



## Guidelines for data security examination in accordance with Article 8b of the Electricity Supply Ordinance

### 1. Purpose

These guidelines provide information on the data security examination in accordance with Article 8b of the Electricity Supply Ordinance (ESO; SR 734.71). They are aimed first and foremost at persons such as manufacturers or importers wishing to have elements of an intelligent measurement system tested with respect to data security.

### 2. Terminology

The meaning of the terms used in these guidelines is as follows:

- a. *Applicant*: The person requesting METAS-Cert to examine an element of an intelligent measurement system for the purpose of ensuring data security.
- b. *METAS-Cert*: The METAS business unit responsible for managing the data security examination process.
- c. *Test laboratory*: The laboratory of METAS or a third party carrying out the technical testing of an element of an intelligent measurement system for the purpose of ensuring data security.
- d. *Data security examination*: The process in which an element of an intelligent measurement system is tested for the purpose of ensuring data security.
- e. *Data security certificate*: The METAS ruling confirming that an element of an intelligent measurement system has been successfully tested for the purpose of ensuring data security.

### 3. Data security examination procedure

- 3.1 The applicant initiates the data security examination with an application to METAS-Cert. Using the form provided by METAS-Cert, he specifies which element of an intelligent measurement system he wishes to have tested with respect to data security in accordance with Article 8a ESO and the test laboratory with which he wishes to work.
- 3.2 METAS-Cert shall examine the application and consult with the applicant in the event of any ambiguities. Thereafter METAS-Cert shall provide the applicant with the documentation needed for the data security examination application.
- 3.3 The applicant submits the data security examination application to METAS-Cert based on the documentation provided to him.
- 3.4 METAS-Cert formally examines the application and consults with the applicant in the event of any ambiguities. Thereafter METAS-Cert sends the applicant a letter of engagement. The letter of engagement specifies in particular what contribution the applicant is required to make to the ongoing process and the name of his contact person at METAS-Cert.
- 3.5 The applicant examines the letter of engagement and expresses his agreement or consults with METAS-Cert in the event of ambiguities.
- 3.6 Once the applicant has expressed his agreement with the letter of engagement, METAS-Cert shall undertake a material check of the application. METAS-Cert shall inform the applicant on the result of the testing as follows:
  - a. By submitting a draft data security certificate if the testing was successful.
  - b. By notifying the results if the testing was not successful.

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- 3.7 The applicant examines the information from METAS-Cert and notifies METAS-Cert as to how he wishes to proceed:
- a. If the testing is successful, he has the option either to declare his agreement with the draft of the data security certificate or to state which changes he wishes to see in it.
  - b. If the testing is not successful, he shall state what conclusions he draws from the test result. In particular, he may withdraw his application or submit proposals for rectification of the deficiencies identified.
- 3.8 METAS-Cert examines the applicant's response and proceeds as follows:
- a. In the event of successful testing, METAS-Cert issues the data security certificate as soon as a draft agreed with the applicant is available.
  - b. In the event of unsuccessful testing, METAS-Cert terminates the process if the applicant has withdrawn the application or consults with the applicant if he wishes to continue the process.
4. Test laboratories
- 4.1 In conducting the data security examination, METAS-Cert may rely on the work of third-party test laboratories provided these test laboratories are accredited with an area of applicability relevant for the data security examination in accordance with standard ISO/IEC 17025, can demonstrate reference projects on penetration tests of Internet of Things components and are able to satisfy the following requirements:
- a. The test laboratory is certified in accordance with standard ISO/IEC 27001.
  - b. The test laboratory is certified in accordance with the Common Criteria for Information Technology Security Evaluation.
  - c. The test laboratory has another equivalent qualification.
- 4.2 Test laboratories are appointed:
- a. By the applicant at his own expense when the test laboratory concerned is operated by a third party.
  - b. By METAS-Cert at the applicant's expense if it is a METAS test laboratory.
- 4.3 If the applicant appoints a third-party test laboratory, he shall agree the following with this test laboratory:
- a. The test laboratory agrees to provide METAS-Cert with evidence of its competence, to respond to queries by METAS-Cert and to grant onsite access for any possible assessments by METAS-Cert.
  - b. The test laboratory undertakes to submit documentation for the data security examination in accordance with METAS-Cert specifications.
- 4.4 The appointed test laboratory shall prepare a report on the testing conducted and submit it to METAS-Cert in the name of the applicant.
5. Period of validity of the data security certificate
- 5.1 The data security certificate is valid for 5 years from the date of issue. It may then be extended for a further 5 years provided the data security is guaranteed. METAS may shorten the time periods should this be deemed necessary to ensure data security.
- 5.2 During the period of validity of the data security certificate, the applicant shall inform METAS-Cert in respect of all changes that might jeopardise data security. METAS-Cert shall decide as to whether the change calls for supplementary testing and an addendum to the data security certificate.
- 5.3 METAS may revoke the data security certificate during its period of validity if data security is no longer guaranteed.
- 5.4 METAS shall publish the issue, amendment, revocation and expiration of the data security certificates.

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## 6. Document transmission

The applicant and the test laboratory transmit the documentation for the data security examination in accordance with the METAS-Cert specifications.

## 7. Cost of the data security examination

METAS levies fees for the data security examination in accordance with the Ordinance of 5 July 2006 on the Fees charged by the Federal Institute of Metrology (FeeO-METAS; SR 941.298.2).

## 8. Procedure in the event of disputes

8.1 In the event of disputes on the data security examination, METAS-Cert and the applicant shall seek a mutually acceptable solution.

8.2 If no agreement can be reached, METAS shall issue a ruling. The process shall be governed by the Federal Act of 20 December 1968 on Administrative Procedure (APA; SR 172.021).

## 9. Liability

METAS shall be liable in accordance with the Government Liability Act of 14 March 1958 (GLA; SR 170.32).

Bern-Wabern, 27 May 2019