



Brussels, 11 September 2018
(OR. en)

12058/18

**Interinstitutional File:
2017/0225(COD)**

**CYBER 184
TELECOM 276
CODEC 1443
COPEN 288
COPS 308
COSI 189
CSC 250
CSCI 122
IND 235
JAI 870
JAIEX 100
POLMIL 130
RELEX 730**

NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on ENISA, the "EU Cybersecurity Agency", and repealing Regulation (EU) 526/2013, and on Information and Communication Technology cybersecurity certification("Cybersecurity Act")
- Preparation of the first informal trilogue

The first three columns of the annexed four column table contain respectively the Commission's proposal, the European Parliament's position (using the numbering of the amendments contained in the report adopted by ITRE on 10 July 2018) and the Council's position as agreed on 8 June 2018. The fourth column will contain comments and possible comprise suggestions following the trilogues.

ANNEX

COM(2017) 477	EP Position / First Reading	Council General Approach (08/06/2018)	Comments
Proposal for a	Proposal for a	Proposal for a	
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on ENISA, the "EU Cybersecurity Agency", and repealing Regulation (EU) 526/2013, and on Information and Communication Technology cybersecurity certification ("Cybersecurity Act")	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on ENISA, the "EU Cybersecurity Agency", and repealing Regulation (EU) 526/2013, and on Information and Communication Technology cybersecurity certification ("Cybersecurity Act")	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on ENISA, the " <i>EU Cybersecurity European Union Agency for Cybersecurity</i> ", and repealing Regulation (EU) 526/2013, and on Information and Communication Technology cybersecurity certification ("Cybersecurity Act")	

<p>Whereas:</p> <p>(1) Network and information systems and telecommunications networks and services play a vital role for society and have become the backbone of economic growth. Information and communications technology underpins the complex systems which support societal activities, keep our economies running in key sectors such as health, energy, finance and transport, and in particular support the functioning of the internal market.</p>	<p>(1) Network and information systems and telecommunications networks and services play a vital role for society and have become the backbone of economic growth. Information and communications technology (<i>ICT</i>) underpins the complex systems which support <i>everyday</i> societal activities, keep our economies running in key sectors such as health, energy, finance and transport, and in particular support the functioning of the internal market. [Am. 1]</p>	<p>Whereas:</p> <p>(1) Network and information systems and telecommunications networks and services play a vital role for society and have become the backbone of economic growth. Information and communications technology underpins the complex systems which support societal activities, keep our economies running in key sectors such as health, energy, finance and transport, and in particular support the functioning of the internal market.</p>	
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<p>(2) The use of network and information systems by citizens, businesses and governments across the Union is now pervasive. Digitisation and connectivity are becoming core features in an ever growing number of products and services and with the advent of the Internet of Things (IoT) millions, if not billions, of connected digital devices are expected to be deployed across the EU during the next decade. While an increasing number of devices are connected to the Internet, security and resilience are not sufficiently built in by design, leading to insufficient cybersecurity. In this context, the limited use of certification leads to insufficient information for organisational and individual users about the cybersecurity features of ICT products and services, undermining trust in digital solutions.</p>	<p>(2) The use of network and information systems by citizens, businesses and governments across the Union is now pervasive. Digitisation and connectivity are becoming core features in an ever growing number of products and services and with the advent of the Internet of Things (IoT) millions, if not billions, of connected digital devices are expected to be deployed across the EU during the next decade. While an increasing number of devices are connected to the Internet, security and resilience are not sufficiently built in by design, leading to insufficient cybersecurity. In this context, the limited use of certification leads to insufficient information for organisational and individual users about the cybersecurity features of ICT products and services, undermining trust in digital solutions.</p>	<p>(2) The use of network and information systems by citizens, businesses and governments across the Union is now pervasive. Digitisation and connectivity are becoming core features in an ever growing number of products and services and with the advent of the Internet of Things (IoT) millions, if not billions, of connected digital devices are expected to be deployed across the EU during the next decade. While an increasing number of devices are connected to the Internet, security and resilience are not sufficiently built in by design, leading to insufficient cybersecurity. In this context, the limited use of certification leads to insufficient information for organisational and individual users about the cybersecurity features of ICT products and services, undermining trust in digital solutions.</p>	
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	<p><i>This ambition is at the heart of the European Commission's reform agenda to achieve a digital single market as ICT networks provide the backbone for digital products and services which have the potential to support all aspects of our lives and drive Europe's economic growth. To ensure that the objectives of the digital single market are fully achieved the essential technology building blocks on which important areas such as eHealth, IoT, Artificial Intelligence, Quantum technology as well as intelligent transport system and advanced manufacturing rely must be in place. [Am. 2]</i></p>		
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<p>(3) Increased digitisation and connectivity lead to increased cybersecurity risks, thus making society at large more vulnerable to cyber threats and exacerbating dangers faced by individuals, including vulnerable persons such as children. In order to mitigate this risk to society, all necessary actions need to be taken to improve cybersecurity in the EU to better protect network and information systems, telecommunication networks, digital products, services and devices used by citizens, governments and business – from SMEs to operators of critical infrastructures – from cyber threats.</p>	<p>(3) Increased digitisation and connectivity lead to increased cybersecurity risks, thus making society at large more vulnerable to cyber threats and exacerbating dangers faced by individuals, including vulnerable persons such as children. In order to mitigate this risk to society, all necessary actions need to be taken to improve cybersecurity in the EU to better protect network and information systems, telecommunication networks, digital products, services and devices used by citizens, governments and business – from SMEs to operators of critical infrastructures – from cyber threats.</p>	<p>(3) Increased digitisation and connectivity lead to increased cybersecurity risks, thus making society at large more vulnerable to cyber threats and exacerbating dangers faced by individuals, including vulnerable persons such as children. In order to mitigate this risk to society, all necessary actions need to be taken to improve cybersecurity in the EU to better protect network and information systems, telecommunication networks, digital products, services and devices used by citizens, governments and business – from SMEs to operators of critical infrastructures – from cyber threats.</p>	
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	<p><i>In this respect the Digital Education Action Plan published by the European Commission on 17 January 2018 is a step in the right direction, in particular the EU-wide awareness-raising campaign targeting educators, parents and learners to foster online safety, cyber hygiene and media literacy as well as the cybersecurity teaching initiative building on the Digital Competence Framework for Citizens, to empower people to use technology confidently and responsibly. [Am. 3]</i></p>		
	<p><i>(3 a) Believes that the objectives and tasks of ENISA should be further aligned with the Joint Communication with regards to its reference to the promotion of cyber hygiene and awareness; notes that cyber resilience can be achieved by implementing basic cyber hygiene principles; [Am. 4]</i></p>		

	<p><i>(3b) ENISA should give more practical and information-based support to the Union cybersecurity industry, in particular SMEs and start-ups, which are key sources of innovative solutions in the area of cyber defence, and should promote closer cooperation with university research organisations and large players with a view to reducing dependencies on cybersecurity products from external sources and to creating a strategic supply chain inside the Union. [Am. 5]</i></p>		
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<p>(4) Cyber-attacks are on the increase and a connected economy and society that is more vulnerable to cyber threats and attacks requires stronger defences. However, while cyber-attacks are often cross-border, policy responses by cybersecurity authorities and law enforcement competences are predominantly national. Large-scale cyber incidents could disrupt the provision of essential services across the EU. This requires effective EU level response and crisis management, building upon dedicated policies and wider instruments for European solidarity and mutual assistance. Moreover, a regular assessment of the state of cybersecurity and resilience in the Union, based on reliable Union data, as well as systematic forecast of future developments, challenges and threats, both at Union and global level, is therefore important for policy makers, industry and users.</p>	<p>(4) Cyber-attacks are on the increase and a connected economy and society that is more vulnerable to cyber threats and attacks requires stronger <i>and more secure</i> defences. However, while cyber-attacks are often cross-border, policy responses by cybersecurity authorities and law enforcement competences are predominantly national. Large-scale cyber incidents could disrupt the provision of essential services across the EU. This requires effective EU level response and crisis management, building upon dedicated policies and wider instruments for European solidarity and mutual assistance. <i>Training needs in the area of cyber defence are substantial and increasing, and are most efficiently met cooperatively at Union level.</i> Moreover, a regular assessment of the state of cybersecurity and resilience in the Union, based on reliable Union data, as well as systematic forecast of future developments, challenges and threats, both at Union and global level, is therefore important for policy makers, industry and users.</p> <p>[Am. 6]</p>	<p>(4) Cyber-attacks are on the increase and a connected economy and society that is more vulnerable to cyber threats and attacks requires stronger defences. However, while cyber-attacks are often cross-border, policy responses by cybersecurity authorities and law enforcement competences are predominantly national. Large-scale cyber incidents could disrupt the provision of essential services across the EU. This requires effective EU level response and crisis management, building upon dedicated policies and wider instruments for European solidarity and mutual assistance. Moreover, a regular assessment of the state of cybersecurity and resilience in the Union, based on reliable Union data, as well as systematic forecast of future developments, challenges and threats, both at Union and global level, is therefore important for policy makers, industry and users.</p>	
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<p>(5) In light of the increased cybersecurity challenges faced by the Union, there is a need for a comprehensive set of measures that would build on previous Union action and foster mutually reinforcing objectives. These include the need to further increase capabilities and preparedness of Member States and businesses, as well as to improve cooperation and coordination across Member States and EU institutions, agencies and bodies. Furthermore, given the borderless nature of cyber threats, there is a need to increase capabilities at Union level that could complement the action of Member States, in particular in the case of large scale cross-border cyber incidents and crises..</p>	<p>(5) In light of the increased cybersecurity challenges faced by the Union, there is a need for a comprehensive set of measures that would build on previous Union action and foster mutually reinforcing objectives. These include the need to further increase capabilities and preparedness of Member States and businesses, as well as to improve cooperation and coordination <i>and information sharing</i> across Member States and EU institutions, agencies and bodies. Furthermore, given the borderless nature of cyber threats, there is a need to increase capabilities at Union level that could complement the action of Member States, in particular in the case of large scale cross-border cyber incidents and crises, <i>while underlining the importance of maintaining and further enhancing the national capabilities to respond to cyber threats of all scales.</i></p>	<p>(5) In light of the increased cybersecurity challenges faced by the Union, there is a need for a comprehensive set of measures that would build on previous Union action and foster mutually reinforcing objectives. These include the need to further increase capabilities and preparedness of Member States and businesses, as well as to improve cooperation and coordination across Member States and EU institutions, agencies and bodies. Furthermore, given the borderless nature of cyber threats, there is a need to increase capabilities at Union level that could complement the action of Member States, in particular in the case of large scale cross-border cyber incidents and crises.</p>	
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<p>Additional efforts are also needed to increase awareness of citizens and businesses on cybersecurity issues. Moreover, the trust in the digital single market should be further improved by offering transparent information on the level of security of ICT products and services. This can be facilitated by EU-wide certification providing common cybersecurity requirements and evaluation criteria across national markets and sectors</p>	<p>Additional efforts are also needed to <i>deliver a co-ordinated EU response and</i> increase awareness of citizens and businesses on cybersecurity issues. Moreover, <i>the given that cyber incidents undermine trust in digital service providers and</i> in the digital single market <i>itself, especially among consumers, trust</i> should be further improved by offering transparent information on the level of security of ICT products <i>and, processes and</i> services <i>stressing that even a high level of cybersecurity certification cannot guarantee an ICT product or service is completely safe.</i> This can be facilitated by EU-wide certification providing common cybersecurity requirements and evaluation criteria across national markets and sectors</p>	<p>Additional efforts are also needed to increase awareness of citizens and businesses on cybersecurity issues. Moreover, the trust in the digital single market should be further improved by offering transparent information on the level of security of ICT products and services. This can be facilitated by EU-wide certification providing common cybersecurity requirements and evaluation criteria across national markets and sectors.</p>	
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	<p><i>as well as promoting cyber literacy. Alongside Union-wide certification and given the growing availability of IoT devices, there are a range of voluntary measures that the private sector should take to reinforce trust in the security of ICT products, processes and services, such as encryption and block chain technologies. The challenges faced should be proportionally reflected in the budget allocated to the Agency, so as to ensure the optimal functionality under the current circumstances.</i> [Am. 7]</p>		
	<p><i>(5a) For the purpose of strengthening European security and cyber defence structures, it is important to maintain and develop the capabilities of Member States to comprehensively respond to cyber threats, including cross-border incidents while coordination on EU-level by the Agency should not lead to the diminishing of capabilities or efforts in the Member States.</i> [Am. 8]</p>		

	<p><i>(5b) Businesses as well as individual consumers should have accurate information regarding the level of security of their ICT products. At the same time, it has to be understood that no product is cyber secure and that basic rules of cyber hygiene have to be promoted and prioritised.</i></p> <p>[Am. 9]</p>		
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<p>(6) In 2004, the European Parliament and the Council adopted Regulation (EC) No 460/2004 establishing ENISA with the purpose of contributing to the goals of ensuring a high level of network and information security within the Union, and developing a culture of network and information security for the benefit of citizens, consumers, enterprises and public administrations. In 2008, the European Parliament and the Council adopted Regulation (EC) No 1007/2008 extending the mandate of the Agency until March 2012..</p>	<p>(6) In 2004, the European Parliament and the Council adopted Regulation (EC) No 460/2004¹ establishing ENISA with the purpose of contributing to the goals of ensuring a high level of network and information security within the Union, and developing a culture of network and information security for the benefit of citizens, consumers, enterprises and public administrations. In 2008, the European Parliament and the Council adopted Regulation (EC) No 1007/2008² extending the mandate of the Agency until March 2012.</p>	<p>(6) In 2004, the European Parliament and the Council adopted Regulation (EC) No 460/2004 establishing ENISA with the purpose of contributing to the goals of ensuring a high level of network and information security within the Union, and developing a culture of network and information security for the benefit of citizens, consumers, enterprises and public administrations. In 2008, the European Parliament and the Council adopted Regulation (EC) No 1007/2008 extending the mandate of the Agency until March 2012.</p>	
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¹ Regulation (EC) No 460/2004 of the European Parliament and of the Council of 10 March 2004 establishing the European Network and Information Security Agency (OJ L 77, 13.3.2004, p. 1).

² Regulation (EC) No 1007/2008 of the European Parliament and of the Council of 24 September 2008 amending Regulation (EC) No 460/2004 establishing the European Network and Information Security Agency as regards its duration (OJ L 293, 31.10.2008, p. 1).

<p>Regulation (EC) No 580/2011 extended further the mandate of the Agency until 13 September 2013. In 2013, the European Parliament and the Council adopted Regulation (EU) No 526/2013 concerning ENISA and repealing Regulation (EC) No 460/2004, which extended the Agency's mandate until June 2020.</p>	<p>Regulation (EC) No 580/2011³ extended further the mandate of the Agency until 13 September 2013. In 2013, the European Parliament and the Council adopted Regulation (EU) No 526/2013⁴ concerning ENISA and repealing Regulation (EC) No 460/2004, which extended the Agency's mandate until June 2020.</p>	<p>Regulation (EC) No 580/2011 extended further the mandate of the Agency until 13 September 2013. In 2013, the European Parliament and the Council adopted Regulation (EU) No 526/2013 concerning ENISA and repealing Regulation (EC) No 460/2004, which extended the Agency's mandate until June 2020.</p>	
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³ Regulation (EU) No 580/2011 of the European Parliament and of the Council of 8 June 2011 amending Regulation (EC) No 460/2004 establishing the European Network and Information Security Agency as regards its duration (OJ L 165, 24.6.2011, p. 3).

⁴ Regulation (EU) No 526/2013 of the European Parliament and of the Council of 21 May 2013 concerning the European Union Agency for Network and Information Security (ENISA) and repealing Regulation (EC) No 460/2004 (OJ L 165, 18.6.2013, p.41).

