

Proposal for amendments to GRVA-05-05-Rev.1

I. Proposal

Amend paragraphs 5.3.1. – 5.3.4. of the "Proposal for a new UN Regulation on uniform provisions concerning the approval of vehicles with regard to cyber security and of cybersecurity management systems" reading:

- “5.3.1. Approval Authority and its Technical Services shall be able to demonstrate they:
- have competent personnel with appropriate cyber security skills and specific automotive risk assessments knowledge and experience.
 - have implemented procedures for the uniform evaluation according to the current regulation,
 - comply with the relevant applicable standards for cyber security.
- 5.3.2. The Technical Service shall operate independently of external influences.
- 5.4.1. Before issuing the first type approval based on this Regulation, each Approval Authority shall notify the following information to Approval Authorities of all other Contracting Parties applying this Regulation and to the Chair of WP29:
- detailed description of the applicable procedures for the uniform evaluation according to the current regulation,
 - evidence of the appropriate cyber security skills and specific automotive risk assessments knowledge and experience, as well as
 - detailed description of the assessment method and pass/fail criteria to be used while applying paragraphs 5.1.; 5.3. and 6.4., for the purpose of each type approval decision.
- 5.4.2. Each Approval Authority of a Contracting Party applying this Regulation (the Approval Authority) may notify the Approval Authorities of other Contracting Parties applying this Regulation (Approval Authorities of the Parties), within 30 calendar days from the notification of the information referred to in paragraph 5.4.1., its reasoned reservations. If no such Approval Authority notifies such reservation within 30 days from the notification referred to in paragraph 5.4.1, the Approval Authority may issue type approvals under this Regulation in accordance with the notified procedures, methods and criteria. If one or several Approval Authorities of the Parties have notified reservations, the Approval Authority shall re-submit the notification in compliance with paragraph 5.4.1 to the Approval Authorities of the Parties, taking into account the comments included in the reservations received. If no reservation is notified with regard to the re-submitted notification within 14 days from this notification, the Approval Authority may issue type approvals under this Regulation in accordance with the procedures, methods and criteria described in the re-submitted notification.
- 5.4.3. If at least two Approval Authorities of the Parties notify, within 14 calendar days, reasoned reservations with regard to the notification re-submitted under paragraph 5.4.2., the Approval Authority shall not adopt UN type approvals. In this case the Approval Authority shall refer the re-submitted notification and the reservations notified pursuant to this paragraph to the Chair of the World Forum for Harmonization of Vehicle Regulations (WP.29) and to the Chair of the subsidiary Working Party as diverging interpretations within the meaning of Schedule 6 to the [1958 Agreement].
- 5.4.4. The Chair of WP.29 shall call an ad-hoc meeting of the subsidiary Working Party within three days. The participants of the subsidiary Working Party shall

take a decision on the interpretation, in line with the requirements of paragraph 3 of Schedule 6, within 14 days from the referral. If it is not possible to take a decision by consensus, the participants of the subsidiary Working Party shall decide by the majority of four-fifths of representatives of Contracting Parties to the [1958 Agreement] applying this Regulation, present and voting. Each representative of a Contracting Party shall have one vote. The representatives of the Contracting Party of the Approval Authority concerned and of the Contracting Parties the Approval Authorities of which have made reservations do not participate in the adoption of the decision.

- 5.4.5. The interpretation agreed in the Working Party shall be implemented and the approval authorities shall issue type approvals under this Regulation accordingly. If the subsidiary Working Party does not take a decision within 14 days from the referral, the Approval Authority may issue type approvals under this Regulation in accordance with the procedures, methods and criteria described in the re-submitted notification.
- 5.4.6. Each Approval Authority may, at any time, request the Chair of the WP.29 to call an ad-hoc meeting of the subsidiary Working Party, to revise the interpretation referred to in the preceding paragraph. The subsidiary Working Party adopts a decision pursuant to paragraph 5.4.4. The time limit of 14 days shall not apply.
- 5.4.7. Whenever the Approval Authority substantially modifies the procedures, methods and criteria that it applies following the procedures referred to in paragraphs 5.4.1. to 5.4.6., it shall notify the relevant information pursuant to paragraph 5.4.1. In this case, paragraphs 5.4.2. – 5.4.5. shall apply, as appropriate.
- 5.5.1. Each Approval Authority shall, prior to the adoption of the approval decision, inform other Approval Authorities of the Parties, by means of the secure internet database established by the United Nations Economic Commission for Europe (DETA), of their intention to issue a type approval pursuant to this Regulation. To this effect, the Approval Authority concerned shall notify the [draft approval decision] together with an explanation of how the assessment methods and pass/fail criteria have been applied throughout the assessment, to Approval Authorities of the Parties. The documents referred to in paragraph 3.3 and the results of the tests performed pursuant to paragraph 5.1.2. shall be open for inspection by the Approval Authorities of the Parties, except where the manufacturer notifies, with the notifying Approval Authority, opposition to the inspection of designated part of the documentation, no later than at the moment of notification.

Version 1

- [5.5.2. The approval decisions shall be subject to review by the subsidiary Working Party at its next available meeting or in an *ad hoc* dedicated meeting, adopting an opinion by consensus. The composition of the subsidiary Working Party shall guarantee sufficient cybersecurity expertise. The opinions of the subsidiary Working Party on the approval decisions and their justifications shall be public. If the opinion of the subsidiary Working Party has incidence on one or several interpretations referred to in paragraph 5.4.5, the subsidiary Working Party shall revise the interpretation pursuant to paragraph 5.4.6.]

