Dear all,

Thank you for giving us the opportunity to comment informally the achieved work of the TF CS-OTA.

We would like to point out that the actual chosen approach for the cyber security regulation raises the following concerns:

1.       Cyber Security threats are constantly evolving in time and highly dynamic. A secure system at the moment T, may be outdated, and therefore unsecure, at the moment T+x days. The type approval approach has been designed initially for mechanical functions that are not influenced by a fast changing environment. Software solutions are much more complex and do include decision making processes. Our requirement is that manufacturers should make sure their systems are secure at any time and take responsibility for it. To do so, we suggest the TF to shift the regulation to a self-certification approach. This new approach should be based on general common requirements including adequate and effective control mechanisms for public authorities.

2.       In case of emerging threats concerning software solutions, a type approval system is less flexible than a self-certification approach as the responsibility lies up to the government which issued the homologation. As a consequence it may take too much time to prevent upcoming misuse or deterioration of software systems and data bases. In a self-certification approach, the manufacturer is allowed to react immediately and without any further delay and additional enquiries to governmental bodies.

3.       We are regretting that the addressed requirements for monitoring and the maintenance of sold vehicles in post-production phase are only mentioned as recommendation in the current draft-regulation (e.g. para. 7.6.1.). This includes the risk that vehicles in post-production phase do not get cyber security updates and therefore represent a danger for people and the traffic system. Our requirement to have safe and cyber secure vehicles over their whole life cycle time is therefore not fulfilled.

Best regards,

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