording and storage of data*

**Section 6.** When tests are carried out, it shall be recorded and stored when the vehicle has been driven manually and when it has been driven automatically.

#### *The application*

**Section 7.** Applications for authorisation for tests shall be submitted to the Road Directorate together with a detailed description of the test.

(2) The application must include the following:

- 1) a description of the motor vehicles included in the test,
- 2) a detailed plan for conducting the test, including the levels of automation involved,
- 3) a description of the area in which the test is to be carried out, including an indication of the road sections covered on a map annex,
- 4) a description of the traffic and weather conditions in which the test is expected to be carried out,
- 5) a description of the organisation of the test and
- 6) a comprehensive plan for the collection, registration, systematisation, storage, use, disclosure, interconnection and erasure of data generated in connection with the driving.

(3) The application must be accompanied by an assessment by an approved assessor on the consequences for road safety when carrying out the test in accordance with the rules laid down in the Order on assessors in connection with tests for self-driving motor vehicles.

#### *Authorisation*

**Section 8.** Authorisation may be granted for a period of up to 2 years. The authorisation may be renewed by the Road Directorate after consultation with the road authority, the police and any private road owners.

(2) The Road Directorate may, at any time, withdraw an authorisation for tests with the effect that the experiment must be brought to an immediate end.

#### *Punishment*

**Section 9.** The rules laid down in Chapters 17 and 18 of the Road Traffic Act on punishment and disqualification from driving, etc. shall apply when a natural person, cf. Section 5(1), in connection with manual or automated driving, has taken over the driving of the self-driving motor vehicle.

(2) The rules in Chapters 17 and 18 of the Road Traffic Act on punishment and disqualification from driving, etc. shall also apply if the natural person, cf. Section 5(1), in connection with manual or automated driving, fails to take over the driving of the self-driving motor vehicle when this is indicated by the vehicle's technical equipment, or when there is otherwise a need for it.

(3) The rules in Chapters 17 and 18 of the Road Traffic Act on punishment and disqualification from driving, etc. in connection with infringements of Sections 53 and 54 of the Road Traffic Act shall apply to a natural person, cf. Section 5(1), notwithstanding (1) and (2), at all times during automated driving.

**Section 10.** A fine shall be imposed on the authorised person in accordance with Section 118(1)(2) of the Road Traffic Act if he or she fails to comply with the conditions for authorisation granted under this Order.

**Section 11.** The authorised person may be liable to a fine for infringement of Sections 5(4) and 6 of this Order.

(2) Unless the natural person, cf. Section 5(1) incurs criminal liability, cf. Section 9(1) and (2), the authorised person shall be fined for infringement of the rules of the Road Traffic Act.

#### *Criminal liability for legal persons*

**Section 12.** Companies, etc. (legal persons) may be rendered criminally liable in accordance with the provisions of Chapter 5 of the Penal Code.

(2). Criminal liability under Section 11(2) may be imposed on the authorised person even though, within the legal person's undertaking, no infringement is attributable to one or more persons related to the legal person or the legal person as such.

#### *Right of appeal*

**Section 13.** Appeals against decisions of the Road Directorate under this Order may not be brought before the Minister for Transport or any other administrative authority.

#### *Entry into force*

**Section 14.** The Order shall enter into force on 1 July 2025.

(2) Order No 1292 of 3 December 2019 on Aalborg Municipality's tests with self-driving motor vehicles on Astrupstien and Jerupstien, Order No 206 of 16 March 2020 on Autonomous Mobility A/S' tests with self-driving motor vehicles in Copenhagen's Nordhavn, Order No 453 of 20 April 2020 on Autonomous Mobility A/S' tests with self-driving motor vehicles at Slagelse Hospital and Psychiatric Hospital Slagelse and Order No 440 of 15 March 2021 on Nobina Danmark A/S' tests with self-driving motor vehicles at DTU Campus in Lyngby are repealed.

<sup>i</sup> This draft Order has been notified in accordance with Directive 98/34/EC of the European Parliament and of the Council (the Information Procedure Directive), as amended by Directive 98/48/EC.