<p>(7) The Union has already taken important steps to ensure cybersecurity and increase trust in digital technologies. In 2013, an EU Cybersecurity Strategy was adopted to guide the Union's policy response to cybersecurity threats and risks. In its effort to better protect Europeans online, in 2016 the Union adopted the first legislative act in the area of cybersecurity, the Directive (EU) 2016/1148 concerning measures for a high common level of security of network and information systems across the Union (the "NIS Directive").</p>	<p>(7) The Union has already taken important steps to ensure cybersecurity and increase trust in digital technologies. In 2013, an EU Cybersecurity Strategy was adopted to guide the Union's policy response to cybersecurity threats and risks. In its effort to better protect Europeans online, in 2016 the Union adopted the first legislative act in the area of cybersecurity, the Directive (EU) 2016/1148 concerning measures for a high common level of security of network and information systems across the Union (the "NIS Directive").</p>	<p>(7) The Union has already taken important steps to ensure cybersecurity and increase trust in digital technologies. In 2013, an EU Cybersecurity Strategy was adopted to guide the Union's policy response to cybersecurity threats and risks. In its effort to better protect Europeans online, in 2016 the Union adopted the first legislative act in the area of cybersecurity, the Directive (EU) 2016/1148 concerning measures for a high common level of security of network and information systems across the Union (the "NIS Directive").</p>	
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<p>The NIS Directive put in place requirements concerning national capabilities in the area of cybersecurity, established the first mechanisms to enhance strategic and operational cooperation between Member States, and introduced obligations concerning security measures and incident notifications across sectors which are vital for economy and society such as energy, transport, water, banking, financial market infrastructures, healthcare, digital infrastructure as well as key digital service providers (search engines, cloud computing services and online marketplaces).</p>	<p><i>The NIS Directive put, the success of which depends heavily on the effective implementation by Member States, fulfils the digital single market strategy and together with other instruments, such as the Directive establishing the European Electronic Communications Code, Regulation (EU) 2016/679 and Directive 2002/58/EC, puts in place requirements concerning national capabilities in the area of cybersecurity, established the first mechanisms to enhance strategic and operational cooperation between Member States, and introduced obligations concerning security measures and incident notifications across sectors which are vital for economy and society such as energy, transport, water, banking, financial market infrastructures, healthcare, digital infrastructure as well as key digital service providers (search engines, cloud computing services and online marketplaces).</i></p>	<p>The NIS Directive put in place requirements concerning national capabilities in the area of cybersecurity, established the first mechanisms to enhance strategic and operational cooperation between Member States, and introduced obligations concerning security measures and incident notifications across sectors which are vital for economy and society such as energy, transport, water, banking, financial market infrastructures, healthcare, digital infrastructure as well as key digital service providers (search engines, cloud computing services and online marketplaces).</p>	
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A key role was attributed to ENISA in supporting implementation of this Directive. In addition, effective fight against cybercrime is an important priority in the European Agenda on Security, contributing to the overall aim of achieving a high level of cybersecurity.	A key role was attributed to ENISA in supporting implementation of this Directive. In addition, effective fight against cybercrime is an important priority in the European Agenda on Security, contributing to the overall aim of achieving a high level of cybersecurity. [Am. 10]	A key role was attributed to ENISA in supporting implementation of this Directive. In addition, effective fight against cybercrime is an important priority in the European Agenda on Security, contributing to the overall aim of achieving a high level of cybersecurity.	
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<p>(8) It is recognised that, since the adoption of the 2013 EU Cybersecurity Strategy and the last revision of the Agency's mandate, the overall policy context has changed significantly, also in relation to a more uncertain and less secure global environment. In this context and within the framework of the new Union cybersecurity policy, it is necessary to review the mandate of ENISA to define its role in the changed cybersecurity ecosystem and ensure it contributes effectively to the Union's response to cybersecurity challenges emanating from this radically transformed threat landscape, for which, as recognised by the evaluation of the Agency, the current mandate is not sufficient.</p>	<p>(8) It is recognised that, since the adoption of the 2013 EU Cybersecurity Strategy and the last revision of the Agency's mandate, the overall policy context has changed significantly, also in relation to a more uncertain and less secure global environment. In this context <i>and in the context of the positive role the Agency has played over the years in the pooling of expertise, coordination, capacity building</i> and within the framework of the new Union cybersecurity policy, it is necessary to review the mandate of ENISA to define its role in the changed cybersecurity ecosystem and ensure it contributes effectively to the Union's response to cybersecurity challenges emanating from this radically transformed threat landscape, for which, as recognised by the evaluation of the Agency, the current mandate is not sufficient. [Am. 11]</p>	<p>(8) It is recognised that, since the adoption of the 2013 EU Cybersecurity Strategy and the last revision of the Agency's mandate, the overall policy context has changed significantly, also in relation to a more uncertain and less secure global environment. In this context and within the framework of the new Union cybersecurity policy, it is necessary to review the mandate of ENISA to define its role in the changed cybersecurity ecosystem and ensure it contributes effectively to the Union's response to cybersecurity challenges emanating from this radically transformed threat landscape, for which, as recognised by the evaluation of the Agency, the current mandate is not sufficient.</p>	
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<p>(9) The Agency established by this Regulation should succeed ENISA as established by Regulation (EU) No 526/2013. The Agency should carry out the tasks conferred on it by this Regulation and legal acts of the Union in the field of cybersecurity by, among other things, providing expertise and advice and acting as a Union centre of information and knowledge. It should promote the exchange of best practices between Member States and private stakeholders, offering policy suggestions to the European Commission and Member States, acting as a reference point for Union sectoral policy initiatives with regard to cybersecurity matters, fostering operational cooperation between the Member States and between the Member States and the European institutions, agencies and bodies.</p>	<p>(9) The Agency established by this Regulation should succeed ENISA as established by Regulation (EU) No 526/2013. The Agency should carry out the tasks conferred on it by this Regulation and legal acts of the Union in the field of cybersecurity by, among other things, providing expertise and advice and acting as a Union centre of information and knowledge. It should promote the exchange of best practices between Member States and private stakeholders, offering policy suggestions to the European Commission and Member States, acting as a reference point for Union sectoral policy initiatives with regard to cybersecurity matters, fostering operational cooperation between the Member States and between the Member States and the EU institutions, agencies and bodies.</p>	<p>(9) The Agency established by this Regulation should succeed ENISA as established by Regulation (EU) No 526/2013. The Agency should carry out the tasks conferred on it by this Regulation and legal acts of the Union in the field of cybersecurity by, among other things, providing expertise and advice and acting as a Union centre of information and knowledge. It should promote the exchange of best practices between Member States and private stakeholders, offering policy suggestions to the European Commission and Member States, acting as a reference point for Union sectoral policy initiatives with regard to cybersecurity matters, fostering operational cooperation between the Member States and between the Member States and the European institutions, agencies and bodies.</p>	
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<p>(10) Within the framework of Decision 2004/97/EC, Euratom, adopted at the meeting of the European Council on 13 December 2003, the representatives of the Member States decided that ENISA would have its seat in a town in Greece to be determined by the Greek Government. The Agency's host Member State should ensure the best possible conditions for the smooth and efficient operation of the Agency. It is imperative for the proper and efficient performance of its tasks, for staff recruitment and retention and to enhance the efficiency of networking activities that the Agency be based in an appropriate location, among other things providing appropriate transport connections and facilities for spouses and children accompanying members of staff of the Agency. The necessary arrangements should be laid down in an agreement between the Agency and the host Member State concluded after obtaining the approval of the Management Board of the Agency.</p>	<p>(10) Within the framework of Decision 2004/97/EC, Euratom, adopted at the meeting of the European Council on 13 December 2003, the representatives of the Member States decided that ENISA would have its seat in a town in Greece to be determined by the Greek Government. The Agency's host Member State should ensure the best possible conditions for the smooth and efficient operation of the Agency. It is imperative for the proper and efficient performance of its tasks, for staff recruitment and retention and to enhance the efficiency of networking activities that the Agency be based in an appropriate location, among other things providing appropriate transport connections and facilities for spouses and children accompanying members of staff of the Agency. The necessary arrangements should be laid down in an agreement between the Agency and the host Member State concluded after obtaining the approval of the Management Board of the Agency.</p>	<p>(10) Within the framework of Decision 2004/97/EC, Euratom, adopted at the meeting of the European Council on 13 December 2003, the representatives of the Member States decided that ENISA would have its seat in a town in Greece to be determined by the Greek Government. The Agency's host Member State should ensure the best possible conditions for the smooth and efficient operation of the Agency. It is imperative for the proper and efficient performance of its tasks, for staff recruitment and retention and to enhance the efficiency of networking activities that the Agency be based in an appropriate location, among other things providing appropriate transport connections and facilities for spouses and children accompanying members of staff of the Agency. The necessary arrangements should be laid down in an agreement between the Agency and the host Member State concluded after obtaining the approval of the Management Board of the Agency.</p>	
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<p>(11) Given the increasing cybersecurity challenges the Union is facing, the financial and human resources allocated to the Agency should be increased to reflect its enhanced role and tasks, and its critical position in the ecosystem of organisations defending the European digital ecosystem.</p>	<p>(11) Given the increasing cybersecurity <i>threats and</i> challenges the Union is facing, the financial and human resources allocated to the Agency should be increased to reflect its enhanced role and tasks, and its critical position in the ecosystem of organisations defending the European digital ecosystem, <i>allowing ENISA to effectively carry out the tasks conferred on it by this Regulation.</i> [Am. 12]</p>	<p>(11) Given the increasing cybersecurity challenges the Union is facing, the financial and human resources allocated to the Agency should be increased to reflect its enhanced role and tasks, and its critical position in the ecosystem of organisations defending the European digital ecosystem.</p>	
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<p>(12) The Agency should develop and maintain a high level of expertise and operate as a point of reference establishing trust and confidence in the single market by virtue of its independence, the quality of the advice it delivers and the information it disseminates, the transparency of its procedures and methods of operation, and its diligence in carrying out its tasks. The Agency should proactively contribute to national and Union efforts while carrying out its tasks in full cooperation with the Union institutions, bodies, offices and agencies and the Member States. In addition, the Agency should build on input from and cooperation with the private sector as well as other relevant stakeholders</p>	<p>(12) The Agency should develop and maintain a high level of expertise and operate as a point of reference establishing trust and confidence in the single market by virtue of its independence, the quality of the advice it delivers and the information it disseminates, the transparency of its procedures and methods of operation, and its diligence in carrying out its tasks. The Agency should proactively contribute to national and Union efforts while carrying out its tasks in full cooperation with the Union institutions, bodies, offices and agencies and the Member States, <i>avoiding any duplication of work, promoting synergy and complementarity and thus achieving coordination and fiscal savings.</i> In addition, the Agency should build on input from and cooperation with the private <i>and public sectors</i> sector as well as other relevant stakeholders.</p>	<p>(12) The Agency should develop and maintain a high level of expertise and operate as a point of reference establishing trust and confidence in the single market by virtue of its independence, the quality of the advice it delivers and the information it disseminates, the transparency of its procedures and methods of operation, and its diligence in carrying out its tasks. The Agency should support proactively contribute to national and proactively contribute to Union efforts while carrying out its tasks in full cooperation with the Union institutions, bodies, offices and agencies and bodies and the Member States. In addition, the Agency should build on input from and cooperation with the private sector as well as other relevant stakeholders.</p>	
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<p>. A set of tasks should establish how the Agency is to accomplish its objectives while allowing flexibility in its operations.</p>	<p>A <i>clear agenda and a</i> set of tasks <i>and objectives which should be clearly defined</i> should establish how the Agency is to accomplish its objectives while <i>giving due consideration to the necessary</i> allowing flexibility in <i>of</i> its operations. <i>Where possible, the highest degree of transparency and dissemination of information should be maintained.</i> [Am. 13]</p>	<p>A set of tasks should establish how the Agency is to accomplish its objectives while allowing flexibility in its operations.</p>	
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	<p><i>(12a) The role of the Agency should be subject to a continuous assessment and a timely review, in particular its coordinating role vis-à-vis the Member States and their national authorities and the possibility of acting as a One-Stop-Shop for Member States and EU bodies and institutions. The Agency's role in the avoidance of the fragmentation of the internal market and the possible introduction of mandatory cybersecurity certification schemes, should the situation in the future require such a shift, should also be assessed as well as the Agency's role in respect of the assessment of third country products entering the EU market and the possible blacklisting of companies which do not comply with EU criteria. [Am. 14]</i></p>		
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	<p><i>(12b) In order to be able to provide adequate support to the operational cooperation to the Member States, ENISA should further strengthen its own technical capabilities and expertise. For this purpose the Agency should progressively reinforce its staff dedicated to this task so as to be able to collect and analyse autonomously different types of a wide range of cybersecurity threats and malware, perform forensic analysis and assist Members States in the response to large scale incidents. In order to avoid any duplication of existing capabilities in the Member States, ENISA should increase its know-how and capacities based on existing resources present in the Member States, notably by seconding national experts to the Agency, creating pools of experts, staff-exchange programmes etc. When selecting staff responsible in this area, the Agency should progressively ensure that they meet the appropriate criteria to provide adequate support. [Am. 15]</i></p>		
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<p>(13) The Agency should assist the Commission by means of advice, opinions and analyses on all the Union matters related to policy and law development, update and review in the area of cybersecurity, including critical infrastructure protection and cyber resilience. The Agency should act as a reference point of advice and expertise for Union sector-specific policy and law initiatives where matters related to cybersecurity are involved.</p>	<p>(13) The Agency should assist the Commission by means of advice, opinions and analyses on all the Union matters related to policy and law development, update and review in the area of cybersecurity, including critical infrastructure protection and cyber resilience. The Agency should act as a reference point of advice and expertise for Union sector-specific policy and law initiatives where matters related to cybersecurity are involved. <i>Its expertise will be especially needed when preparing the Union's multiannual work programme for European cybersecurity certification schemes. The Agency should regularly provide Parliament with updates, analysis and review in the area of cybersecurity and the evolution of its tasks. [Am. 16]</i></p>	<p>(13) The Agency should assist the Commission by means of advice, opinions and analyses on all the Union matters related to policy and law development, update and review in the area of cybersecurity, including critical infrastructure protection and cyber resilience. The Agency should act as a reference point of advice and expertise for Union sector-specific policy and law initiatives where matters related to cybersecurity are involved. and its sector-specific aspects in order to enhance relevance of EU policies and law with cybersecurity dimension and enable consistency in their implementation at national level, including critical infrastructure protection and cyber resilience. The Agency should act as a reference point of advice and expertise for Union sector-specific policy and law initiatives where matters related to cybersecurity are involved.</p>	
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<p>(14) The underlying task of the Agency is to promote the consistent implementation of the relevant legal framework, in particular the effective implementation of the NIS Directive, which is essential in order to increase cyber resilience. In view of the fast evolving cybersecurity threat landscape, it is clear that Member States must be supported by more comprehensive, cross-policy approach to building cyber resilience.</p>	<p>(14) The underlying task of the Agency is to promote the consistent implementation of the relevant legal framework, in particular the effective implementation of the NIS Directive, <i>the Directive establishing the European Electronic Communications Code, Regulation (EU) 2016/679 and Directive 2002/58/EC</i>, which is essential in order to increase cyber resilience. In view of the fast evolving cybersecurity threat landscape, it is clear that Member States must be supported by more comprehensive, cross-policy approach to building cyber resilience. [Am. 17]</p>	<p>(14) The underlying task of the Agency is to promote the consistent implementation of the relevant legal framework, in particular the effective implementation of the NIS Directive, which is essential in order to increase cyber resilience. In view of the fast evolving cybersecurity threat landscape, it is clear that Member States must be supported by more comprehensive, cross-policy approach to building cyber resilience.</p>	
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<p>(15) The Agency should assist the Member States and Union institutions, bodies, offices and agencies in their efforts to build and enhance capabilities and preparedness to prevent, detect and respond to cybersecurity problems and incidents and in relation to the security of network and information systems. In particular, the Agency should support the development and enhancement of national CSIRTs, with a view of achieving a high common level of their maturity in the Union.</p>	<p>(15) The Agency should assist the Member States and Union institutions, bodies, offices and agencies in their efforts to build and enhance capabilities and preparedness to prevent, detect and respond to cybersecurity problems and incidents and in relation to the security of network and information systems. In particular, the Agency should support the development and enhancement of national CSIRTs, with a view of achieving a high common level of their maturity in the Union.</p>	<p>(15) The Agency should assist the Member States and Union institutions, bodies, offices and agencies and bodies in their efforts to build and enhance capabilities and preparedness to prevent, detect and respond to cybersecurity problems threats and incidents and in relation to the security of network and information systems. In particular, the Agency should support the development and enhancement of national CSIRTs, with a view of achieving a high common level of their maturity in the Union. Activities carried out by ENISA relating to the operational capacities of Member States should be solely complementary to the own actions taken by Member States in order to fulfil their obligations arising from the NIS Directive and thus should not supersede them.</p>	
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The Agency should also assist with the development and update of Union and Member States strategies on the security of network and information systems, in particular on cybersecurity, promote their dissemination and track progress of their implementation.	The Agency should also assist with the development and update of Union and Member States strategies on the security of network and information systems, in particular on cybersecurity, promote their dissemination and track progress of their implementation.	The Agency should also assist with the development and update of Union and Member States strategies on the security of network and information systems, in particular on cybersecurity, promote their dissemination and track progress of their implementation.	
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<p>The Agency should also offer trainings and training material to public bodies, and where appropriate "train the trainers" with a view to assisting Member States in developing their own training capabilities.</p>	<p><i>Considering that human mistakes are one of the most pertinent risks to cyber security</i>, the Agency should also offer trainings and training material to public bodies, and where appropriate <i>to the maximum extent possible</i> "train the trainers" with a view to assisting Member States <i>and Union institutions and agencies</i> in developing their own training capabilities. <i>The Agency should also serve as a contact point for Member States and Union institutions, who should be able to request the assistance of the Agency within the competences and roles assigned to it.</i> [Am. 18]</p>	<p>The Agency should also offer trainings and training material to public bodies, and where appropriate "train the trainers" with a view to assisting Member States in developing their own training capabilities.</p>	
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		<p>(15a) The Agency should also assist with the development and update of Union and upon request, Member States strategies on the security of network and information systems, in particular on cybersecurity, promote their dissemination and follow their implementation. The Agency should also offer trainings and training material to public bodies, and where appropriate "train the trainers" with a view to assisting Member States in developing their own training capabilities.</p>	
(16) The Agency should assist the Cooperation Group established in the NIS Directive in the execution of its tasks, in particular by providing expertise, advice and facilitate the exchange of best practices, notably with regard to the identification of operators of essential services by Member States, including in relation to cross-border dependencies, regarding risks and incidents.	(16) The Agency should assist the Cooperation Group established in the NIS Directive in the execution of its tasks, in particular by providing expertise, advice and facilitate the exchange of best practices, notably with regard to the identification of operators of essential services by Member States, including in relation to cross-border dependencies, regarding risks and incidents.	(16) The Agency should assist the Cooperation Group established in the NIS Directive in the execution of its tasks, in particular by providing expertise, advice and facilitate the exchange of best practices, notably with regard to the identification of operators of essential services by Member States, including in relation to cross-border dependencies, regarding risks and incidents.	

