

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.x. 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,

5.3.x. The Technical Service shall operate independently of external influences.

5.3.1. Each Approval Authority intending to grant a type approval pursuant to this Regulation shall notify other Approval Authorities through DETA of the method and criteria employed to assess the appropriateness of the measures taken in accordance with this regulation and in particular in paragraphs 5.1, 5.3.x (technical services), 7.2 and 7.3. This information shall be sufficient to understand what minimum performance levels the Approval Authority adopted for each specific requirement referred to in these paragraphs, as well as processes and measures it applied to verify that these minimum performance levels were met. Any relevant documents supporting this interpretation shall be open in DETA.

5.3.2. Each Contracting Party applying this Regulation may notify within 14 calendar days from the notification in 5.3.1 its comments with regard to the method and criteria of assessment referred to in paragraph 5.3.1. The approval authority having taken account of any comments received, can then grant approvals in accordance with this new interpretation.

5.3.3. If it is not possible for the granting type approval authorities to take into account the comments received in accordance with paras. 5.3.2, the granting approval authority shall refer the notification referred to in paragraph 5.3.1. and the comments referred to in paragraph 5.3.2. 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. The subsidiary Working Party shall agree on a common interpretation in accordance with the provisions of Schedule 6 to the 1958 Agreement. The interpretation agreed by the Working Party shall be implemented and approval authorities shall issue type approvals under this Regulation accordingly

5.3.3. If it is not possible for the granting type approval authorities to take into account the comments received, the granting type approval authority shall refer the notification referred to in paragraph 5.3.1. and the comments referred to in paragraph 5.3.2. 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]. The subsidiary Working Party shall decide on the interpretation at an ad-hoc meeting, within 14 days from the referral. The interpretation agreed in the Working Party shall be implemented and approval authorities shall issue type approvals under this Regulation accordingly

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.

Paragraph 7.3.1., amend to read:

- 7.3.1. 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 [time] after entry into force of this Regulation, then~~ the vehicle manufacturer shall demonstrate that cyber security was adequately considered during the development phase.]

Paragraph 7.3.4., amend to read:

- “7.3.4. 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~~ **vehicle type**. 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 risk identified**, the vehicle manufacturer shall ensure that another appropriate mitigation is implemented.
- In particular, for type approvals prior to 1/07/2024, the vehicle manufacturer shall ensure that another appropriate mitigation is implemented if a mitigation measure referred to in Annex 5, Part B or C is technically not feasible because the vehicle type was fully developed latest until [48 month] after entry into force of this Regulation. The respective assessment of the technical feasibility shall be provided by the manufacturer to the approval authority.”**