



[Journal information](#)

[Editorial board](#)

[Back issues](#)

[Instructions to authors](#)

[Search EJTIR](#)

EJTIR Alert service

Subscribe to the EJTIR Alert service

[print deze pagina](#)

Introducing Advanced Driver Assistance Systems: Some Legal Issues

Rob van der Heijden*, ** and Kiliaan van Wees**

* Nijmegen School of Management

Nijmegen University

Nijmegen

The Netherlands

** Faculty of Technology, Policy and Management

Delft University of Technology

Delft

The Netherlands

[Full text pdf](#)

Abstract

The introduction of Advanced Driver Assistance Systems (ADAS) in road traffic induces many complex questions. One of them is whether or not present legislation frameworks are able to accommodate a smooth development and market implementation of ADAS. This is strongly related to the aspect of traffic safety. The various aspects related to this issue are categorised based on an exploration of the functionality and possible failure of ADAS. Next, some problem categories are more in-depth elaborated. In particular attention is paid to the need for establishing safety requirements to the design and marketing of ADAS as well as the issue of liability regulation. It is concluded that decision making on safety requirements mainly takes place at an international level. However, so far hardly any requirements regarding ADAS have been laid down in compulsory rules yet. It is further concluded that current legal frameworks in both the fields of vehicle safety standards and liability provide for (some) flexibility towards technical developments regarding ADAS, i.e. these frameworks do not contain many 'hard rules' obstructing the introduction of ADAS. Concerning the safety regulation of ADAS it is argued that the speed of technological developments and the innovative and specific nature of ADAS technology generate various tensions. These tensions should have consequences for the weight that is put on public and private intervention mechanisms and the relation between preventive safety standards and reactive regimes such as product liability and post-market controls.

Received: September 2001

Accepted: November 2001