<p>(17) With a view to stimulating cooperation between public and private sector and within the private sector, in particular to support the protection of the critical infrastructures, the Agency should facilitate the establishment of sectoral Information Sharing and Analysis Centres (ISACs) by providing best practices and guidance on available tools, procedure, as well as providing guidance on how to address regulatory issues related to information sharing.</p>	<p>(17) With a view to stimulating cooperation between public and private sector and within the private sector, in particular to support the protection of the critical infrastructures, the Agency should facilitate the establishment of sectoral Information Sharing and Analysis Centres (ISACs) by providing best practices and guidance on available tools, procedure, as well as providing guidance on how to address regulatory issues related to information sharing.</p>	<p>(17) With a view to stimulating cooperation between public and private sector and within the private sector, in particular to the Agency should support information sharing in and between sectors, in particular in the sectors listed in Annex II of Directive (EU) 2016/1148, by providing best practices and guidance on available tools, procedure, as well as providing guidance on how to address regulatory issues related to information sharing, for example through facilitating the protection of the critical infrastructures, the Agency should facilitate the establishment of sectoral Information Sharing and Analysis Centres (ISACs)-by providing best practices and guidance on available tools, procedure, as well as providing guidance on how to address regulatory issues related to information sharing.</p>	
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<p>(18) The Agency should aggregate and analyse national reports from CSIRTs and CERT-EU, setting up common rules, language and terminology for exchange of information. The Agency should also involve the private sector, within the framework of the NIS Directive which laid down the grounds for voluntary technical information exchange at the operational level with the creation of the CSIRTs Network.</p>	<p>(18) The Agency should aggregate and analyse national reports from CSIRTs and CERT-EU, setting up common rules, language and terminology for exchange of information. The Agency should also involve the private sector, <i>and public sectors</i> within the framework of the NIS Directive which laid down the grounds for voluntary technical information exchange at the operational level with the creation of the CSIRTs Network. [Am. 19]</p>	<p>(18) The Agency should aggregate and analyse voluntary shared national reports from CSIRTs and CERT-EU, for the purpose of assisting Member States in setting up common rules-procedures, language and terminology for exchange of information. The Agency should also involve the private sector, within the framework of the NIS Directive which laid down the grounds for voluntary technical information exchange at the operational level with the creation of within the CSIRTs Network.</p>	
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<p>(19) The Agency should contribute to an EU level response in case of large-scale cross-border cybersecurity incidents and crises. This function should include gathering relevant information and acting as facilitator between the CSIRTs Network and the technical community as well as decision makers responsible for crisis management. Furthermore, the Agency could support the handling of incidents from a technical perspective by facilitating relevant technical exchange of solutions between Member States and by providing input into public communications. The Agency should support the process by testing modalities of such cooperation through yearly cybersecurity exercises.</p>	<p>(19) The Agency should contribute to an EU level response in case of large-scale cross-border cybersecurity incidents and crises. This function should include <i>convening Member States' authorities and assisting in the coordination of their response</i>, gathering relevant information and acting as facilitator between the CSIRTs Network and the technical community as well as decision makers responsible for crisis management. Furthermore, the Agency could support the handling of incidents from a technical perspective, <i>for example</i> by facilitating relevant technical exchange of solutions between Member States and by providing input into public communications. The Agency should support the process by testing modalities of such cooperation through yearly cybersecurity exercises. <i>The Agency should respect the competences of the Member States regarding cybersecurity, especially those concerning public security, defence, national security and the activities of the state in areas of criminal law. [Am. 20]</i></p>	<p>(19) The Agency should contribute to an EU level response in case of large-scale cross-border cybersecurity incidents and crises. This function should be performed in accordance with its mandate pursuant to this Regulation and an approach to be agreed by Member States in the context of the Commission Recommendation on Coordinated Response to Large-Scale Cybersecurity Incidents and Crises. It could include gathering relevant information and acting as facilitator between the CSIRTs Network and the technical community as well as decision makers responsible for crisis management. Furthermore, the Agency could support the handling of incidents from a technical perspective by facilitating relevant technical exchange of solutions between Member States and by providing input into public communications. The Agency should support the process by testing modalities of such cooperation through yearly regular cybersecurity exercises.</p>	
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<p>(20) To perform its operational tasks, the Agency should make use of the available expertise of CERT-EU through a structured cooperation, in close physical proximity. The structured cooperation will facilitate the necessary synergies and build-up of ENISA's expertise. Where appropriate, dedicated arrangements between the two organisations should be established to define the practical implementation of such cooperation.</p>	<p>(20) To perform its operational tasks, the Agency should make use of the available expertise of CERT-EU through a structured cooperation, in close physical proximity. The structured cooperation will facilitate the necessary synergies and build-up of ENISA's expertise. Where appropriate, dedicated arrangements between the two organisations should be established to define the practical implementation of such cooperation.</p>	<p>(20) To perform its In supporting operational cooperation tasks, the Agency should make use of the available technical and operational expertise of CERT-EU through a structured cooperation, in close physical proximity. The structured cooperation will facilitate the necessary synergies and build up of ENISA's expertise. Where appropriate, dedicated arrangements between the two organisations should be established to define the practical implementation of such cooperation and avoid duplication of activities.</p>	
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<p>(21) In compliance with its operational tasks, the Agency should be able to provide support to Member States, such as by providing advice or technical assistance, or ensuring analyses of threats and incidents.</p>	<p>(21) In compliance with its operational tasks, the Agency should be able to provide support to Member States, such as by providing advice or technical assistance, or ensuring analyses of threats and incidents.</p>	<p>(21) In compliance with its operational tasks to support operational cooperation within the CSIRTs Network, the Agency should be able to provide support to Member States at their request, such as by providing advice on how to improve their capabilities to prevent, detect and respond to incidents, by assisting-facilitating the or-technical handling of incidents having a significant or substantial impact-assistance, or by ensuring analyses of threats and incidents. Facilitating the technical handling of incidents having a significant or substantial impact should include in particular that ENISA supports the voluntary sharing of technical solutions between Member States or produces combined technical information - such as technical solutions voluntarily shared by the Member States.</p>	
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The Commission's Recommendation on Coordinated Response to Large-Scale Cybersecurity Incidents and Crises recommends that Member States cooperate in good faith and share amongst themselves and with ENISA information on large-scale cybersecurity incidents and crises without undue delay. Such information should further help ENISA in performing its operational tasks.	The Commission's Recommendation on Coordinated Response to Large-Scale Cybersecurity Incidents and Crises recommends that Member States cooperate in good faith and share amongst themselves and with ENISA information on large-scale cybersecurity incidents and crises without undue delay. Such information should further help ENISA in performing its operational tasks.	The Commission's Recommendation on Coordinated Response to Large-Scale Cybersecurity Incidents and Crises recommends that Member States cooperate in good faith and share amongst themselves and with ENISA information on large-scale cybersecurity incidents and crises without undue delay. Such information should further help ENISA in performing its operational tasks supporting operational cooperation .	
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<p>(22) As part of the regular cooperation at technical level to support Union situational awareness, the Agency should on regular basis prepare the EU Cybersecurity Technical Situation Report on incidents and threats, based on publicly available information, its own analysis and reports shared with it by Member States' CSIRTs (on a voluntary basis) or NIS Directive Single Points of Contact, European Cybercrime Centre (EC3) at Europol, CERT-EU and, where appropriate, European Union Intelligence Centre (INTCEN) at the European External Action Service (EEAS). The report should be made available to the relevant instances of the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy and the CSIRTs Network.</p>	<p>(22) As part of the regular cooperation at technical level to support Union situational awareness, the Agency should on regular basis prepare the EU Cybersecurity Technical Situation Report on incidents and threats, based on publicly available information, its own analysis and reports shared with it by Member States' CSIRTs (on a voluntary basis) or NIS Directive Single Points of Contact, European Cybercrime Centre (EC3) at Europol, CERT-EU and, where appropriate, European Union Intelligence Centre (INTCEN) at the European External Action Service (EEAS). The report should be made available to the relevant instances of the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy and the CSIRTs Network.</p>	<p>(22) As part of the regular cooperation at technical level to support Union situational awareness, the Agency should on regular basis and in close cooperation with Member States prepare the EU Cybersecurity Technical Situation Report on incidents and threats, based on publicly available information, its own analysis and reports shared with it by Member States' CSIRTs (on a voluntary basis) or NIS Directive Single Points of Contact (both on a voluntary basis), European Cybercrime Centre (EC3) at Europol, CERT-EU and, where appropriate, European Union Intelligence Centre (INTCEN) at the European External Action Service (EEAS). The report should be made available to the relevant instances of the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy and the CSIRTs Network.</p>	
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<p>(23) Ex-post technical enquiries into incidents with significant impact in more than one Member State supported or undertaken by the Agency upon request or with the agreement of the concerned Member States should be focused on the prevention of future incidents and be carried out without prejudice to any judicial or administrative proceedings to apportion blame or liability.</p>	<p>(23) Ex-post technical enquiries into incidents with significant impact in more than one Member State supported or undertaken by the Agency upon request or with the agreement of the concerned Member States should be focused on the prevention of future incidents and be carried out without prejudice to any judicial or administrative proceedings to apportion blame or liability.</p>	<p>(23) The support by the Agency to ex-post technical inquiries into incidents with significant impact in more than one Member State supported or undertaken by the Agency upon request or with the agreement of the concerned Member States should be focused on the prevention of future incidents and be carried out without prejudice to any judicial or administrative proceedings to apportion blame or liability. The Member States concerned should provide the necessary information in order to enable the Agency to effectively support the technical enquiry.</p>	
<p>(24) The Member States concerned should provide the necessary information and assistance to the Agency, for the purposes of the enquiry without prejudice to Article 346 of the Treaty on the Functioning of the European Union or other public policy reasons.</p>	<p>(24) The Member States concerned should provide the necessary information and assistance to the Agency, for the purposes of the enquiry without prejudice to Article 346 of the Treaty on the Functioning of the European Union or other public policy reasons.</p>	<p>(24) The Member States concerned should provide the necessary information and assistance to the Agency, for the purposes of the enquiry without prejudice to Article 346 of the Treaty on the Functioning of the European Union or other public policy reasons.</p>	

<p>(25) Member States may invite undertakings concerned by the incident to cooperate by providing necessary information and assistance to the Agency without prejudice to their right to protect commercially sensitive information.</p>	<p>(25) Member States may invite undertakings concerned by the incident to cooperate by providing necessary information and assistance to the Agency without prejudice to their right to protect commercially sensitive information and <i>information relevant to public security</i>. [Am. 21]</p>	<p>(25) Member States may invite undertakings concerned by the incident to cooperate by providing necessary information and assistance to the Agency without prejudice to their right to protect commercially sensitive information.</p>	
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<p>(26) To understand better the challenges in the field of cybersecurity, and with a view to providing strategic long term advice to Member States and Union institutions, the Agency needs to analyse current and emerging risks. For that purpose, the Agency should, in cooperation with Member States and, as appropriate, with statistical bodies and others, collect relevant information and perform analyses of emerging technologies and provide topic-specific assessments on expected societal, legal, economic and regulatory impacts of technological innovations on network and information security, in particular cybersecurity. The Agency should furthermore support Member States and Union institutions, agencies and bodies in identifying emerging trends and preventing problems related to cybersecurity, by performing analyses of threats and incidents.</p>	<p>(26) To understand better the challenges in the field of cybersecurity, and with a view to providing strategic long term advice to Member States and Union institutions, the Agency needs to analyse current and emerging risks, <i>incidents, threats and vulnerabilities</i>. For that purpose, the Agency should, in cooperation with Member States and, as appropriate, with statistical bodies and others, collect relevant information and perform analyses of emerging technologies and provide topic-specific assessments on expected societal, legal, economic and regulatory impacts of technological innovations on network and information security, in particular cybersecurity. The Agency should furthermore support Member States and Union institutions, agencies and bodies in identifying emerging trends and preventing incidents <i>and vulnerabilities</i>. [Am. 22]</p>	<p>(26) To understand better the challenges in the field of cybersecurity, and with a view to providing strategic long term advice to Member States and Union institutions, the Agency needs to analyse current and emerging risks. For that purpose, the Agency should, in cooperation with Member States and, as appropriate, with statistical bodies and others, collect relevant publicly available or voluntary shared information and perform analyses of emerging technologies and provide topic-specific assessments on expected societal, legal, economic and regulatory impacts of technological innovations on network and information security, in particular cybersecurity. The Agency should furthermore support Member States and Union institutions, agencies and bodies in identifying emerging trends and preventing problems related to cybersecurity incidents, by performing analyses of threats and incidents.</p>	
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<p>(27) In order to increase the resilience of the Union, the Agency should develop excellence on the subject of security of internet infrastructure and of the critical infrastructures, by providing advice, guidance and best practices. With a view to ensuring easier access to better structured information on cybersecurity risks and potential remedies, the Agency should develop and maintain the "information hub" of the Union, a one-stop-shop portal providing the public with information on cybersecurity deriving from the EU and national institutions, agencies and bodies.</p>	<p>(27) In order to increase the resilience of the Union, the Agency should develop excellence on the subject of security of internet infrastructure and of the critical infrastructures, by providing advice, guidance and best practices. With a view to ensuring easier access to better structured information on cybersecurity risks and potential remedies, the Agency should develop and maintain the "information hub" of the Union, a one-stop-shop portal providing the public with information on cybersecurity deriving from the EU and national institutions, agencies and bodies. <i>Facilitating access to better structured information on cybersecurity risks and potential remedies should help Member States bolster their capacities and align their practices, hence increasing their overall resilience in the face of cyber-attacks.</i> [Am. 23]</p>	<p>(27) In order to increase the resilience of the Union, the Agency should develop excellence on the subject of cybersecurity of infrastructures supporting in particular the sectors listed in Annex II of the NIS Directive and those used by the digital service providers listed in Annex III of that Directive—internet infrastructure and of the critical infrastructures, by providing advice, guidance and best practices. With a view to ensuring easier access to better structured information on cybersecurity risks and potential remedies, the Agency should develop and maintain the "information hub" of the Union, a one-stop-shop portal providing the public with information on cybersecurity deriving from the EU and national institutions, agencies and bodies.</p>	
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<p>(28) The Agency should contribute towards raising the awareness of the public about risks related to cybersecurity and provide guidance on good practices for individual users aimed at citizens and organisations. The Agency should also contribute to promote best practices and solutions at the level of individuals and organisations by collecting and analysing publicly available information regarding significant incidents, and by compiling reports with a view to providing guidance to businesses and citizens and improving the overall level of preparedness and resilience.</p>	<p>(28) The Agency should contribute towards raising the awareness of the public, <i>including by promoting education</i>, about risks related to cybersecurity <i>risks</i> and provide guidance on good practices for individual users aimed at citizens <i>and organisations and businesses</i>. The Agency should also contribute to promote <i>cyber hygiene</i> best practices, <i>which covers several practices that should be implemented and carried out regularly to protect users and businesses online</i>, and solutions at the level of individuals <i>and organisations and businesses</i> by collecting and analysing publicly available information regarding significant incidents, and by compiling <i>and publishing</i> reports <i>and guides</i> with a view to providing guidance to businesses and citizens and improving the overall level of preparedness and resilience. <i>ENISA should also strive to provide consumers with relevant information on applicable certification schemes, for example by providing guidelines and recommendations to online and offline marketplaces.</i></p>	<p>(28) The Agency should contribute towards raising the awareness of the public about risks related to cybersecurity and provide guidance on good practices for individual users aimed at citizens and organisations. The Agency should also contribute to promote best practices and solutions at the level of individuals and organisations by collecting and analysing publicly available information regarding significant incidents, and by compiling reports with a view to providing guidance to businesses and citizens and improving the overall level of preparedness and resilience.</p>	
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<p>The Agency should furthermore organise, in cooperation with the Member States and the Union institutions, bodies, offices and agencies regular outreach and public education campaigns directed to end-users, aiming at promoting safer individual online behaviour and raising awareness of potential threats in cyberspace, including cybercrimes such as phishing attacks, botnets, financial and banking fraud, as well as promoting basic authentication and data protection advice.</p>	<p>The Agency should furthermore organise, <i>in line with the Digital Education Action Plan and</i> in cooperation with the Member States and the Union institutions, bodies, offices and agencies regular outreach and public education campaigns directed to end-users, aiming at promoting safer individual online behaviour, <i>digital literacy</i> and raising awareness of potential threats in cyberspace, including cybercrimes such as phishing attacks, botnets, financial and banking fraud, as well as promoting basic <i>multi-factor</i> authentication, <i>patching, encryption, anonymisation</i> and data protection advice.</p>	<p>The Agency should furthermore organise, in cooperation with the Member States and the Union institutions, bodies, offices and agencies and bodies regular outreach and public education campaigns directed to end-users, aiming at promoting safer individual online behaviour and raising awareness of potential threats in cyberspace, including cybercrimes such as phishing attacks, botnets, financial and banking fraud, as well as promoting basic authentication and data protection advice.</p>	
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<p>The Agency should play a central role in accelerating end-user awareness on security of devices.</p>	<p>The Agency should play a central role in accelerating end-user awareness on security of devices <i>and secure use of services, popularising at EU level security-by-design, privacy-by-design, the incidents and their solutions. In achieving this objective the Agency needs to make best use of available best practices and experience, especially academic institutions and IT security researchers. Given that individual mistakes and unawareness of cybersecurity risks constitutes a main factor of uncertainty in cyber security, the Agency should be provided with adequate resources for exercising this function to the fullest degree possible. [Am. 24]</i></p>	<p>The Agency should play a central role in accelerating end-user awareness on security of devices.</p>	
	<p><i>(28a) The Agency should raise public awareness of the risks of data fraud incidents and thefts that may seriously affect individuals' fundamental rights, pose a threat to the rule of law and endanger the stability of democratic societies including democratic processes in the Member States. [Am. 25]</i></p>		

<p>(29) In order to support the businesses operating in the cybersecurity sector, as well as the users of cybersecurity solutions, the Agency should develop and maintain a "market observatory" by performing regular analyses and dissemination of the main trends in the cybersecurity market, both on the demand and supply side.</p>	<p>(29) In order to support the businesses operating in the cybersecurity sector, as well as the users of cybersecurity solutions, the Agency should develop and maintain a "market observatory" by performing regular analyses and dissemination of the main trends in the cybersecurity market, both on the demand and supply side.</p>	<p>(29) In order to support the businesses operating in the cybersecurity sector, as well as the users of cybersecurity solutions, the Agency should develop and maintain a "market observatory" by performing regular analyses and dissemination of the main trends in the cybersecurity market, both on the demand and supply side.</p>	
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<p>(30) To ensure that it fully achieves its objectives, the Agency should liaise with relevant institutions, agencies and bodies, including CERT-EU, European Cybercrime Centre (EC3) at Europol, European Defence Agency (EDA), European Agency for the operational management of large-scale IT systems (eu-LISA), European Aviation Safety Agency (EASA) and any other EU Agency that is involved in cybersecurity.</p>	<p>(30) To ensure that it fully achieves its objectives, the Agency should liaise with relevant institutions, <i>EU supervisory and other competent authorities</i>, agencies and bodies, including CERT-EU, European Cybercrime Centre (EC3) at Europol, European Defence Agency (EDA), European <i>GNSS Agency (GSA)</i>, <i>Body of European Regulators for Electronic Communications (BEREC)</i>, European Agency for the operational management of large-scale IT systems (eu-LISA), <i>European Central Bank (ECB)</i>, <i>European Banking Authority (EBA)</i>, <i>European Data Protection Board (EDPB)</i> European Aviation Safety Agency (EASA) and any other EU Agency that is involved in cybersecurity.</p>	<p>(30) To ensure that it fully achieves its objectives, the Agency should liaise with relevant institutions, agencies and bodies, including CERT-EU, European Cybercrime Centre (EC3) at Europol, European Defence Agency (EDA), European Agency for the operational management of large-scale IT systems (eu-LISA), European Aviation Safety Agency (EASA), <i>European Global Navigation Satellite Systems Agency (GNSS Agency)</i> and any other EU Agency that is involved in cybersecurity.</p>	
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<p>It should also liaise with authorities dealing with data protection in order to exchange know-how and best practices and provide advice on cybersecurity aspects that might have an impact on their work. Representatives of national and Union law enforcement and data protection authorities should be eligible to be represented in the Agency's Permanent Stakeholders Group. In liaising with law enforcement bodies regarding network and information security aspects that might have an impact on their work, the Agency should respect existing channels of information and established networks.</p>	<p>It should also liaise with <i>European Standards Organisations (ESOs), relevant stakeholders and</i> authorities dealing with data protection in order to exchange know-how and best practices and provide advice on cybersecurity aspects that might have an impact on their work. Representatives of national and Union law enforcement and data protection authorities should be eligible to be represented in the <i>Agency's Permanent Stakeholders ENISA Advisory</i> Group. In liaising with law enforcement bodies regarding network and information security aspects that might have an impact on their work, the Agency should respect existing channels of information and established networks. <i>Partnerships should be established with academic institutions that have research initiatives in the relevant areas, while the input from consumer organisations and other organisations should have appropriate channels and should always be analysed.</i> [Am. 26]</p>	<p>It should also liaise with authorities dealing with data protection in order to exchange know-how and best practices and provide advice on cybersecurity aspects that might have an impact on their work. Representatives of national and Union law enforcement and data protection authorities should be eligible to be represented in the Agency's Permanent Stakeholders Group. In liaising with law enforcement bodies regarding network and information security aspects that might have an impact on their work, the Agency should respect existing channels of information and established networks.</p>	
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<p>(31) The Agency, as a Member which furthermore provides the Secretariat of the CSIRTs Network, should support Member State CSIRTs and the CERT-EU in operational cooperation further to all the relevant tasks of the CSIRTs Network, as defined by the NIS Directive. Furthermore, the Agency should promote and support cooperation between the relevant CSIRTs in the event of incidents, attacks or disruptions of networks or infrastructure managed or protected by the CSIRTs and involving or potentially involving at least two CERTs while taking due account of the Standard Operating Procedures of the CSIRTs Network.</p>	<p>(31) The Agency, as a Member which furthermore provides the Secretariat of the CSIRTs Network, should support Member State CSIRTs and the CERT-EU in operational cooperation further to all the relevant tasks of the CSIRTs Network, as defined by the NIS Directive. Furthermore, the Agency should promote and support cooperation between the relevant CSIRTs in the event of incidents, attacks or disruptions of networks or infrastructure managed or protected by the CSIRTs and involving or potentially involving at least two CERTs while taking due account of the Standard Operating Procedures of the CSIRTs Network.</p> <p><i>The Agency may, on request by the Commission or a Member State, conduct regular IT security audits of critical cross-border infrastructures with the objective of identifying possible cybersecurity risks and with a view to identifying recommendations to strengthen their resilience.</i></p> <p>[Am. 27]</p>	<p>(31) The Agency, in its role as a Member which furthermore provides the Secretariat of the CSIRTs Network, should support Member State CSIRTs and the CERT-EU in operational cooperation further to all the relevant tasks of the CSIRTs Network, as defined by the NIS Directive. Furthermore, the Agency should promote and support cooperation between the relevant CSIRTs in the event of incidents, attacks or disruptions of networks or infrastructure managed or protected by the CSIRTs and involving or potentially involving at least two CERTs while taking due account of the Standard Operating Procedures of the CSIRTs Network.</p>	
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<p>(32) With a view to increasing Union preparedness in responding to cybersecurity incidents, the Agency should organise yearly cybersecurity exercises at Union level, and, at their request, support Member States and EU institutions, agencies and bodies in organising exercises.</p>	<p>(32) With a view to increasing Union preparedness in responding to cybersecurity incidents, the Agency should organise yearly cybersecurity exercises at Union level, and, at their request, support Member States and EU institutions, agencies and bodies in organising exercises.</p>	<p>(32) With a view to increasing Union preparedness in responding to cybersecurity incidents, the Agency should organise yearly regular cybersecurity exercises at Union level, and, at their request, support Member States and EU institutions, agencies and bodies in organising exercises.</p>	
<p>(33) The Agency should further develop and maintain its expertise on cybersecurity certification with a view to supporting the Union policy in this field. The Agency should promote the uptake of cybersecurity certification within the Union, including by contributing to the establishment and maintenance of a cybersecurity certification framework at Union level, with a view to increasing transparency of cybersecurity assurance of ICT products and services and thus strengthening trust in the digital internal market.</p>	<p>(33) The Agency should further develop and maintain its expertise on cybersecurity certification with a view to supporting the Union policy in this field. The Agency should build upon existing best practices and promote the uptake of cybersecurity certification within the Union, including by contributing to the establishment and maintenance of a cybersecurity certification framework at Union level, with a view to increasing transparency of cybersecurity assurance of ICT products and services and thus strengthening trust in the digital internal market.</p> <p>[Am. 28]</p>	<p>(33) The Agency should further develop and maintain its expertise on cybersecurity certification with a view to supporting the Union policy in this field. The Agency should promote the uptake of cybersecurity certification within the Union, including by contributing to the establishment and maintenance of a cybersecurity certification framework at Union level, with a view to increasing transparency of cybersecurity assurance of ICT products and services and thus strengthening trust in the digital internal market.</p>	

