

Comments to ECE/TRANS/WP.29/GRVA/2021/5

I. Context

The expert from the Russian Federation tabled the following proposal ECE/TRANS/GRVA/2021/5 for a supplement to UN Regulation No. 155 (Cyber security and cyber security management system). The modifications of the existing Regulation are marked in **bold**:

Paragraph 5.3.5., amend to read:

“5.3.5. *If it is not possible for the granting Approval Authority to take into account the comments received in accordance with paragraph 5.3.4., the Approval Authorities having sent comments and the granting Approval Authority shall seek further clarification in accordance with Schedule 6 to the 1958 Agreement. The relevant subsidiary Working Party of the World Forum for Harmonization of Vehicle Regulations (WP.29) for this Regulation shall agree on a common interpretation of methods and criteria of assessment. That common interpretation shall be implemented and all Approval Authorities shall issue type approvals under this Regulation accordingly. **Until such common interpretation is reached Approval Authorities shall refrain from granting type approvals related to the received comments.**”*

Justification:

The provision in paragraph 5.3.5. may need clarification on what the granting Approval Authority should do, if that Authority can't take into account the comments received as per paragraph 5.3.4. Should it continue processing with granting the approval or postpone granting? The proposal is to clarify that the Approval Authority should postpone granting the approval until the agreement on the common interpretation of the questioned issue is reached.

II. Comments by the experts from OICA and CLEPA

Respect of the procedures established by the 1958 Agreement

- Paragraph 5.3.5. refers to Schedule 6 of the 1958 Agreement. The procedures of Schedule 6 are defined in the Revision 3 of the 1958 Agreement: [link](#).
- Today, Schedule 6 does not forbid a Contracting Party to grant an approval during the arbitration process per paragraph 3 of Schedule 6 (when consensus could not be reached after 14 days).
- A UN Regulation should not diverge from the provisions of the 1958 Agreement; a UN Regulation is not the appropriate place to define how Schedule 6 shall be understood.
- If any change was deemed necessary, WP.29 is the proper place to discuss a potential proposal to amend Schedule 6.

Industry need for clarity

- CLEPA and OICA ask the Authorities to communicate their methods and criteria, as soon as possible, in order to get clarity with regard to their application of the requirements.
 - Industry needs to have certainty about the timing from which authorities can grant type approvals. The proposal in ECE/TRANS/GRVA/2021/5 would add additional uncertainty and jeopardise a robust planning.
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