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## Legal aspects of "autonomous" vehicles

**Reply to Recommendation<sup>1</sup>:** Recommendation 2187 (2020)  
Committee of Ministers

1. The Committee of Ministers has examined Parliamentary Assembly [Recommendation 2187 \(2020\)](#) on "Legal aspects of "autonomous" vehicles" and has forwarded it to the Ad hoc Committee on Artificial Intelligence (CAHAI) and to the European Committee on Crime Problems (CDPC) for information and comments.
2. The Committee of Ministers fully shares the concerns of the Assembly as set out in its [Resolution 2346 \(2020\)](#) and agrees that automated driving systems or fully autonomous vehicles relying on artificial intelligence (AI) systems have a serious potential impact on the effective enjoyment of numerous human rights. They also give rise to a variety of novel challenges for regulatory regimes, in particular in relation to criminal and civil liability.
3. The Committee of Ministers recently took note of the CAHAI's feasibility study on a legal framework for the development, design and application of artificial intelligence, based on Council of Europe standards on human rights, democracy and the rule of law. The study notes that the services and products referred to as "artificial intelligence" have the potential to promote human prosperity and individual and societal well-being by enhancing progress and innovation, but at the same time concerns are rising in respect of the negative impacts resulting from different types of AI applications on human beings and society. It concludes that an appropriate legal framework would likely consist of a combination of binding and non-binding legal instruments that complement each other. The Committee of Ministers instructed the CAHAI to focus its work on the elaboration of specific elements of an appropriate legal framework, which could include a binding legal instrument, as well as non-binding instruments, as appropriate. The results are expected towards the end of the year.
4. It is recalled that the CDPC held a thematic session on AI and criminal liability in 2018 where the scope and substance of relevant national criminal laws and international law pertaining to the use of automated vehicles were addressed. After completing a feasibility study identifying the scope and the main elements of a future Council of Europe instrument on AI and criminal law, the CDPC decided, in November 2020, that a working group should be set up to draft an instrument on AI and criminal law that would focus on harm caused by automated vehicles. Specifically, this instrument should provide a means of dealing efficiently and consistently with the issue of criminal responsibility, as well as ensuring and promoting greater international co-operation and respect for fundamental rights in this area.
5. Therefore, feasibility studies have already been completed by two intergovernmental committees pointing to the need for a legal framework for artificial intelligence in general and in the specific area of autonomous vehicles. The Committee of Ministers will decide on the follow-up to be given to this work in the coming months in the context of its examination of the next Programme and Budget. In view of any possible future work in the CDPC, it encourages this committee to bear in mind the particular concerns of the Parliamentary Assembly as regards the criminal law implications of the development and introduction of autonomous vehicles and their regulation in accordance with Council of Europe standards on human rights and the rule of law, including respect for the right to life and the principle of legal certainty.

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1. Adopted at the 1408<sup>th</sup> meeting of the Ministers' Deputies (30 June 2021).