<p>(34) Efficient cybersecurity policies should be based on well-developed risk assessment methods, both in the public and private sector. Risk assessment methods are used at different levels with no common practice regarding how to apply them efficiently. Promoting and developing best practices for risk assessment and for interoperable risk management solutions in public- and private-sector organisations will increase the level of cybersecurity in the Union. To this end, the Agency should support cooperation between stakeholders at Union level, facilitating their efforts relating to the establishment and take-up of European and international standards for risk management and for measurable security of electronic products, systems, networks and services which, together with software, comprise the network and information systems.</p>	<p>(34) Efficient cybersecurity policies should be based on well-developed risk assessment methods, both in the public and private sector. Risk assessment methods are used at different levels with no common practice regarding how to apply them efficiently. Promoting and developing best practices for risk assessment and for interoperable risk management solutions in public- and private-sector organisations will increase the level of cybersecurity in the Union. To this end, the Agency should support cooperation between stakeholders at Union level, facilitating their efforts relating to the establishment and take-up of European and international standards for risk management and for measurable security of electronic products, systems, networks and services which, together with software, comprise the network and information systems.</p>	<p>(34) Efficient cybersecurity policies should be based on well-developed risk assessment methods, both in the public and private sector. Risk assessment methods are used at different levels with no common practice regarding how to apply them efficiently. Promoting and developing best practices for risk assessment and for interoperable risk management solutions in public- and private-sector organisations will increase the level of cybersecurity in the Union. To this end, the Agency should support cooperation between stakeholders at Union level, facilitating their efforts relating to the establishment and take-up of European and international standards for risk management and for measurable security of electronic products, systems, networks and services which, together with software, comprise the network and information systems.</p>	
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<p>(35) The Agency should encourage Member States and service providers to raise their general security standards so that all internet users can take the necessary steps to ensure their own personal cybersecurity. In particular, service providers and product manufacturers should withdraw or recycle products and services that do not meet cybersecurity standards.</p>	<p>(35) The Agency should encourage Member States, <i>manufacturers</i> and service providers to raise their general security standards <i>of their ICT products, processes, services and systems which should comply with basic security obligations in line with the principle of security by design and by default, in particular by providing necessary updates</i>, so that all internet users can <i>be secured and incentivised to</i> take the necessary steps to ensure their own personal cybersecurity. In particular, service providers and product manufacturers should <i>recall</i>, withdraw or recycle products and services that do not meet <i>basic cybersecurity standards obligations, while importers and distributors should make sure that ICT products, processes, services and systems they place on the EU market comply with the applicable requirements and do not present a risk to European consumers</i>.</p>	<p>(35) The Agency should encourage Member States and service providers to raise their general security standards so that all internet users can take the necessary steps to ensure their own personal cybersecurity. In particular, service providers and product manufacturers should withdraw or recycle products and services that do not meet cybersecurity standards.</p>	
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<p>In cooperation with competent authorities, ENISA may disseminate information regarding the level of cybersecurity of the products and services offered in the internal market, and issue warnings targeting providers and manufacturers and requiring them to improve the security, including cybersecurity, of their products.</p>	<p>In cooperation with competent authorities, ENISA may disseminate information regarding the level of cybersecurity of the products and services offered in the internal market, and issue warnings targeting providers and manufacturers and requiring them to improve the security, including cybersecurity, of their products, <i>processes, and services and systems. The Agency should work together with stakeholders towards developing a EU-wide approach to responsible vulnerabilities disclosure and should promote best practices in this area. [Am. 29]</i></p>	<p>In cooperation with competent authorities, ENISA may disseminate information regarding the level of cybersecurity of the products and services offered in the internal market, and issue warnings targeting providers and manufacturers and requiring them to improve the security, including cybersecurity, of their products.</p>	
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<p>(36) The Agency should take full account of the ongoing research, development and technological assessment activities, in particular those carried out by the various Union research initiatives to advise the Union institutions, bodies, offices and agencies and where relevant, the Member States, at their request, on research needs in the area of network and information security, in particular cybersecurity.</p>	<p>(36) The Agency should take full account of the ongoing research, development and technological assessment activities, in particular those carried out by the various Union research initiatives to advise the Union institutions, bodies, offices and agencies and where relevant, the Member States, at their request, on research needs in the area of network and information security, in particular cybersecurity.</p> <p><i>More specifically, a cooperation with the European Research Council (ERC) and the European Institute for Innovation and Technology (EIT) should be established and security research should be included in the Ninth Research Framework Programme (FP9) and Horizon 2020.</i></p> <p>[Am. 30]</p>	<p>(36) The Agency should take full account of the ongoing research, development and technological assessment activities, in particular those carried out by the various Union research initiatives to advise the Union institutions, bodies, offices and agencies and where relevant, the Member States, at their request, on research needs in the area of network and information security, in particular cybersecurity. In order to identify the research needs and priorities, the Agency should also consult the relevant user groups.</p>	
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	<p><i>(36a) Standards are a voluntary, market-driven tool providing technical requirements and guidance and resulting from an open, transparent and inclusive process. The Agency should regularly consult and work in close cooperation with the standardisation organisations, in particular when preparing the European Cybersecurity Certification Schemes. [Am. 31]</i></p>		
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<p>(37) Cybersecurity problems are global issues. There is a need for closer international cooperation to improve security standards, including the definition of common norms of behaviour, and information sharing, promoting swifter international collaboration in response to, as well as a common global approach to, network and information security issues. To that end, the Agency should support further Union involvement and cooperation with third countries and international organisations by providing, where appropriate, the necessary expertise and analysis to the relevant Union institutions, bodies, offices and agencies.</p>	<p>(37) Cybersecurity problems are global issues. There is a need for closer international cooperation to improve security standards, including the definition of common norms of behaviour <i>and codes of conduct, use of international standards</i>, and information sharing, promoting swifter international collaboration in response to, as well as a common global approach to, network and information security issues. To that end, the Agency should support further Union involvement and cooperation with third countries and international organisations by providing, where appropriate, the necessary expertise and analysis to the relevant Union institutions, bodies, offices and agencies. [Am. 32]</p>	<p>(37) Cybersecurity problems threats are global issues. There is a need for closer international cooperation to improve cybersecurity standards, including the definition of common norms of behaviour, and information sharing, promoting swifter international collaboration in response to, as well as a common global approach to, network and information security issues. To that end, the Agency should support further Union involvement and cooperation with third countries and international organisations by providing, where appropriate, the necessary expertise and analysis to the relevant Union institutions, bodies, offices and and bodies and bodies.</p>	
<p>(38) The Agency should be able to respond to ad hoc requests for advice and assistance by Member States and EU institutions, agencies and bodies falling within the Agency's objectives.</p>	<p>(38) The Agency should be able to respond to ad hoc requests for advice and assistance by Member States and EU institutions, agencies and bodies falling within the Agency's objectives.</p>	<p>(38) The Agency should be able to respond to ad hoc requests for advice and assistance by Member States and EU institutions, agencies and bodies falling within the Agency's objectives.</p>	

<p>(39) It is necessary to implement certain principles regarding the governance of the Agency in order to comply with the Joint Statement and Common Approach agreed upon in July 2012 by the Inter-Institutional Working Group on EU decentralised agencies, the purpose of which statement and approach is to streamline the activities of agencies and improve their performance. The Joint Statement and Common Approach should also be reflected, as appropriate, in the Agency's Work Programmes, evaluations of the Agency, and the Agency's reporting and administrative practice.</p>	<p>(39) It is necessary to implement certain principles regarding the governance of the Agency in order to comply with the Joint Statement and Common Approach agreed upon in July 2012 by the Inter-Institutional Working Group on EU decentralised agencies, the purpose of which statement and approach is to streamline the activities of agencies and improve their performance. The Joint Statement and Common Approach should also be reflected, as appropriate, in the Agency's Work Programmes, evaluations of the Agency, and the Agency's reporting and administrative practice.</p>	<p>(39) It is necessary to implement certain principles regarding the governance of the Agency in order to comply with the Joint Statement and Common Approach agreed upon in July 2012 by the Inter-Institutional Working Group on EU decentralised agencies, the purpose of which statement and approach is to streamline the activities of agencies and improve their performance. The Joint Statement and Common Approach should also be reflected, as appropriate, in the Agency's Work Programmes, evaluations of the Agency, and the Agency's reporting and administrative practice.</p>	
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<p>(40) The Management Board, composed of the Member States and the Commission, should define the general direction of the Agency's operations and ensure that it carries out its tasks in accordance with this Regulation. The Management Board should be entrusted with the powers necessary to establish the budget, verify its execution, adopt the appropriate financial rules, establish transparent working procedures for decision making by the Agency, adopt the Agency's Single Programming Document, adopt its own rules of procedure, appoint the Executive Director and decide on the extension of the Executive Director's term of office and on the termination thereof.</p>	<p>(40) The Management Board, composed of <i>representing</i> the Member States and the Commission <i>as well as stakeholders relevant for the Agency's objectives</i>, should define the general direction of the Agency's operations and ensure that it carries out its tasks in accordance with this Regulation. The Management Board should be entrusted with the powers necessary to establish the budget, verify its execution, adopt the appropriate financial rules, establish transparent working procedures for decision making by the Agency, adopt the Agency's Single Programming Document, adopt its own rules of procedure, appoint the Executive Director and decide on the extension of the Executive Director's term of office and on the termination thereof. <i>In light of the highly technical and scientific tasks of the Agency, members of the Management Board should have appropriate experience and a high level of expertise in issues within the scope of the Agency's missions.</i> [Am. 33]</p>	<p>(40) The Management Board, composed of the Member States and the Commission, should define the general direction of the Agency's operations and ensure that it carries out its tasks in accordance with this Regulation. The Management Board should be entrusted with the powers necessary to establish the budget, verify its execution, adopt the appropriate financial rules, establish transparent working procedures for decision making by the Agency, adopt the Agency's Single Programming Document, adopt its own rules of procedure, appoint the Executive Director and decide on the extension of the Executive Director's term of office and on the termination thereof.</p>	
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<p>(41) In order for the Agency to function properly and effectively, the Commission and the Member States should ensure that persons to be appointed to the Management Board have appropriate professional expertise and experience in functional areas. The Commission and the Member States should also make efforts to limit the turnover of their respective Representatives on the Management Board in order to ensure continuity in its work.</p>	<p>(41) In order for the Agency to function properly and effectively, the Commission and the Member States should ensure that persons to be appointed to the Management Board have appropriate professional expertise and experience in functional areas. The Commission and the Member States should also make efforts to limit the turnover of their respective Representatives on the Management Board in order to ensure continuity in its work. <i>Due to the high market value of the skills required in the Agency's work, it is necessary to ensure that the salaries and the social conditions offered to all Agency staff are competitive and ensure that the best professionals can choose to work there. [Am. 34]</i></p>	<p>(41) In order for the Agency to function properly and effectively, the Commission and the Member States should ensure that persons to be appointed to the Management Board have appropriate professional expertise and experience in functional areas. The Commission and the Member States should also make efforts to limit the turnover of their respective Representatives on the Management Board in order to ensure continuity in its work.</p>	
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<p>(42) The smooth functioning of the Agency requires that its Executive Director be appointed on grounds of merit and documented administrative and managerial skills, as well as competence and experience relevant for cybersecurity, and that the duties of the Executive Director be carried out with complete independence. The Executive Director should prepare a proposal for the Agency's work programme, after prior consultation with the Commission, and take all necessary steps to ensure the proper execution of the work programme of the Agency. The Executive Director should prepare an annual report to be submitted to the Management Board, draw up a draft statement of estimates of revenue and expenditure for the Agency, and implement the budget. Furthermore, the Executive Director should have the option of setting up ad hoc Working Groups to address specific matters, in particular of a scientific, technical, legal or socioeconomic nature.</p>	<p>(42) The smooth functioning of the Agency requires that its Executive Director be appointed on grounds of merit and documented administrative and managerial skills, as well as competence and experience relevant for cybersecurity, and that the duties of the Executive Director be carried out with complete independence. The Executive Director should prepare a proposal for the Agency's work programme, after prior consultation with the Commission, and take all necessary steps to ensure the proper execution of the work programme of the Agency. The Executive Director should prepare an annual report to be submitted to the Management Board, draw up a draft statement of estimates of revenue and expenditure for the Agency, and implement the budget. Furthermore, the Executive Director should have the option of setting up ad hoc Working Groups to address specific matters, in particular of a scientific, technical, legal or socioeconomic nature.</p>	<p>(42) The smooth functioning of the Agency requires that its Executive Director be appointed on grounds of merit and documented administrative and managerial skills, as well as competence and experience relevant for cybersecurity, and that the duties of the Executive Director be carried out with complete independence. The Executive Director should prepare a proposal for the Agency's work programme, after prior consultation with the Commission, and take all necessary steps to ensure the proper execution of the work programme of the Agency. The Executive Director should prepare an annual report including the implementation of the Agency's annual work programme to be submitted to the Management Board, draw up a draft statement of estimates of revenue and expenditure for the Agency, and implement the budget. Furthermore, the Executive Director should have the option of setting up ad hoc Working Groups to address specific matters, in particular of a scientific, technical, legal or socioeconomic nature.</p>	
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<p>The Executive Director should ensure that the ad hoc Working Groups' members are selected according to the highest standards of expertise, taking due account of a representative balance, as appropriate according to the specific issues in question, between the public administrations of the Member States, the Union institutions and the private sector, including industry, users, and academic experts in network and information security.</p>	<p>The Executive Director should ensure that the ad hoc Working Groups' members are selected according to the highest standards of expertise, taking due account of a representative <i>and gender</i> balance, as appropriate according to the specific issues in question, between the public administrations of the Member States, the Union institutions and the private sector, including industry, users, and academic experts in network and information security. [Am. 35]</p>	<p>The Executive Director should ensure that the ad hoc Working Groups' members are selected according to the highest standards of expertise, taking due account of a representative balance, as appropriate according to the specific issues in question, between the public administrations of the Member States, the Union institutions and the private sector, including industry, users, and academic experts in network and information security.</p>	
<p>(43) The Executive Board should contribute to the effective functioning of the Management Board. As part of its preparatory work related to Management Board decisions, it should examine in detail relevant information and explore available options and offer advice and solutions to prepare relevant decisions of the Management Board.</p>	<p>(43) The Executive Board should contribute to the effective functioning of the Management Board. As part of its preparatory work related to Management Board decisions, it should examine in detail relevant information and explore available options and offer advice and solutions to prepare relevant decisions of the Management Board.</p>	<p>(43) The Executive Board should contribute to the effective functioning of the Management Board. As part of its preparatory work related to Management Board decisions, it should examine in detail relevant information and explore available options and offer advice and solutions to prepare relevant decisions of the Management Board.</p>	

<p>(44) The Agency should have a Permanent Stakeholders' Group as an advisory body, to ensure regular dialogue with the private sector, consumers' organisations and other relevant stakeholders. The Permanent Stakeholders' Group, set up by the Management Board on a proposal by the Executive Director, should focus on issues relevant to stakeholders and bring them to the attention of the Agency. The composition of the Permanent Stakeholders Group and the tasks assigned to this Group, to be consulted in particular regarding the draft Work Programme, should ensure sufficient representation of stakeholders in the work of the Agency.</p>	<p>(44) The Agency should have a Permanent Stakeholders' ENISA Advisory Group as an advisory body, to ensure regular dialogue with the private sector, consumers' organisations, academia and other relevant stakeholders. The Permanent Stakeholders' ENISA Advisory Group, set up by the Management Board on a proposal by the Executive Director, should focus on issues relevant to stakeholders and bring them to the attention of the Agency. The composition of the Permanent Stakeholders Group and the tasks assigned to this Group, to be consulted in particular regarding the draft Work Programme, should ensure sufficient representation of stakeholders in the work of the Agency. <i>Given the importance of certification requirements to ensure trust in IoT, the Commission will specifically consider implementing measures to ensure the pan-EU security standards harmonisation for IoT devices. [Am. 37]</i></p>	<p>(44) The Agency should have a Permanent Stakeholders' Group as an advisory body, to ensure regular dialogue with the private sector, consumers' organisations and other relevant stakeholders. The Permanent Stakeholders' Group, set up by the Management Board on a proposal by the Executive Director, should focus on issues relevant to stakeholders and bring them to the attention of the Agency. The composition of the Permanent Stakeholders Group and the tasks assigned to this Group, to be consulted in particular regarding the draft Work Programme, should ensure sufficient representation of stakeholders in the work of the Agency.</p>	
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	<p><i>(44 a) The Agency should have a Stakeholders Certification Group as an advisory body, to ensure regular dialogue with the private sector, consumers' organisations, academia and other relevant stakeholders. The Stakeholders Certification Group, set up by the Executive Director, should be composed of a general advisory committee providing input on which ICT products and services to cover in future European IT security certification schemes, and ad-hoc committees providing inputs for the proposal, development and adoption of requested candidate European cybersecurity schemes. [Am. 37]</i></p>		
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<p>(45) The Agency should have in place rules regarding the prevention and the management of conflict of interest. The Agency should also apply the relevant Union provisions concerning public access to documents as set out in Regulation (EC) No 1049/2001 of the European Parliament and of the Council . Processing of personal data by the Agency should be subject to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data . The Agency should comply with the provisions applicable to the Union institutions, and with national legislation regarding the handling of information, in particular sensitive non classified information and EU classified information.</p>	<p>(45) The Agency should have in place rules regarding the prevention and the management of conflict of interest. The Agency should also apply the relevant Union provisions concerning public access to documents as set out in Regulation (EC) No 1049/2001 of the European Parliament and of the Council⁵. Processing of personal data by the Agency should be subject to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data⁶. The Agency should comply with the provisions applicable to the Union institutions, and with national legislation regarding the handling of information, in particular sensitive non classified information and EU classified information.</p>	<p>(45) The Agency should have in place rules regarding the prevention and the management of conflict of interest. The Agency should also apply the relevant Union provisions concerning public access to documents as set out in Regulation (EC) No 1049/2001 of the European Parliament and of the Council . Processing of personal data by the Agency should be subject to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data . The Agency should comply with the provisions applicable to the Union institutions, and with national legislation regarding the handling of information, in particular sensitive non classified information and EU classified information.</p>	
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⁵ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

⁶ OJ L 8, 12.1.2001, p. 1.