Version 2

- [5.5.2. The approval decisions shall be subject to review by the Committee at its next available meeting, adopting an opinion by consensus. The opinions of the Committee and their justifications shall be public. If the opinion of the Committee has incidence on one or several interpretations referred to in paragraph 5.4.5, the Committee shall request the Chair of the WP29 to call an ad-hoc meeting of the subsidiary Working Party, to revise the interpretation pursuant to paragraph 5.4.6.]
- 13.1. An Oversight Committee (the Committee) consisting of the representatives of the Contracting Parties applying this Regulation or their Approval Authorities,

as well as ten independent experts designated yearly by the World Forum for Harmonization of Vehicle Regulations (WP.29) shall be established. It shall be presided by the Chair of the subsidiary Working Party. The Chair of WP29 shall call a meeting of the Committee at least four times per year.

- 13.2. Four years after entry into force of this Regulation the WP29 shall re-examine the need for the work of the Committee to be continued.]

Amend paragraphs 6.10 and 8.1.2. of the "Proposal for a new UN Regulation on uniform provisions concerning the approval of vehicles with regard to cyber security and of cybersecurity management systems" reading:

- 6.10.** ~~At~~ **In due time, permitting the Approval Authority to complete its assessment before** the end of the period of validity of the Certificate of Compliance for CSMS, **the manufacturer shall apply for a new or for the extension of the existing Certificate of Compliance for CSMS.** The Approval Authority shall, ~~after~~ **subject to a positive assessment**, issue a new Certificate of Compliance for CSMS or extend its validity for a further period of three years. The Approval Authority shall **verify that the CSMS continue to comply with the requirements of this regulation. The type approval authority shall** issue a new certificate in cases where changes have been brought to the attention of the Approval Authority or its Technical Service and the changes have been positively re-assessed.
- 6.11.** The expiry or withdrawal of the manufacturer's Certificate of Compliance for CSMS shall be considered, with regard to the vehicle types to which the CSMS concerned was relevant, as modification of approval, as referred to in paragraph 8, **which may include the withdrawal of the approval if the conditions for granting the approval are not met anymore.**
- 8.1.2.** **Proceed to necessary complementary assessment pursuant to section 5, and** require, **where relevant**, a further test report from the Technical Service responsible for conducting the tests.

Amend paragraphs 3.7.1. and 3.7.4.. of the "Proposal for a new UN Regulation on uniform provisions concerning the approval of vehicles with regard to cyber security and of cybersecurity management systems" reading:

- "3.7.1.** The manufacturer shall have a valid Certificate of Compliance for the Cyber Security Management System relevant to the vehicle type being approved.
- However, **for type approvals prior to 1/07/2024**, if the vehicle manufacturer can demonstrate that the vehicle type could not be developed in compliance with the CSMS, because it was fully developed **before 1/07/2022** ~~[time] after entry into force of this Regulation~~, then the vehicle manufacturer shall demonstrate that cyber security was adequately considered during the development phase **of the vehicle type concerned.**"
- "3.7.4.** The vehicle manufacturer shall protect critical elements of the vehicle type against risks identified in the vehicle manufacturer's risk assessment. Proportionate mitigations shall be implemented to protect such elements. The mitigations implemented shall include all mitigations referred to in Annex 5, Part B and C which are relevant for the risks identified. However, if a mitigation referred to in Annex 5, Part B or C, is not relevant or not sufficient **for the risks identified**, the vehicle manufacturer shall ensure that another appropriate mitigation is implemented."

II. Justification

1.

The proposed paragraphs 5.3.1 – 5.5.2. are a compromise between proposals by the EC & Germany, France and Russia. Paragraphs 5.3.1. – 5.3.2. originate in the French proposal. They formulate the requirement to have appropriate skills and procedures for every Approval Authority and their Technical Service (if the Authority relies on the services of the latter).

Paragraphs 5.4.1 – 5.4.7. provide for mandatory peer review, but limited to the Approval Authority's skills, procedures and assessment methods and pass/fail criteria. The review would take place before the first type approval. These provisions concretise the requirements of Schedule 6 and adapt it to the context of the CS Regulation.

Paragraphs 5.5.1-5.5.2 combine certain elements of the proposal by the EC & Germany and of the Russian Federation. The obligation to inform about intended type approvals and to open the documentation for inspection remains, but has no suspensive effect. The review of decisions takes place only 2-4 times per year and has no incidence on the validity of the type approvals.

The proposal addresses the concerns raised by some Parties and by the industry: there will be no uncertainty and delay as regards the adoption of individual type approvals, the initial assessment of the skills, procedures, methods and pass/fail criteria is limited in time and does not need to be repeated before each individual type approval.

2.

Amendments to paragraphs 6.10., 6.11. and 8.1.2. are aimed, respectively at minimizing the risk of expiry of the CSMS Certificate before issuing of a new Certificate, clarifying that the application of section 8 may result, in this context, in a withdrawal of the certificate and adapting paragraph 8.1.2 to situations where compliance of a modification cannot be assessed solely by means of additional tests.

3.

Amendment to paragraph 7.3.1. aims at taking into account the concerns of the industry related to architectures that will be fully developed after entry into force of the Regulation, but for which it was impossible to apply the CSMS at the development stage. However, the exemptions should be limited to type approvals granted before 1/07/2024.

Amendment to paragraph 7.3.4. aims only at clarifying the existing text.