<p>(46) In order to guarantee the full autonomy and independence of the Agency and to enable it to perform additional and new tasks, including unforeseen emergency tasks, the Agency should be granted a sufficient and autonomous budget whose revenue comes primarily from a contribution from the Union and contributions from third countries participating in the Agency's work. The majority of the Agency staff should be directly engaged in the operational implementation of the Agency's mandate. The host Member State, or any other Member State, should be allowed to make voluntary contributions to the revenue of the Agency. The Union's budgetary procedure should remain applicable as far as any subsidies chargeable to the general budget of the Union are concerned. Moreover, the Court of Auditors should audit the Agency's accounts to ensure transparency and accountability.</p>	<p>(46) In order to guarantee the full autonomy and independence of the Agency and to enable it to perform additional and new tasks, including unforeseen emergency tasks, the Agency should be granted a sufficient and autonomous budget whose revenue comes primarily from a contribution from the Union and contributions from third countries participating in the Agency's work. <i>An appropriate budget is paramount for ensuring that the Agency has sufficient capacities to fulfil all its growing tasks and objectives.</i> The majority of the Agency staff should be directly engaged in the operational implementation of the Agency's mandate. The host Member State, or any other Member State, should be allowed to make voluntary contributions to the revenue of the Agency. The Union's budgetary procedure should remain applicable as far as any subsidies chargeable to the general budget of the Union are concerned. Moreover, the Court of Auditors should audit the Agency's accounts to ensure transparency and accountability, <i>and the efficiency of the expenditure.</i> [Am. 38]</p>	<p>(46) In order to guarantee the full autonomy and independence of the Agency and to enable it to perform additional and new tasks, including unforeseen emergency tasks, the Agency should be granted a sufficient and autonomous budget whose revenue comes primarily from a contribution from the Union and contributions from third countries participating in the Agency's work. The majority of the Agency staff should be directly engaged in the operational implementation of the Agency's mandate. The host Member State, or any other Member State, should be allowed to make voluntary contributions to the revenue of the Agency. The Union's budgetary procedure should remain applicable as far as any subsidies chargeable to the general budget of the Union are concerned. Moreover, the Court of Auditors should audit the Agency's accounts to ensure transparency and accountability.</p>	
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<p>(47) Conformity assessment is the process demonstrating whether specified requirements relating to a product, process, service, system, person or body have been fulfilled. For the purposes of this Regulation, certification should be considered as a type of conformity assessment regarding the cybersecurity features of a product, process, service, system, or a combination of those ("ICT products and services") by an independent third party, other than the product manufacturer or service provider.</p>	<p>(47) Conformity assessment is the process demonstrating whether specified requirements relating to a product, process, service, system, person or body have been fulfilled. For the purposes of this Regulation, certification should be considered as a type of conformity assessment regarding the cybersecurity features of a product, process, service, system, or a combination of those ("ICT products, <i>processes</i> and services") by an independent third party, <i>other than or, where permitted by self-assessment of</i> the product manufacturer or service provider.</p>	<p>(47) Conformity assessment is the process demonstrating whether specified requirements relating to a product, process, service, system, person or body have been fulfilled. For the purposes of this Regulation, certification should be considered as a type of conformity assessment regarding the cybersecurity features of a product, process, service, system, or a combination of those ("ICT products and services") by an independent third party, other than the product manufacturer or service provider.</p>	
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<p>Certification cannot guarantee per se that certified ICT products and services are cyber secure..</p>	<p><i>Self-assessment may be undertaken by the product manufacturer, SMEs or service provider, specified in this Regulation and, if applicable, as provided by and in accordance with the New Legislative Framework. Moreover, it may be undertaken by the product manufacturer or operator where the likelihood of a cybersecurity incident occurring and/or the likelihood of such incident causing substantial harm to society or a large section thereof, is not expected to be high or substantial, taking into account the manufacturer or service provider's intended use of the product or service in question.</i> Certification cannot guarantee per se that certified covered ICT products, processes and services are cyber secure <i>and this must be duly communicated to consumers and businesses.</i></p>	<p>Certification cannot guarantee per se that certified ICT products and services are cyber secure..</p>	
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<p>It is rather a procedure and technical methodology to attest that ICT products and services have been tested and that they comply with certain cybersecurity requirements laid down elsewhere, for example as specified in technical standards</p>	<p>It is rather a procedure and technical methodology to attest that ICT products, <i>processes</i> and services have been tested and that they comply with certain cybersecurity requirements laid down elsewhere, for example as specified in technical standards.</p> <p><i>Those technical standards include an indication whether an ICT product, process and service is able to carry out its regular functions while being disconnected from the internet. [Am. 39]</i></p>	<p>It is rather a procedure and technical methodology to attest that ICT products and services have been tested and that they comply with certain cybersecurity requirements laid down elsewhere, for example as specified in technical standards.</p>	
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<p>(48) Cybersecurity certification plays an important role in increasing trust and security in ICT products and services. The digital single market, and particularly the data economy and the Internet of Things, can only thrive if there is general public trust that such products and services provide a certain level of cybersecurity assurance. Connected and automated cars, electronic medical devices, industrial automation control systems or smart grids are only some examples of sectors in which certification is already widely used or is likely to be used in the near future. The sectors regulated by the NIS Directive are also sectors in which cybersecurity certification is critical.</p>	<p>(48) <i>European</i> cybersecurity certification plays an important essential role in increasing trust and security in ICT products, processes and services. The digital single market, and particularly the data economy and the Internet of Things, can only thrive if there is general public trust that such products and services provide a certain high level of cybersecurity assurance. Connected and automated cars, electronic medical devices, industrial automation control systems or smart grids are only some examples of sectors in which certification is already widely used or is likely to be used in the near future. The sectors regulated by the NIS Directive are also sectors in which cybersecurity certification is critical. [Am. 40]</p>	<p>(48) Cybersecurity certification plays an important role in increasing trust and security in ICT products and services. The digital single market, and particularly the data economy and the Internet of Things, can only thrive if there is general public trust that such products and services provide a certain level of cybersecurity assurance. Connected and automated cars, electronic medical devices, industrial automation control systems or smart grids are only some examples of sectors in which certification is already widely used or is likely to be used in the near future. The sectors regulated by the NIS Directive are also sectors in which cybersecurity certification is critical.</p>	
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<p>(49) In the 2016 Communication "Strengthening Europe's Cyber Resilience System and Fostering a Competitive and Innovative Cybersecurity Industry", the Commission outlined the need for high-quality, affordable and interoperable cybersecurity products and solutions. The supply of ICT products and services within the single market remains very fragmented geographically. This is because the cybersecurity industry in Europe has developed largely on the basis of national governmental demand. In addition, the lack of interoperable solutions (technical standards), practices and EU-wide mechanisms of certification are among the other gaps affecting the single market in cybersecurity. On the one hand, this makes it difficult for European companies to compete at national, European and global level. On the other, it reduces the choice of viable and usable cybersecurity technologies that individuals and enterprises have access to.</p>	<p>(49) In the 2016 Communication "Strengthening Europe's Cyber Resilience System and Fostering a Competitive and Innovative Cybersecurity Industry", the Commission outlined the need for high-quality, affordable and interoperable cybersecurity products and solutions. The supply of ICT products, <i>processes</i> and services within the single market remains very fragmented geographically. This is because the cybersecurity industry in Europe has developed largely on the basis of national governmental demand. In addition, the lack of interoperable solutions (technical standards), practices and EU-wide mechanisms of certification are among the other gaps affecting the single market in cybersecurity. On the one hand, this makes it difficult for European companies to compete at national, European and global level. On the other, it reduces the choice of viable and usable cybersecurity technologies that individuals and enterprises have access to.</p>	<p>(49) In the 2016 Communication "Strengthening Europe's Cyber Resilience System and Fostering a Competitive and Innovative Cybersecurity Industry", the Commission outlined the need for high-quality, affordable and interoperable cybersecurity products and solutions. The supply of ICT products and services within the single market remains very fragmented geographically. This is because the cybersecurity industry in Europe has developed largely on the basis of national governmental demand. In addition, the lack of interoperable solutions (technical standards), practices and EU-wide mechanisms of certification are among the other gaps affecting the single market in cybersecurity. On the one hand, this makes it difficult for European companies to compete at national, European and global level. On the other, it reduces the choice of viable and usable cybersecurity technologies that individuals and enterprises have access to.</p>	
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<p>Similarly, in the Mid-Term Review on the implementation of the Digital Single Market Strategy, the Commission highlighted the need for safe connected products and systems, and indicated that the creation of a European ICT security framework setting rules on how to organise ICT security certification in the Union could both preserve trust in the internet and tackle the current fragmentation of the cybersecurity market</p>	<p>Similarly, in the Mid-Term Review on the implementation of the Digital Single Market Strategy, the Commission highlighted the need for safe connected products and systems, and indicated that the creation of a European ICT security framework setting rules on how to organise ICT security certification in the Union could both preserve trust in the internet and tackle the current fragmentation of the cybersecurity market. [Am. 41]</p>	<p>Similarly, in the Mid-Term Review on the implementation of the Digital Single Market Strategy, the Commission highlighted the need for safe connected products and systems, and indicated that the creation of a European ICT security framework setting rules on how to organise ICT security certification in the Union could both preserve trust in the internet and tackle the current fragmentation of the cybersecurity market.</p>	
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<p>(50) Currently, the cybersecurity certification of ICT products and services is used only to a limited extent. When it exists, it mostly occurs at Member State level or in the framework of industry driven schemes. In this context, a certificate issued by one national cybersecurity authority is not in principle recognised by other Member States. Companies thus may have to certify their products and services in several Member States where they operate, for example with a view to participating in national procurement procedures. Moreover, while new schemes are emerging, there seems to be no coherent and holistic approach with regard to horizontal cybersecurity issues, for instance in the field of the Internet of Things.</p>	<p>(50) Currently, the cybersecurity certification of ICT products, <i>processes</i> and services is used only to a limited extent. When it exists, it mostly occurs at Member State level or in the framework of industry driven schemes. In this context, a certificate issued by one national cybersecurity authority is not in principle recognised by other Member States. Companies thus may have to certify their products, <i>processes</i> and services in several Member States where they operate, for example with a view to participating in national procurement procedures, <i>thereby adding to their costs</i>. Moreover, while new schemes are emerging, there seems to be no coherent and holistic approach with regard to horizontal cybersecurity issues, for instance in the field of the Internet of Things.</p>	<p>(50) Currently, the cybersecurity certification of ICT <i>processes</i>, products and services is used only to a limited extent. When it exists, it mostly occurs at Member State level or in the framework of industry driven schemes. In this context, a certificate issued by one national cybersecurity authority is not in principle recognised by other Member States. Companies thus may have to certify their products and services in several Member States where they operate, for example with a view to participating in national procurement procedures. Moreover, while new schemes are emerging, there seems to be no coherent and holistic approach with regard to horizontal cybersecurity issues, for instance in the field of the Internet of Things.</p>	
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<p>Existing schemes present significant shortcomings and differences in terms of product coverage, levels of assurance, substantive criteria and actual utilisation.</p>	<p>Existing schemes present significant shortcomings and differences in terms of product coverage, levels of risk-based assurance levels, substantive criteria and actual utilisation. <i>Mutual recognition and trust among Member States is a key element in this respect. ENISA has an important role to play in helping the Member States develop a solid institutional structure and expertise in the protection against potential cyber-attacks. A case-by-case approach is required to ensure that services, processes and products are subject to appropriate certification schemes. Additionally, a risk-based approach is needed for the effective identification and mitigation of risks whilst acknowledging that a one size fits all scheme is not possible.</i> [Am. 42]</p>	<p>Existing schemes present significant shortcomings and differences in terms of product coverage, levels of assurance, substantive criteria and actual utilisation.</p>	
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<p>(51) Some efforts have been made in the past in order to lead to a mutual recognition of certificates in Europe. However, they have been only partly successful. The most important example in this regard is the Senior Officials Group – Information Systems Security (SOG-IS) Mutual Recognition Agreement (MRA). While it represents the most important model for cooperation and mutual recognition in the field of security certification, SOG-IS MRA presents some significant shortcomings related to its high costs and limited scope. So far only a few protection profiles on digital products have been developed, such as digital signature, digital tachograph and smart cards. Most importantly, SOG-IS includes only part of the Union Member States. This has limited the effectiveness of SOG-IS MRA from the point of view of the internal market.</p>	<p>(51) Some efforts have been made in the past in order to lead to a mutual recognition of certificates in Europe. However, they have been only partly successful. The most important example in this regard is the Senior Officials Group – Information Systems Security (SOG-IS) Mutual Recognition Agreement (MRA). While it represents the most important model for cooperation and mutual recognition in the field of security certification, SOG-IS MRA presents some significant shortcomings related to its high costs and limited scope. So far only a few protection profiles on digital products have been developed, such as digital signature, digital tachograph and smart cards. Most importantly, SOG-IS includes only part of the Union Member States. This has limited the effectiveness of SOG-IS MRA from the point of view of the internal market.</p>	<p>(51) Some efforts have been made in the past in order to lead to a mutual recognition of certificates in Europe. However, they have been only partly successful. The most important example in this regard is the Senior Officials Group – Information Systems Security (SOG-IS) Mutual Recognition Agreement (MRA). While it represents the most important model for cooperation and mutual recognition in the field of security certification, SOG-IS MRA presents some significant shortcomings related to its high costs and limited scope. So far only a few protection profiles on digital products have been developed, such as digital signature, digital tachograph and smart cards. Most importantly, SOG-IS includes only part of the Union Member States. This has limited the effectiveness of SOG-IS MRA from the point of view of the internal market.</p>	
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<p>(52) In view of the above, it is necessary to establish a European cybersecurity certification framework laying down the main horizontal requirements for European cybersecurity certification schemes to be developed and allowing certificates for ICT products and services to be recognised and used in all Member States. The European framework should have a twofold purpose: on the one hand, it should help increase trust in ICT products and services that have been certified according to such schemes.</p>	<p>(52) In view of the above, it is necessary to <i>adopt a common approach and</i> establish a European cybersecurity certification framework laying down the main horizontal requirements for European cybersecurity certification schemes to be developed and allowing certificates for ICT products, <i>processes</i> and services to be recognised and used in all Member States. <i>In so doing, it is essential to build on existing national and international schemes, as well as on mutual recognition systems, in particular SOG-IS, and to make possible a smooth transition from existing schemes under such systems to schemes under the new European framework.</i> The European framework should have a twofold purpose: on the one hand, it should help increase trust in ICT products, <i>processes</i> and services that have been certified according to such schemes.</p>	<p>(52) In view of the above, it is necessary to establish a European cybersecurity certification framework laying down the main horizontal requirements for European cybersecurity certification schemes to be developed and allowing certificates <i>and EU statements of conformity</i> for ICT products and services to be recognised and used in all Member States. The European framework should have a twofold purpose: on the one hand, it should help increase trust in ICT products and services that have been certified according to such schemes.</p>	
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<p>. On the other hand, it should avoid the multiplication of conflicting or overlapping national cybersecurity certifications and thus reduce costs for undertakings operating in the digital single market. The schemes should be non-discriminatory and based on international and / or Union standards, unless those standards are ineffective or inappropriate to fulfil the EU's legitimate objectives in that regard.</p>	<p>On the other hand, it should avoid the multiplication of conflicting or overlapping national cybersecurity certifications and thus reduce costs for undertakings operating in the digital single market. <i>Where a European cybersecurity certification has replaced a national scheme, certificates issued under the European scheme should be accepted as valid in cases where certification under a national scheme was required.</i> The schemes should <i>be guided by the principle of security-by-design and the principles referred to in Regulation (EU) 2016/679. They should also</i> be non-discriminatory and based on international and / or Union standards, unless those standards are ineffective or inappropriate to fulfil the EU's legitimate objectives in that regard.</p> <p>[Am. 43]</p>	<p>On the other hand, it should avoid the multiplication of conflicting or overlapping national cybersecurity certifications and thus reduce costs for undertakings operating in the digital single market. The schemes should be non-discriminatory and based on international and / or Union-European standards, unless those standards are ineffective or inappropriate to fulfil the EU's legitimate objectives in that regard.</p>	
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	<i>(52a) The European cybersecurity certification framework should be established in a uniform manner in all Member States in order to prevent ‘certification shopping’ based on differences in costs or levels of stringency between Member States. [Am. 44]</i>		
	<i>(52b) Notes that certification schemes should build upon what already exists at national and international level, learning from current strong points and assessing and correcting weaknesses. [Am. 45]</i>		
	<i>(52c) Flexible cybersecurity solutions are necessary for the industry to stay ahead of malicious attacks and threats and therefore any certification scheme should avoid the risk of being outdated quickly. [Am. 46]</i>		

<p>(53) The Commission should be empowered to adopt European cybersecurity certification schemes concerning specific groups of ICT products and services. These schemes should be implemented and supervised by national certification supervisory authorities and certificates issued within these schemes should be valid and recognised throughout the Union. Certification schemes operated by the industry or other private organisations should fall outside the scope of the Regulation. However, the bodies operating such schemes may propose to the Commission to consider such schemes as a basis for approving them as a European scheme.</p>	<p>(53) The Commission should be empowered to adopt European cybersecurity certification schemes concerning specific groups of ICT products, <i>processes</i> and services. These schemes should be implemented and supervised by national certification supervisory authorities and certificates issued within these schemes should be valid and recognised throughout the Union. Certification schemes operated by the industry or other private organisations should fall outside the scope of the Regulation. However, the bodies operating such schemes may propose to the Commission to consider such schemes as a basis for approving them as a European scheme.</p>	<p>(53) The Commission should be empowered to adopt European cybersecurity certification schemes concerning specific groups of ICT processes, products and services. These schemes should be implemented and supervised by national cybersecurity certification supervisory-authorities and certificates issued within these schemes should be valid and recognised throughout the Union. Certification schemes operated by the industry or other private organisations should fall outside the scope of the Regulation. However, the bodies operating such schemes may propose to the Commission to consider such schemes as a basis for approving them as a European scheme.</p>	
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	<p><i>The Agency should identify and assess the schemes already operated by the industry or private organisations in order to choose best practices which could become part of a European scheme. Industry actors can operate a self-assessment of their products or services prior to certification, thereby indicating their product or service is ready to begin the certification process if required or needed. [Am. 47]</i></p>		
	<p><i>(53 a) The Agency and the Commission should make the best use of already existing certification schemes on the EU and / or international level. ENISA should be able to assess which schemes already in use are fit for purpose and can be brought in the European legislation in cooperation with EU standardisation organisations and, as far as possible, internationally recognised. Existing good practices should be collected and shared among Member States. [Am. 48]</i></p>		

<p>(54) The provisions of this Regulation should be without prejudice to Union legislation providing specific rules on certification of ICT products and services. In particular, the General Data Protection Regulation (GDPR) lays down provisions for the establishment of certification mechanisms and data protection seals and marks for the purpose of demonstrating compliance with that Regulation of processing operations by controllers and processors. Such certification mechanisms and data protection seals and marks should allow data subjects to quickly assess the level of data protection of relevant products and services. The present Regulation is without prejudice to the certification of data processing operations, including when such operations are embedded in products and services, under the GDPR.</p>	<p>(54) The provisions of this Regulation should be without prejudice to Union legislation providing specific rules on certification of ICT products, <i>processes</i> and services. In particular, the General Data Protection Regulation (GDPR) lays down provisions for the establishment of certification mechanisms and data protection seals and marks for the purpose of demonstrating compliance with that Regulation of processing operations by controllers and processors. Such certification mechanisms and data protection seals and marks should allow data subjects to quickly assess the level of data protection of relevant products and services. The present Regulation is without prejudice to the certification of data processing operations, including when such operations are embedded in products and services, under the GDPR. [Am. 49]</p>	<p>(54) The provisions of this Regulation should be without prejudice to Union legislation providing specific rules on certification of ICT products and services. In particular, the General Data Protection Regulation (GDPR) lays down provisions for the establishment of certification mechanisms and data protection seals and marks for the purpose of demonstrating compliance with that Regulation of processing operations by controllers and processors. Such certification mechanisms and data protection seals and marks should allow data subjects to quickly assess the level of data protection of relevant products and services. The present Regulation is without prejudice to the certification of data processing operations, including when such operations are embedded in products and services, under the GDPR.</p>	
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<p>(55) The purpose of European cybersecurity certification schemes should be to ensure that ICT products and services certified under such a scheme comply with specified requirements. Such requirements concern the ability to resist, at a given level of assurance, actions that aim to compromise the availability, authenticity, integrity and confidentiality of stored or transmitted or processed data or the related functions of or services offered by, or accessible via those products, processes, services and systems within the meaning of this Regulation. It is not possible to set out in detail in this Regulation the cybersecurity requirements relating to all ICT products and services. ICT products and services and related cybersecurity needs are so diverse that it is very difficult to come up with general cybersecurity requirements valid across the board.</p>	<p>(55) The purpose of European cybersecurity certification schemes should be to ensure that ICT products, and services and processes certified under such a scheme comply with specified requirements. Such requirements concern the ability to resist, at a given level of assurance, risk actions that aim to compromise the availability, authenticity, integrity and confidentiality of stored or transmitted or processed data or the related functions of or services offered by, or accessible via those products, processes, services and systems within the meaning of this Regulation. It is not possible to set out in detail in this Regulation the cybersecurity requirements relating to all ICT products, and services and processes. ICT products, and services and processes and related cybersecurity needs are so diverse that it is very difficult to come up with general cybersecurity requirements valid across the board.</p>	<p>(55) The purpose of European cybersecurity certification schemes should be to ensure that ICT processes, products and services certified under such a scheme comply with specified requirements. Such requirements concern the ability to resist, at a given level of assurance, actions that with the aim to compromise protect the availability, authenticity, integrity and confidentiality of stored or transmitted or processed data or the related functions of or services offered by, or accessible via those products, processes, services and systems throughout their life cycle within the meaning of this Regulation. It is not possible to set out in detail in this Regulation the cybersecurity requirements relating to all ICT processes, products and services. ICT processes, products and services and related cybersecurity needs are so diverse that it is very difficult to come up with general cybersecurity requirements valid across the board.</p>	
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<p>It is, therefore necessary to adopt a broad and general notion of cybersecurity for the purpose of certification, complemented by a set of specific cybersecurity objectives that need to be taken into account when designing European cybersecurity certification schemes. The modalities with which such objectives will be achieved in specific ICT products and services should then be further specified in detail at the level of the individual certification scheme adopted by the Commission, for example by reference to standards or technical specifications.</p>	<p>It is, therefore necessary to adopt a broad and general notion of cybersecurity for the purpose of certification, complemented by a set of specific cybersecurity objectives that need to be taken into account when designing European cybersecurity certification schemes. The modalities with which such objectives will be achieved in specific ICT products, and services <i>and processes</i> should then be further specified in detail at the level of the individual certification scheme adopted by the Commission, for example by reference to standards or technical specifications. <i>All actors involved in a given supply chain should be encouraged in order to develop and adopt security standards, technical norms and security by design principles, at all stages of the product, service or process lifecycle; each European cybersecurity certification scheme should be designed to reach this scope.</i> [Am. 50]</p>	<p>It is, therefore necessary to adopt a broad and general notion of cybersecurity for the purpose of certification, complemented by a set of specific cybersecurity objectives that need to be taken into account when designing European cybersecurity certification schemes. The modalities with which such objectives will be achieved in specific ICT processes, products and services should then be further specified in detail at the level of the individual certification scheme adopted by the Commission, for example by reference to standards or technical specifications where no appropriate standards are available.</p>	
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		<p>(55a) The technical specifications to be used in a European cybersecurity certification scheme should be identified by respecting the principles laid down in Annex II of Regulation (EU) 1025/2012. Some deviations from these principles could be however considered necessary in duly justified cases where those technical specifications are to be used in a European cybersecurity certification scheme referring to assurance level high. The reasons for such deviations need to be made publicly available.</p>	
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		<p>(55b) The certified conformity assessment is the process of evaluating whether specified requirements relating to an ICT process, product or service have been fulfilled. This process is carried out by an independent third party, other than the product manufacturer or service provider. The process of issuing a certificate follows the process of successful evaluation of an ICT process, product or service. It should be considered as a confirmation that the respective evaluation has been properly carried out. Depending on the assurance level, the European cybersecurity scheme should provide whether the certificate is being issued by a private or public body.</p>	
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		<p>Conformity assessment and certification cannot guarantee per se that certified ICT products and services are cyber secure. It is rather a procedure and technical methodology to attest that ICT products and services have been tested and that they comply with certain cybersecurity requirements laid down elsewhere, for example as specified in technical standards.</p>	
		<p>(55c) The choice, by the users of certificates, of the appropriate level of certification and associated security requirements should be based on a risk analysis on the use of the ICT process, product or service. The level of assurance should be thus commensurate with the level of the risk associated with the intended use of an ICT process, product or service.</p>	

		<p>(55d) A European cybersecurity certification scheme could provide for a conformity assessment to be carried out under the sole responsibility of the manufacturer or provider of ICT products and services (conformity self-assessment). In such cases, it is sufficient that the manufacturer or provider carries out himself all checks in order to ensure the conformity of the ICT process, products or services with the certification scheme. This type of conformity assessment should be considered appropriate for low complexity ICT products and services (e.g. simple design and production mechanism) that present a low risk for the public interest. Moreover, only ICT products and services corresponding to assurance level basic could become subject to conformity self-assessment.</p>	
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		<p>(55e) A European cybersecurity certification scheme could allow for both certification and conformity self-assessment of ICT products and services. In this case, the scheme should provide for clear and understandable means for consumers or other users to differentiate between products and services that are assessed under the responsibility of the manufacturer or provider and products and services that are certified by a third party.</p>	
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		<p>(55f) The manufacturer or provider of ICT products and services carrying out a conformity self-assessment should draw up and sign the EU statement of conformity as part of the conformity assessment procedure. The EU statement of conformity is the document that states that particular ICT product or service complies with the requirements of the scheme. By drawing up and signing up of the EU statement of conformity, the manufacturer or provider assumes responsibility for the compliance of the ICT product or service with the legal requirements of the scheme. A copy of the EU statement of conformity should be submitted to the national cybersecurity certification authority and to ENISA.</p>	
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		<p>(55g) The manufacturer or provider of ICT products and services should keep the EU statement of conformity and technical documentation of all relevant information relating to the conformity of the ICT products or services with a scheme at the disposal of the competent national cybersecurity certification authority for a period defined in the particular European cybersecurity certification scheme. The technical documentation should specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the ICT product or service. The technical documentation should be so compiled to enable the assessment of the conformity of an ICT product or service with the relevant requirements.</p>	
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		<p>(55h) Member States and interested stakeholder organisations should be entitled to propose to the European Cybersecurity Certification Group the preparation of a candidate scheme. Interested stakeholder organisations are industry or consumer representatives' organisations, including representatives of SMEs organisations that have a valid interest in the development of a particular European cybersecurity certification scheme. Such proposals should be examined in light of the criteria developed by the European Cybersecurity Certification Group by virtue of guidelines based on the principles of transparency, openness, impartiality, consensus, effectiveness, relevance and coherence.</p>	
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<p>(56) The Commission should be empowered to request ENISA to prepare candidate schemes for specific ICT products or services. The Commission, based on the candidate scheme proposed by ENISA, should then be empowered to adopt the European cybersecurity certification scheme by means of implementing acts. Taking account of the general purpose and security objectives identified in this Regulation, European cybersecurity certification schemes adopted by the Commission should specify a minimum set of elements concerning the subject-matter, the scope and functioning of the individual scheme.</p>	<p>(56) The Commission should be empowered to request ENISA to prepare candidate schemes for specific ICT products, <i>processes</i> or services. <i>on the basis of justified grounds namely existing national cybersecurity certification schemes fragmenting the internal market; a current or expected need to support Union law; or the opinion from the Member States' Certification Group or the Stakeholders' Certification Group. After assessing</i> The Commission, based on the candidate scheme <i>certification schemes</i> proposed by ENISA, <i>on the basis of the Commission's request, the Commission</i> should then be empowered to adopt the European cybersecurity certification <i>scheme schemes</i> by means of <i>implementing delegated</i> acts. Taking account of the general purpose and security objectives identified in this Regulation, <i>those</i> European cybersecurity certification schemes adopted by the Commission should specify a minimum set of elements concerning the subject-matter, the scope and functioning of the individual scheme.</p>	<p>(56) The Commission and the Group should be empowered to request ENISA to prepare without undue delay candidate schemes for specific ICT processes, products or services. The Commission, based on the candidate scheme proposed by ENISA, should then be empowered to adopt the European cybersecurity certification scheme by means of implementing acts. Taking account of the general purpose and security objectives identified in this Regulation, European cybersecurity certification schemes adopted by the Commission should specify a minimum set of elements concerning the subject-matter, the scope and functioning of the individual scheme.</p>	
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<p>These should include among others the scope and object of the cybersecurity certification, including the categories of ICT products and services covered, the detailed specification of the cybersecurity requirements, for example by reference to standards or technical specifications, the specific evaluation criteria and evaluation methods, as well as the intended level of assurance: basic, substantial and/or high.</p>	<p>These should include among others the scope and object of the cybersecurity certification, including the categories of ICT products and services covered, the detailed specification of the cybersecurity requirements, for example by reference to standards or technical specifications, the specific evaluation criteria and evaluation methods, as well as the intended level of assurance: basic, substantial and/or high. [Am. 51]</p>	<p>These should include among others the scope and object of the cybersecurity certification, including the categories of ICT processes, products and services covered, the detailed specification of the cybersecurity requirements, for example by reference to standards or technical specifications, the specific evaluation criteria and evaluation methods, as well as the intended level of assurance: basic, substantial and/or high and the evaluation levels where applicable.</p>	
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	<p><i>(56 a) The Agency should be the reference point of information about European cybersecurity schemes. It should maintain a website with all relevant information, including with regards to withdrawn and expired certificates and national certifications covered. The Agency should ensure that an adequate part of the content of its website is comprehensible for ordinary consumers. [Am. 52]</i></p>	<p>(56a) The assurance of a European certification scheme is the ground for confidence that an ICT process, product or service meets the security requirements of a specific European cybersecurity certification scheme. In order to ensure consistency of the framework on certified ICT processes, products and services, a European cybersecurity certification scheme could specify assurance levels for European cybersecurity certificates and EU statements of conformity issued under that scheme. Each certificate could refer to one of the assurance levels: basic, substantial or high, while the EU statement of conformity could only refer to the assurance level basic. The assurance levels provide a corresponding degree of efforts for the evaluation of and is characterised with reference to technical specifications, standards and procedures related thereto, including technical controls, the purpose of which is to mitigate or prevent cybersecurity incidents.</p>	
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		Each assurance level should be consistent among the different sectorial domain where certification is applied.	
	<p><i>(56 b) Defining assurance levels for certificates is necessary in order to give an indication to the end user of the expected type of cyber threats that the cybersecurity measures within the product, process or service intend to prevent. Cyber threats must be defined taking into account the expected risk and the capabilities of the author or authors of the attack in the context of the expected use of the ICT product, process or service covered.</i></p> <p><i>Assurance level ‘basic’ refers to the capacity to resist attacks that can be avoided with basic cybersecurity measures of and that can be checked easily by reviewing the technical documentation.</i></p> <p><i>Assurance level ‘substantial’ refers to the capacity to resist known types of attacks by an attacker with a certain level of sophistication but with limited resources.</i></p>	<p>(56b) A European cybersecurity certification scheme may specify several evaluations levels depending on the rigour and depth of the evaluation methodology used which should correspond to one of the assurance levels and should be associated with an appropriate combination of assurance components. For all assurance levels, the ICT product or service should contain a number of secure functions, as defined by the scheme, which may include:</p> <p>secure out of the box configuration, signed code, secure update and exploit mitigations and full stack/heap memory protections. Those functions should have been developed and be maintained, using security focused development approaches and associated tools to ensure that effective mechanisms (both software and hardware) are reliably incorporated.</p>	

	<p><i>Assurance level 'high' refers to the capacity to resist unknown vulnerabilities and sophisticated attacks with state-of-the-art techniques and significant resources such as funded multidisciplinary teams. [Am. 53]</i></p>	<p>For assurance level basic, the evaluation should be guided at least by the following assurance components: the evaluation should at least include a review of the technical documentations of the ICT product or service by the conformity assessment body. Where the certification includes ICT processes, subject to the technical review should also be the process used to design, develop and maintain an ICT product or service. In cases where a European cybersecurity certification scheme provides for a conformity self-assessment, it should be sufficient if the manufacturer or provider has carried out a self-assessment on the compliance of the ICT process, products or services with the certification scheme. For assurance level substantial, the evaluation should in addition to assurance level basic be guided at least by the verification of the conformity of security functionalities of the ICT product or service to its technical documentation.</p>	
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		<p>For assurance level high the evaluation should in addition to assurance level substantial be guided at least by an efficiency testing which assesses the resistance of the security functionalities of ICT product or service against those who perform elaborate cyber attacks having significant skills and resources.</p>	
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	<p><i>(56 c) In order to avoid fragmentation of the internal market due to national cybersecurity schemes, support future legislations and increase trust and security, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the setting of the priorities for European cybersecurity certification, the adoption of the rolling programme and the adoption of European certification schemes. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.</i></p>	<p>(56c) When preparing a candidate scheme, ENISA should consult all relevant stakeholders, such as the European standardisation organisations, relevant national authorities, organisations based on mutual recognition agreements such as SOG-IS MRA, SMEs, consumer organisations as well as environmental and social stakeholders.</p>	
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	<p><i>In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. [Am. 54]</i></p>		
	<p><i>(56d) Among the evaluation methods and assessment procedures related to each European cybersecurity certification scheme, ethical hacking, the aim of which is to locate weaknesses and vulnerabilities of devices and information systems by anticipating the intended actions and skills of malicious hackers, should be promoted at Union level. [Am. 55]</i></p>	<p>(56d) ENISA should maintain a website providing information on, and publicity of, European cybersecurity certification schemes which should include, amongst others, the requests for the preparation of a candidate European cybersecurity certification scheme as well as the feedback received in the consultation process carried out by ENISA in the preparation phase. Such website should also provide information about certificates and EU statements of conformity issued under this Regulation.</p>	

<p>(57) Recourse to European cybersecurity certification should remain voluntary, unless otherwise provided in Union or national legislation. However, with a view to achieving the objectives of this Regulation and avoiding the fragmentation of the internal market, national cybersecurity certification schemes or procedures for the ICT products and services covered by a European cybersecurity certification scheme should cease to produce effects from the date established by the Commission by means of the implementing act.</p>	<p>(57) Recourse to European cybersecurity certification should remain voluntary, unless otherwise provided in Union or national legislation. However, with a view to achieving the objectives of this Regulation and avoiding the fragmentation of the internal market, national cybersecurity certification schemes or procedures for the ICT products, <i>processes</i> and services covered by a European cybersecurity certification scheme should cease to produce effects from the date established by the Commission by means of the implementing <i>delegated</i> act.</p>	<p>(57) Recourse to European cybersecurity certification and EU statement of conformity should remain voluntary, unless otherwise provided in Union or national legislation adopted in accordance with Union law. In the absence of harmonised legislation, Member States may adopt national technical regulations in accordance with Directive (EU) 2015/1535 providing for mandatory certification under a European cybersecurity certification scheme. Member States could also use the recourse to European cybersecurity certification in the context of public procurement and Directive 2014/214/EU. However, with a view to achieving the objectives of this Regulation and avoiding the fragmentation of the internal market, national cybersecurity certification schemes or procedures for the ICT products and services covered by a European cybersecurity certification scheme should cease to produce effects from the date established by the Commission by means of the implementing act.</p>	
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<p>Moreover, Member States should not introduce new national certification schemes providing cybersecurity certification schemes for ICT products and services already covered by an existing European cybersecurity certification scheme.</p>	<p>Moreover, Member States should not introduce new national certification schemes providing cybersecurity certification schemes for ICT products and services already covered by an existing European cybersecurity certification scheme. <i>However, this Regulation should be without prejudice to national schemes that Member States remain sovereign to manage for ICT products, processes and services used for their sovereign domain needs.</i> [Am. 56]</p>	<p>Moreover, Member States should not introduce new national certification schemes providing cybersecurity certification schemes for ICT products and services already covered by an existing European cybersecurity certification scheme.</p>	
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	<p><i>(57 a) A duty to issue a product declaration containing structured information in respect of the certification of the product, process or service is introduced to provide the consumer with more information and to allow the consumer to make a well-founded choice. [Am. 57]</i></p>	<p>(57a) With a view to achieving the objectives of this Regulation and avoiding the fragmentation of the internal market, national cybersecurity certification schemes or procedures for the ICT products and services covered by a European cybersecurity certification scheme should cease to produce effects from the date established by the Commission by means of the implementing act. Moreover, Member States should not introduce new national certification schemes providing cybersecurity certification schemes for ICT products and services already covered by an existing European cybersecurity certification scheme. However, Member States should not be prevented to adopt or maintain national certification schemes for national security purposes.</p>	
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	<p><i>(57b) When proposing new European cybersecurity schemes, ENISA and other relevant bodies should pay due attention to the competitive dynamics of the proposal, specifically making sure that where the sector concerned has many of small and medium sized enterprises, such as in software development, certification schemes do not form a barrier for entry for new businesses and innovations. [Am. 58]</i></p>		
	<p><i>(57c) European cybersecurity schemes will help to harmonise and unify cybersecurity practices within the Union. They must not however become the minimum level of cybersecurity. The design of European cybersecurity schemes should also take into account and allow for development of new innovations in the field of cybersecurity. [Am. 59]</i></p>		

<p>(58) Once a European cybersecurity certification scheme is adopted, manufacturers of ICT products or providers of ICT services should be able to submit an application for certification of their products or services to a conformity assessment body of their choice. Conformity assessment bodies should be accredited by an accreditation body if they comply with certain specified requirements set out in this Regulation. Accreditation should be issued for a maximum of five years and may be renewed on the same conditions provided that the conformity assessment body meets the requirements.</p>	<p>(58) Once a European cybersecurity certification scheme is adopted, manufacturers of ICT products or providers of ICT <i>processes or</i> services should be able to submit an application for certification of their products or services to a conformity assessment body of their choice <i>anywhere in the Union.</i> Conformity assessment bodies should be accredited by an accreditation body if they comply with certain specified requirements set out in this Regulation. Accreditation should be issued for a maximum of five years and may be renewed on the same conditions provided that the conformity assessment body meets the requirements.</p>	<p>(58) Once a European cybersecurity certification scheme is adopted, manufacturers of ICT products or providers of ICT services should be able to submit an application for certification of their products or services to a conformity assessment body of their choice. Conformity assessment bodies should be accredited by an accreditation body if they comply with certain specified requirements set out in this Regulation. Accreditation should be issued for a maximum of five years and may be renewed on the same conditions provided that the conformity assessment body meets the requirements.</p>	
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<p>Accreditation bodies should revoke an accreditation of a conformity assessment body where the conditions for the accreditation are not, or are no longer, met or where actions taken by a conformity assessment body infringe this Regulation.</p>	<p>Accreditation bodies should revoke an accreditation of a conformity assessment body where the conditions for the accreditation are not, or are no longer, met or where actions taken by a conformity assessment body infringe this Regulation. <i>Audits by the Agency should be carried out to ensure an equivalent level of quality and diligence of conformity assessment bodies with a view to avoiding regulatory arbitrage. The results should be reported to the Agency, the Commission and Parliament and should be made publicly available.</i> [Am. 60]</p>	<p>Accreditation bodies should restrict, suspend or revoke an accreditation of a conformity assessment body where the conditions for the accreditation are not, or are no longer, met or where actions taken by a conformity assessment body infringe this Regulation.</p>	
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	<p><i>(58 a) The mandatory use of European cybersecurity certification should be restricted to cases where risk analysis justifies the cost to industry, citizens and consumers. Incidents disrupting essential services can impede the pursuit of economic activities, generate substantial financial loss, undermine user confidence and cause major damage to the economy of the Union. The mandatory use of European cybersecurity certification by operators of essential services should be restricted to those elements that are critical for their functioning and should not be extensive to general-purpose products, processes and services, which would create an unjustified cost for the industry and the consumers. The Commission should work together with the Cooperation Group set up pursuant to Article 11 of Directive (EU) 2016/1148 to define a list of categories of products, processes and services that are specifically intended for the use by operators of essential services and whose malfunctioning in the event of an</i></p>		
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	<p><i>incident could have a significant disruptive effect on the essential service. That list should be compiled progressively and should be updated when necessary. Only products, processes and services on that list should be mandatory for the operators of essential requirements. [Am. 61]</i></p>		
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	<p><i>The Commission should work together with the Cooperation Group set up pursuant to Article 11 of Directive (EU) 2016/1148 to define a list of categories of products, processes and services that are specifically intended for the use by operators of essential services and whose malfunctioning in the event of an incident could have a significant disruptive effect on the essential service. That list should be compiled progressively and should be updated when necessary. Only products, processes and services on that list should be mandatory for the operators of essential requirements. [Am. 61]</i></p>		
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	<p><i>(58 b) The presence of cross references in national legislation that refer to a national standard which has ceased to produce legal effects due to the entry into force of a European Certification scheme can be a potential source of confusion for manufacturers and end users. In order to avoid that manufacturers continue to implement specifications corresponding to national certificates that are no longer in force, Member States should, in accordance with its obligations under the Treaties, adapt their national legislation to reflect the adoption of an European Certification scheme. [Am. 62]</i></p>		
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<p>(59) It is necessary to require all Member States to designate one cybersecurity certification supervisory authority to supervise compliance of conformity assessment bodies and of certificates issued by conformity assessment bodies established in their territory with the requirements of this Regulation and of the relevant cybersecurity certification schemes.</p>	<p>(59) It is necessary to require all Member States to designate one cybersecurity certification supervisory authority to supervise compliance of conformity assessment bodies and of certificates issued by conformity assessment bodies established in their territory with the requirements of this Regulation and of the relevant cybersecurity certification schemes, <i>and to ensure that the European cybersecurity certificates are recognised on their territory.</i></p>	<p>(59) It is necessary to require all Member States to designate one or more cybersecurity certification supervisory authorities to supervise compliance with obligations arising from this Regulation. If a Member State considers it appropriate, the tasks may be assigned also to already existing authorities. Member States should also be able to decide, upon mutual agreement with another Member State, to designate one or more supervisory authorities in the territory of that other Member State.</p>	
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		<p>The authority should in particular monitor and enforce the obligations of the manufacturer or provider of ICT products and services established in their respective territories relating to the EU statement of conformity, assist the national accreditation bodies in the monitoring and supervision of activities of conformity assessment bodies by providing them with expertise and relevant information, authorise conformity assessment bodies to carry out its tasks when they meet additional requirements set out in a scheme and monitor relevant developments in the field of cybersecurity certification of conformity assessment bodies and of certificates issued by conformity assessment bodies established in their territory with the requirements of this Regulation and of the relevant cybersecurity certification schemes.</p>	
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<p>National certification supervisory authorities should handle complaints lodged by natural or legal persons in relation to certificates issued by conformity assessment bodies established in their territories, investigate to the extent appropriate the subject matter of the complaint and inform the complainant of the progress and the outcome of the investigation within a reasonable time period. Moreover, they should cooperate with other national certification supervisory authorities or other public authority, including by sharing information on possible non-compliance of ICT products and services with the requirements of this Regulation or specific cybersecurity schemes.</p>	<p>National certification supervisory authorities should handle complaints lodged by natural or legal persons in relation to certificates issued by conformity assessment bodies established in their territories, <i>or in relation to alleged failures to recognise certificates on their territory</i>, investigate to the extent appropriate the subject matter of the complaint and inform the complainant of the progress and the outcome of the investigation within a reasonable time period. Moreover, they should cooperate with other national certification supervisory authorities or other public authority, including by sharing information on possible non-compliance of ICT products, <i>processes</i> and services with the requirements of this Regulation or specific cybersecurity schemes,</p>	<p>National cybersecurity certification supervisory authorities should handle complaints lodged by natural or legal persons in relation to certificates issued by them or certificates issued by conformity assessment bodies referring to assurance level high-conformity assessment bodies established in their territories, investigate to the extent appropriate the subject matter of the complaint and inform the complainant of the progress and the outcome of the investigation within a reasonable time period. Moreover, they should cooperate with other national cybersecurity certification supervisory authorities or other public authority, including by sharing information on possible non-compliance of ICT products and services with the requirements of this Regulation or specific cybersecurity schemes.</p>	
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	<p><i>or the non-recognition of European cybersecurity certificates. Furthermore, they should supervise and verify the compliance of the self-declarations of conformity and that European cybersecurity certificates have been issued by conformity assessment bodies in accordance with the requirements set out in this Regulation including the rules adopted by the European Cybersecurity Certification Group and the requirements set out in the corresponding European cybersecurity certification scheme. Effective cooperation among the national certification supervisory authorities is essential for the proper implementation of European cybersecurity certification schemes and of technical issues concerning the cybersecurity of ICT products and services.</i></p>		
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	<p><i>The Commission should facilitate that exchange of information by making available a general electronic information support system, for example the Information and Communication System on Market Surveillance (ICSMS) and the rapid alert system for dangerous non-food products (RAPEX) already used by market surveillance authorities pursuant to Regulation (EC) No 765/2008.</i> [Am. 63]</p>		
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<p>(60) With a view to ensuring the consistent application of the European cybersecurity certification framework, a European Cybersecurity Certification Group (the 'Group') consisting of national certification supervisory authorities should be established. The main tasks of the Group should be to advise and assist the Commission in its work to ensure a consistent implementation and application of the European cybersecurity certification framework; to assist and closely cooperate with the Agency in the preparation of candidate cybersecurity certification schemes; recommend that the Commission request the Agency to prepare a candidate European cybersecurity certification scheme; and to adopt opinions addressed to the Commission relating to the maintenance and review of existing European cybersecurity certifications schemes.</p>	<p>(60) With a view to ensuring the consistent application of the European cybersecurity certification framework, a European Cybersecurity Member States Certification Group (the 'Group') consisting of national certification supervisory authorities should be established. The main tasks of the Member States Certification Group should be to advise and assist the Commission in its work to ensure a consistent implementation and application of the European cybersecurity certification framework; to assist and closely cooperate with the Agency in the preparation of candidate cybersecurity certification schemes; recommend that the Commission request the Agency to prepare a candidate European cybersecurity certification scheme; and to adopt opinions addressed to the Commission relating to the maintenance and review of existing European cybersecurity certifications schemes. [Am. 64]</p>	<p>(60) With a view to ensuring the consistent application of the European cybersecurity certification framework, a European Cybersecurity Certification Group (the 'Group') consisting of representatives of national cybersecurity certification supervisory authorities or other relevant national authorities should be established. The main tasks of the Group should be to advise and assist the Commission in its work to ensure a consistent implementation and application of the European cybersecurity certification framework; to assist and closely cooperate with the Agency in the preparation of candidate cybersecurity certification schemes; recommend that the Commission request the Agency to prepare a candidate European cybersecurity certification scheme; and to adopt opinions addressed to the Agency on candidate schemes and to the Commission relating to the maintenance and review of existing European cybersecurity certifications schemes.</p>	
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	<p><i>(60 a) In order to ensure the equivalence of the level of competence of conformity assessment bodies, to facilitate mutual recognition and to promote the overall acceptance of certificates and conformity assessment results issued by conformity assessment bodies, it is necessary that national certification supervisory authorities operate a rigorous and transparent peer evaluation system and regularly undergo such evaluation. [Am. 65]</i></p>	<p>(60a) The Group should facilitate the exchange of good practices and expertise between the national cybersecurity certification authorities responsible for the authorisation of conformity assessment bodies and the issuance of certificates. The Group should support the development of a peer review mechanism in the context of the preparation of a candidate scheme and its implementation for bodies issuing European cybersecurity certificates for high assurance level. Such peer reviews should in particular assess whether the bodies concerned have the appropriate expertise and carry out their tasks in a harmonised way. The results of the peer reviews should be made publicly available. These bodies may adopt appropriate measures to adapt their practices and expertise.</p>	
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	<p><i>(60 b) Effective cooperation among national certification supervisory authorities is essential for the proper implementation of peer evaluation and with regard to cross-border accreditation. In the interests of transparency it is, therefore, necessary to provide for an obligation for national certification supervisory authorities to exchange information among themselves and to provide the national authorities and the Commission with relevant information. Updated and accurate information concerning the availability of accreditation activities operated by national accreditation bodies should also be made public and, therefore, accessible in particular to conformity assessment bodies.</i></p> <p>[Am. 66]</p>		
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<p>(61) In order to raise awareness and facilitate the acceptance of future EU cyber security schemes, the European Commission may issue general or sector-specific cyber security guidelines, e.g. on good cyber security practices or responsible cyber security behaviour highlighting the positive effect of the use of certified ICT products and services.</p>	<p>(61) In order to raise awareness and facilitate the acceptance of future EU cyber security schemes, the European Commission may issue general or sector-specific cyber security guidelines, e.g. on good cyber security practices or responsible cyber security behaviour highlighting the positive effect of the use of certified ICT products, <i>processes</i> and services.</p> <p>[Am. 67]</p>	<p>(61) In order to raise awareness and facilitate the acceptance of future EU cyber security schemes, the European Commission may issue general or sector-specific cyber security guidelines, e.g. on good cyber security practices or responsible cyber security behaviour highlighting the positive effect of the use of certified ICT products and services.</p>	
		<p>(61a) In order to further facilitate trade and recognising that ICT supply chains are global, mutual recognition agreements concerning certificates issued by schemes established under the European Cybersecurity Certification Framework, may be concluded by the Union in accordance with Article 218 TFEU. The Commission, taking into account the advice from ENISA and the European Cybersecurity Certification Group, may recommend the initiation of relevant negotiations. Each scheme should provide specific conditions for mutual recognition with third countries.</p>	

<p>(62) The Agency's support to cybersecurity certification should also include liaising with the Council Security Committee and the relevant national body, regarding the cryptographic approval of products to be used in classified networks.</p>	<p>(62) The Agency's support to cybersecurity certification should also include liaising with the Council Security Committee and the relevant national body, regarding the cryptographic approval of products to be used in classified networks.</p>	<p>(62) The Agency's support to cybersecurity certification should also include liaising with the Council Security Committee and the relevant national body, regarding the cryptographic approval of products to be used in classified networks.</p>	
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<p>(63) In order to specify further the criteria for the accreditation of conformity assessment bodies, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. The Commission should carry out appropriate consultations during its preparatory work, including at expert level. Those consultations should be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p>	<p>(63) In order to specify further the criteria for the accreditation of conformity assessment bodies, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. The Commission should carry out appropriate consultations during its preparatory work, including at expert level <i>and with relevant stakeholders, as appropriate.</i> Those consultations should be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>[Am. 68]</p>	<p>(63) In order to specify further the criteria for the accreditation of conformity assessment bodies, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. The Commission should carry out appropriate consultations during its preparatory work, including at expert level.</p> <p>Those consultations should be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p>	
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(64) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission when provided for by this Regulation. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.	(64) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission when provided for by this Regulation. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.	(64) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission when provided for by this Regulation. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.	
(65) The examination procedure should be used for the adoption of implementing acts on European cybersecurity certification schemes for ICT products and services; on modalities of carrying enquiries by the Agency; as well as on the circumstances, formats and procedures of notifications of accredited conformity assessment bodies by the national certification supervisory authorities to the Commission.	(65) The examination procedure should be used for the adoption of implementing acts Delegated acts could be furthermore adopted on European cybersecurity certification schemes for ICT products, processes and services; on modalities of carrying enquiries by the Agency; as well as on the circumstances, formats and procedures of notifications of accredited conformity assessment bodies by the national certification supervisory authorities to the Commission. [Am. 69]	(65) The examination procedure should be used for the adoption of implementing acts on European cybersecurity certification schemes for ICT products and services; on modalities of carrying enquiries inquiries by the Agency; as well as on the circumstances, formats and procedures of notifications of accredited conformity assessment bodies by the national cybersecurity certification supervisory authorities to the Commission.	

<p>(66) The Agency's operations should be evaluated independently. The evaluation should have regard to the Agency achieving its objectives, its working practices and the relevance of its tasks. The evaluation should also assess the impact, effectiveness and efficiency of the European cybersecurity certification framework.</p>	<p>(66) The Agency's operations should be evaluated <i>continuously and</i> independently. The evaluation should have regard to the Agency achieving its objectives, its working practices and the relevance of its tasks, <i>in particular its coordinating role vis-à-vis the Member States and their national authorities. In case of a review, the Commission</i>. The evaluation should also assess the impact, effectiveness and efficiency <i>evaluate the possibility</i> of the European cybersecurity certification framework <i>Agency to act as a one-stop-shop for Member States and Union institutions and bodies.</i> [Am. 70]</p>	<p>(66) The Agency's operations should be evaluated independently. The evaluation should have regard to the Agency achieving its objectives, its working practices and the relevance of its tasks. The evaluation should also assess the impact, effectiveness and efficiency of the European cybersecurity certification framework.</p>	
	<p><i>(66 a) The evaluation should also assess the impact, effectiveness and efficiency of the European cybersecurity certification framework. In the case of a review the Commission could evaluate a role for the Agency to assess third country products and services entering the Union market and the possibility to blacklist companies that do not comply with Union rules.</i> [Am. 71]</p>		

	<i>(66 b) The evaluation should analyse the level of cybersecurity of products and services sold in the Union. In the case of a review, the Commission should evaluate whether to include cybersecurity essential requirements as a condition for access to the internal market. [Am. 72]</i>		
(67) Regulation (EU) No 526/2013 should be repealed.	(67) Regulation (EU) No 526/2013 should be repealed.	(67) Regulation (EU) No 526/2013 should be repealed.	
(68) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,	(68) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective(1) ...	(68) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,	

HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	
TITLE I GENERAL PROVISIONS	TITLE I GENERAL PROVISIONS	TITLE I GENERAL PROVISIONS	
Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope	
With a view to ensuring the proper functioning of the internal market while aiming at a high level of cybersecurity, cyber resilience and trust within the Union, this Regulation: (a) lays down the objectives, tasks and organisational aspects of ENISA, the "EU Cybersecurity Agency", hereinafter 'the Agency'; and	With a view to ensuring the proper functioning of the internal market while aiming at a high level of cybersecurity, cyber resilience and trust within the Union, this Regulation: (a) lays down the objectives, tasks and organisational aspects of ENISA , the " EU Cybersecurity European Union Agency for Network and Information Security ", hereinafter 'the Agency'; and [Am. 73]	1. With a view to ensuring the proper functioning of the internal market while aiming at a high level of cybersecurity, cyber resilience and trust within the Union, this Regulation: (a) lays down the objectives, tasks and organisational aspects of ENISA , the " EU Cybersecurity European Union Agency for Cybersecurity ", hereinafter 'the Agency'; and	

<p>(b) lays down a framework for the establishment of European cybersecurity certification schemes for the purpose of ensuring an adequate level of cybersecurity of ICT products and services in the Union. Such framework shall apply without prejudice to specific provisions regarding voluntary or mandatory certification in other Union acts.</p>	<p>(b) lays down a framework for the establishment of European cybersecurity certification schemes for the purpose of <i>avoiding a fragmentation of certification schemes in the Union and</i> ensuring an adequate level of cybersecurity of ICT products, <i>processes</i> and services in the Union. Such framework shall apply which applies without prejudice to specific provisions regarding voluntary or <i>and, where appropriate</i>, mandatory certification <i>where provided for in this Regulation or</i> in other Union acts. [Am. 74]</p> <p><i>The Agency shall carry out its tasks without prejudice to the Member States' competences regarding cybersecurity, and in particular, to the Member States' competences concerning public security, defence, national security and criminal law.</i> [Am. 75]</p>	<p>(b) lays down a framework for the establishment of European cybersecurity certification schemes for the purpose of ensuring an adequate level of cybersecurity of ICT <i>processes</i>, products and services in the Union. Such framework shall apply without prejudice to specific provisions regarding voluntary or mandatory certification in other Union acts.</p>	
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		2. This Regulation shall be without prejudice to the competences of the Member States regarding cybersecurity and in any case, without prejudice to activities concerning public security, defence, national security and the activities of the state in areas of criminal law.	
Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	
For the purposes of this Regulation, the following definitions apply: (1) ‘cybersecurity’ comprises all activities necessary to protect network and information systems, their users, and affected persons from cyber threats;	For the purposes of this Regulation, the following definitions apply: (1) ‘cybersecurity’ comprises means all activities necessary to protect network and information systems, their users, and affected persons from cyber threats; [Am. 76]	For the purposes of this Regulation, the following definitions apply: (1) ‘cybersecurity’ comprises all activities necessary to protect network and information systems, their users, and affected persons from cyber threats;	
(2) ‘network and information system’ means a system within the meaning of point (1) of Article 4 of Directive (EU) 2016/1148;	(2) ‘network and information system’ means a network and information system within the meaning of as defined in point (1) of Article 4 of Directive (EU) 2016/1148; [Am. 77]	(2) ‘network and information system’ means a system within the meaning of point (1) of Article 4 of Directive (EU) 2016/1148;	

(3) ‘national strategy on the security of network and information systems’ means a framework within the meaning of point (3) of Article 4 of Directive (EU) 2016/1148;	(3) ‘national strategy on the security of network and information systems’ means a framework within the meaning <i>national strategy on the security of network and information systems as defined in</i> of point (3) of Article 4 of Directive (EU) 2016/1148; [Am. 78]	(3) ‘national strategy on the security of network and information systems’ means a framework within the meaning of point (3) of Article 4 of Directive (EU) 2016/1148;	
(4) ‘operator of essential services’ means a public or private entity as defined in point (4) of Article 4 of Directive (EU) 2016/1148;	(4) ‘operator of essential services’ means an public or private entity <i>operator of essential services</i> as defined in point (4) of Article 4 of Directive (EU) 2016/1148; [Am. 79]	(4) ‘operator of essential services’ means a public or private entity as defined in point (4) of Article 4 of Directive (EU) 2016/1148;	
(5) ‘digital service provider’ means any legal person that provides a digital service as defined in point (6) of Article 4 of Directive (EU) 2016/1148	(5) ‘digital service provider’ means any legal person that provides a digital service <i>provider</i> as defined in point (6) of Article 4 of Directive (EU) 2016/1148 [Am. 80]	(5) ‘digital service provider’ means any legal person that provides a digital service as defined in point (6) of Article 4 of Directive (EU) 2016/1148	
(6) ‘incident’ means any event as defined in point (7) of Article 4 of Directive (EU) 2016/1148;	(6) ‘incident’ means any event an <i>incident</i> as defined in point (7) of Article 4 of Directive (EU) 2016/1148; [Am. 81]	(6) ‘incident’ means any event as defined in point (7) of Article 4 of Directive (EU) 2016/1148;	

(7) 'incident handling' means any procedure as defined in point (8) of Article 4 of Directive (EU) 2016/1148;	(7) 'incident handling' means any procedure <i>incident handling</i> as defined in point (8) of Article 4 of Directive (EU) 2016/1148; [Am. 82]	(7) 'incident handling' means any procedure as defined in point (8) of Article 4 of Directive (EU) 2016/1148;	
(8) 'cyber threat' means any potential circumstance or event that may adversely impact network and information systems, their users and affected persons.	(8) 'cyber threat' means any potential circumstance, or event <i>or any intentional action, including an automated command</i> , that may <i>damage, disrupt or otherwise</i> adversely impact network and information systems, their users and affected persons. [Am. 83]	(8) 'cyber threat' means any potential circumstance or event that may <i>damage, disrupt or otherwise</i> adversely impact network and information systems, their users and affected persons;	
	<i>(8 a) 'cyber hygiene' means simple routine measures that when implemented and carried out regularly by users and businesses online minimise their exposure to risks from cyber threats. [Am. 84]</i>		

<p>(9) ‘European cybersecurity certification scheme’ means the comprehensive set of rules, technical requirements, standards and procedures defined at Union level applying to the certification of Information and Communication Technology (ICT) products and services falling under the scope of that specific scheme;</p>	<p>(9) ‘European cybersecurity certification scheme’ means the comprehensive set of rules, technical requirements, standards and procedures defined at Union level <i>and according to International and European standards and ICT specifications identified by the Agency</i> applying to the certification of Information and Communication Technology (ICT) products, <i>and services and processes</i> falling under the scope of that specific scheme; [Am. 85]</p>	<p>(9) ‘European cybersecurity certification scheme’ means the comprehensive set of rules, technical requirements, standards and procedures defined at Union level applying to the certification or conformity assessment of Information and Communication Technology (ICT) processes, products and services falling under the scope of that specific scheme;</p>	
		<p>(9a) ‘national cybersecurity certification scheme’ means a comprehensive set of rules, technical requirements, standards and procedures developed and adopted by a national public authority applying to the certification or conformity assessment of ICT processes, products and services falling under the scope of that specific scheme;</p>	

(10) ‘European cybersecurity certificate’ means a document issued by a conformity assessment body attesting that a given ICT product or service fulfils the specific requirements laid down in a European cybersecurity certification scheme;	(10) ‘European cybersecurity certificate’ means a document issued by a conformity assessment body attesting that a given ICT product, or service <i>or process</i> fulfils the specific requirements laid down in a European cybersecurity certification scheme; [Am. 86]	(10) ‘European cybersecurity certificate’ means a document issued by a conformity assessment body attesting that a given ICT <i>process</i> , product or service fulfils the has been evaluated for compliance with specific security requirements laid down in a European cybersecurity certification scheme;	
(11) ‘ICT product and service’ means any element or group of elements of network and information systems;	(11) ‘ICT product and service’ means any element or group of elements of network and information systems;	(11) ‘ICT product and service’ means any element or group of elements of network and information systems;	
	<i>(11 a) ‘ICT process’ means any set of activities performed to design, develop, maintain and deliver an ICT product or service; [Am. 87]</i>	<i>(11a) ‘ICT service’ means any service consisting fully or mainly in the transmission, storing, retrieving or processing of information by means of network and information systems;</i>	

	<i>(11 b) ‘consumer electronic device’ means devices consisting of hardware and software that process personal data or connect to the Internet for the operation of domotics and home control appliances, office appliances, routing equipment and devices that connect to a network, such as smart TVs, toys and gaming consoles, virtual or personal assistants, connected streaming devices, wearables, voice-command and virtual reality systems; [Am. 88]</i>	(11b) ‘ICT process’ means any set of activities performed to design, develop, deliver and maintain an ICT product or service;	
(12) ‘accreditation’ means accreditation as defined in point (10), Article 2 of Regulation (EC) No 765/2008;	(12)‘accreditation’ means accreditation as defined in point (10), Article 2 of Regulation (EC) No 765/2008;	(12) ‘accreditation’ means accreditation as defined in point (10), Article 2 of Regulation (EC) No 765/2008;	
(13) ‘national accreditation body’ means a national accreditation body as defined in point (11), Article 2 of Regulation (EC) No 765/2008;	(13)‘national accreditation body’ means a national accreditation body as defined in point (11), Article 2 of Regulation (EC) No 765/2008;	(13) ‘national accreditation body’ means a national accreditation body as defined in point (11), Article 2 of Regulation (EC) No 765/2008;	

(14) ‘conformity assessment’ means conformity assessment as defined in point (12), Article 2 of Regulation (EC) No 765/2008;	(14)‘conformity assessment’ means conformity assessment as defined in point (12), Article 2 of Regulation (EC) No 765/2008;	(14) ‘conformity assessment’ means conformity assessment as defined in point (12), Article 2 of Regulation (EC) No 765/2008;	
(15) ‘conformity assessment body’ means conformity assessment body as defined in point (13), Article 2 of Regulation (EC) No 765/2008;	(15)‘conformity assessment body’ means conformity assessment body as defined in point (13), Article 2 of Regulation (EC) No 765/2008;	(15) ‘conformity assessment body’ means conformity assessment body as defined in point (13), Article 2 of Regulation (EC) No 765/2008;	
(16) ‘standard’ means a standard as defined in point (1) of Article 2 of Regulation (EU) No 1025/2012.	(16)‘standard’, <i>technical specification and ICT technical specification</i> ’ means a standard, <i>technical specification or ICT technical specification</i> as defined in point (1), (4) and (5) of Article 2 of Regulation (EU) No 1025/2012, [Am. 89]	(16) ‘standard’ means a standard as defined in point (1) of Article 2 of Regulation (EU) No 1025/2012;	
	<i>(16 a)‘national certification supervisory authority’ means a body appointed by each Member State in accordance with Article 50 of this Regulation; [Am. 90]</i>	<i>(16a) ‘technical specification’ means a document that prescribes technical requirements to be fulfilled by ICT process, product or service;</i>	

	<p><i>(16 b) ‘self-assessment’ means the statement of conformity by which the manufacturer declares that specific requirements set in a certification scheme relating to products, processes and services have been fulfilled; [Am. 91]</i></p>	<p>(16b) ‘assurance level’ means a ground for confidence that an ICT process, product or service meets the security requirements of a specific European cybersecurity certification scheme and states at what level it has been evaluated; the assurance level does not measure the security of an ICT process, product or service themselves.</p>	
	<p><i>(16 c) ‘security by default’ means a situation where if a product, software or process can be set up in a way that ensures a higher degree of security, the first user should receive the default configuration with the most secure settings possible. If, on a case by case basis, a risk and usability analysis leads to the conclusion that such a setting is not feasible, users should be prompted to opt for the most secure setting. [Am. 92]</i></p>		

	<i>(16 d) 'operators of essential services' means operators of essential services as defined in point (4) of Article 4 of Directive(EU) 2016/1148.</i> [Am. 93]		
TITLE II ENISA – the "EU Cybersecurity Agency"	TITLE II ENISA – the "EU Cybersecurity Agency"	TITLE II ENISA – the " EU Cybersecurity European Union Agency for Cybersecurity "	
CHAPTER I MANDATE, OBJECTIVES AND TASKS	CHAPTER I MANDATE, OBJECTIVES AND TASKS	CHAPTER I MANDATE AND OBJECTIVES AND TASKS	
Article 3 Mandate	Article 3 Mandate	Article 3 Mandate	

<p>1. The Agency shall undertake the tasks assigned to it by this Regulation for the purpose of contributing to a high level of cybersecurity within the Union.</p>	<p>1. The Agency shall undertake the tasks assigned to it by this Regulation <i>and shall be reinforced</i> for the purpose of contributing to <i>achieving</i> a high <i>common</i> level of cybersecurity, <i>in order to prevent cyber-attacks</i> within the Union; <i>to reduce fragmentation in the internal market and improve its functioning; and to ensure consistency by taking into account the Member States' cooperation achievements under the NIS Directive.</i> [Am. 94]</p>	<p>1. The Agency shall undertake the tasks assigned to it by this Regulation for the purpose of contributing to a high level of cybersecurity within^{across} the Union in particular by supporting Member States and Union institutions, agencies and bodies in improving cybersecurity. The Agency shall act as a reference point of advice and expertise on cybersecurity for Union institutions, agencies and bodies.</p>	
<p>2. The Agency shall carry out tasks conferred upon it by Union acts setting out measures for approximating the laws, regulations and administrative provisions of the Member States which are related to cybersecurity.</p>	<p>2. The Agency shall carry out tasks conferred upon it by Union acts setting out measures for approximating the laws, regulations and administrative provisions of the Member States which are related to cybersecurity.</p>	<p>2. The Agency shall carry out tasks conferred upon it by Union acts setting out measures for approximating the laws, regulations and administrative provisions of the Member States which are related to cybersecurity.</p>	
		<p>2a. When carrying out its tasks, the Agency shall act independently and take utmost account of the national expertise of Member States relevant authorities while avoiding duplication of activities.</p>	

<p>3. The objectives and the tasks of the Agency shall be without prejudice to the competences of the Member States regarding cybersecurity, and in any case, without prejudice to activities concerning public security, defence, national security and the activities of the state in areas of criminal law</p>	<p>3. The objectives and the tasks of the Agency shall be without prejudice to the competences of the Member States regarding cybersecurity, and in any case, without prejudice to activities concerning public security, defence, national security and the activities of the state in areas of criminal law.</p>	<p>3. The objectives and the tasks of the Agency shall be without prejudice to the competences of the Member States regarding cybersecurity, and in any case, without prejudice to activities concerning public security, defence, national security and the activities of the state in areas of criminal law</p>	
<p>Article 4 Objectives</p>	<p>Article 4 Objectives</p>	<p>Article 4 Objectives</p>	
<p>1. The Agency shall be a centre of expertise on cybersecurity by virtue of its independence, the scientific and technical quality of the advice and assistance it delivers and the information it provides, the transparency of its operating procedures and methods of operation, and its diligence in carrying out its tasks.</p>	<p>1. The Agency shall be a centre of <i>theoretical and practical</i> expertise on cybersecurity by virtue of its independence, the scientific and technical quality of the advice and assistance it delivers and the information it provides, the transparency of its operating procedures and methods of operation, and its diligence in carrying out its tasks. [Am. 95]</p>	<p>1. The Agency shall be a centre of expertise on cybersecurity by virtue of its independence, the scientific and technical quality of the advice and assistance it delivers and the information it provides, the transparency of its operating procedures and methods of operation, and its diligence in carrying out its tasks.</p>	

<p>2. The Agency shall assist the Union institutions, agencies and bodies, as well as Member States, in developing and implementing policies related to cybersecurity.</p>	<p>2. The Agency shall assist the Union institutions, agencies and bodies, as well as Member States, in developing and implementing policies related to cybersecurity <i>and raising awareness among citizens and businesses.</i> [Am. 96]</p>	<p>2. The Agency shall assist the Union institutions, agencies and bodies, as well as Member States, in developing and implementing Union policies related to cybersecurity, including sectorial policies on cybersecurity</p>	
<p>3. The Agency shall support capacity building and preparedness across the Union, by assisting the Union, Member States and public and private stakeholders in order to increase the protection of their network and information systems, develop skills and competencies in the field of cybersecurity, and achieve cyber resilience.</p>	<p>3. The Agency shall support capacity building and preparedness across the Union <i>institutions, agencies and bodies,</i> by assisting the Union, Member States and public and private stakeholders in order to increase the protection of their network and information systems, develop <i>and improve cyber resilience and response capacities, raise awareness and develop</i> skills and competencies in the field of cybersecurity, and achieve cyber resilience. [Am. 97]</p>	<p>3. The Agency shall support capacity building and preparedness across the Union, by assisting the Union <i>institutions, agencies and bodies, as well as</i> Member States and public and private stakeholders in order to increase the protection of their network and information systems, develop <i>and improve cyber resilience and response capacities, and develop</i> skills and competencies in the field of cybersecurity, <i>and achieve cyber resilience.</i></p>	
<p>4. The Agency shall promote cooperation and coordination at Union level among Member States, Union institutions, agencies and bodies, and relevant stakeholders, including the private sector, on matters related to cybersecurity.</p>	<p>4. The Agency shall promote cooperation, <i>and coordination and information sharing</i> at Union level among Member States, Union institutions, agencies and bodies, and relevant stakeholders, <i>including the private sector,</i> on matters related to cybersecurity. [Am. 98]</p>	<p>4. The Agency shall promote cooperation and coordination at Union level among Member States, Union institutions, agencies and bodies, and relevant <i>private and public</i> stakeholders, <i>including the private sector,</i> on matters related to cybersecurity.</p>	

<p>5. The Agency shall increase cybersecurity capabilities at Union level in order to complement the action of Member States in preventing and responding to cyber threats, notably in the event of cross-border incidents.</p>	<p>5. The Agency shall <i>contribute to increasing</i> increase cybersecurity capabilities at Union level in order to complement the action of Member States in preventing and responding to cyber threats, notably in the event of cross-border incidents <i>and in order to carry out its task of assisting Union institutions in developing policies related to cybersecurity.</i> [Am. 99]</p>	<p>5. The Agency shall <i>contribute to increasing</i> increase cybersecurity capabilities at Union level in order to complement the action of Member States in preventing and responding to cyber threats, notably in the event of cross-border incidents.</p>	
<p>6. The Agency shall promote the use of certification, including by contributing to the establishment and maintenance of a cybersecurity certification framework at Union level in accordance with Title III of this Regulation, with a view to increasing transparency of cybersecurity assurance of ICT products and services and thus strengthen trust in the digital internal market.</p>	<p>6. The Agency shall promote the use of certification <i>with a view to avoiding fragmentation in the internal market and improving its functioning</i>, including by contributing to the establishment and maintenance of a cybersecurity certification framework at Union level in accordance with Title III of this Regulation, with a view to increasing transparency of cybersecurity assurance of ICT products, <i>and</i> services <i>and processes</i> and thus strengthen trust in the digital internal market, <i>as well as increasing the compatibility between existing national and international certification schemes.</i> [Am. 100]</p>	<p>6. The Agency shall promote the use of certification, <i>with a view to avoiding fragmentation of certification schemes in the EU. In particular, the Agency shall contribute including by contributing to the establishment and maintenance of a cybersecurity certification framework at Union level in accordance with Title III of this Regulation, with a view to increasing transparency of cybersecurity assurance of ICT products and services and thus strengthen trust in the digital internal market.</i></p>	

7. The Agency shall promote a high level of awareness of citizens and businesses on issues related to the cybersecurity.	7. The Agency shall promote <i>and support projects contributing to</i> a high level of awareness, <i>cyber hygiene and cyber literacy among</i> citizens and businesses on issues related to the cybersecurity. [Am. 101]	7. The Agency shall promote a high level of awareness of citizens and businesses on issues related to the cybersecurity.	
		<i>CHAPTER IA TASKS</i>	
Article 5 Tasks relating to the development and implementation of Union policy and law	Article 5 Tasks relating to the development and implementation of Union policy and law	<i>Article 5 Tasks relating to the development and implementation of Union policy and law</i>	
The Agency shall contribute to the development and implementation of Union policy and law, by:	The Agency shall contribute to the development and implementation of Union policy and law, by:	The Agency shall contribute to the development and implementation of Union policy and law, by:	

<p>1. assisting and advising, in particular by providing its independent opinion and supplying preparatory work, on the development and review of Union policy and law in the area of cybersecurity, as well as sector-specific policy and law initiatives where matters related to cybersecurity are involved;</p>	<p>1. assisting and advising, in particular by providing its independent opinion <i>and analysis of relevant activities in cyberspace</i> and supplying preparatory work, on the development and review of Union policy and law in the area of cybersecurity, as well as sector-specific policy and law initiatives where matters related to cybersecurity are involved; [Am. 102]</p>	<p>1. assisting and advising, in particular by providing its independent opinion and supplying preparatory work, on the development and review of Union policy and law in the area of cybersecurity, as well as sector-specific policy and law initiatives where matters related to cybersecurity are involved;</p>	
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<p>2. assisting Member States to implement consistently the Union policy and law regarding cybersecurity notably in relation to Directive (EU) 2016/1148, including by means of opinions, guidelines, advice and best practices on topics such as risk management, incident reporting and information sharing, as well as facilitating the exchange of best practices between competent authorities in this regard;</p>	<p>2. assisting Member States to implement consistently the Union policy and law regarding cybersecurity notably in relation to Directive (EU) 2016/1148,</p> <p><i>Directive ... establishing the European Electronic Communications Code, Regulation (EU) 2016/679 and Directive 2002/58/EC</i> including by means of opinions, guidelines, advice and best practices on topics such as <i>secure software and systems development</i>, risk management, incident reporting and information sharing, <i>technical and organisational measures, in particular the establishment of coordinated vulnerability disclosure programmes</i> as well as facilitating the exchange of best practices between competent authorities in this regard;</p> <p>[Am. 103]</p>	<p>2. assisting Member States to implement consistently the Union policy and law regarding cybersecurity notably in relation to Directive (EU) 2016/1148, including by means of opinions, guidelines, advice and best practices on topics such as risk management, incident reporting and information sharing, as well as facilitating the exchange of best practices between competent authorities in this regard</p>	
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	<i>2 a. the development and promotion of policies that would sustain the general availability or integrity of the public core of the open internet, which provide the essential functionality to the Internet as a whole and which underpin its normal operation, including, but not limited to, the security and stability of key protocols (in particular DNS, BGP, and IPv6), the operation of the Domain Name System (including those of all Top Level Domains), and the operation of the Root Zone. [Am. 104]</i>		
3. contributing to the work of the Cooperation Group pursuant to Article 11 of Directive (EU) 2016/1148, by providing its expertise and assistance;	3. contributing to the work of the Cooperation Group pursuant to Article 11 of Directive (EU) 2016/1148, by providing its expertise and assistance;	3. contributing to the work of the Cooperation Group pursuant to Article 11 of Directive (EU) 2016/1148, by providing its expertise and assistance;	

<p>4. supporting:</p> <p>(1) the development and implementation of Union policy in the area of electronic identity and trust services, in particular by providing advice and technical guidelines, as well as facilitating the exchange of best practices between competent authorities;</p> <p>(2) the promotion of an enhanced level of security of electronic communications, including by providing expertise and advice, as well as facilitating the exchange of best practices between competent authorities;</p>	<p>4. supporting:</p> <p>(1) the development and implementation of Union policy in the area of electronic identity and trust services, in particular by providing advice and technical guidelines, as well as facilitating the exchange of best practices between competent authorities;</p> <p>(2) the promotion of an enhanced level of security of electronic communications, <i>data storage and data processing</i>, including by providing expertise and advice, as well as facilitating the exchange of best practices between competent authorities; [Am. 105]</p>	<p>4. supporting:</p> <p>(1) the development and implementation of Union policy in the area of electronic identity and trust services, in particular by providing advice and technical guidelines, as well as facilitating the exchange of best practices between competent authorities;</p> <p>(2) the promotion of an enhanced level of security of electronic communications, including by providing expertise and advice, as well as facilitating the exchange of best practices between competent authorities;</p>	
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<p>5. supporting the regular review of Union policy activities by providing an annual report on the state of implementation of the respective legal framework regarding:</p> <p>(a) Member States' incident notifications provided by the single point of contacts to the Cooperation Group pursuant to Article 10(3) of Directive (EU) 2016/1148;</p> <p>(b) notifications of breach of security and loss of integrity regarding the trust service providers, provided by the supervisory bodies to the Agency, pursuant to Article 19(3) of Regulation (EU) 910/2014;</p> <p>(c) notifications of breach of security transmitted by the undertakings providing public communications networks or publicly available electronic communications services, provided by the competent authorities to Agency, pursuant to Article 40 of [Directive establishing the European Electronic Communications Code].</p>	<p>5. supporting the regular review of Union policy activities by providing an annual report on the state of implementation of the respective legal framework regarding:</p> <p>(a) Member States' incident notifications provided by the single point of contacts to the Cooperation Group pursuant to Article 10(3) of Directive (EU) 2016/1148;</p> <p>(b) notifications of breach of security and loss of integrity regarding the trust service providers, provided by the supervisory bodies to the Agency, pursuant to Article 19(3) of Regulation (EU) 910/2014;</p> <p>(c) notifications of breach of security transmitted by the undertakings providing public communications networks or publicly available electronic communications services, provided by the competent authorities to Agency, pursuant to Article 40 of [Directive establishing the European Electronic Communications Code].</p>	<p>5. supporting the regular review of Union policy activities by providing an annual report on the state of implementation of the respective legal framework regarding:</p> <p>(a) Member States' incident notifications provided by the single point of contacts to the Cooperation Group pursuant to Article 10(3) of Directive (EU) 2016/1148;</p> <p>(b) notifications of breach of security and loss of integrity regarding the trust service providers, provided by the supervisory bodies to the Agency, pursuant to Article 19(3) of Regulation (EU) 910/2014;</p> <p>(c) notifications of breach of security incidents transmitted by the undertakings providing public communications networks or publicly available electronic communications services, provided by the competent authorities to Agency, pursuant to Article 40 of [Directive establishing the European Electronic Communications Code].</p>	
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	<p><i>5 a. assisting Member States to implement the Union policy and law relating to data protection consistently, in particular Regulation (EU) 2016/679, as well as assisting the European Data Protection Board (EDPB) for the development of guidelines related to the implementation of Regulation (EU) 2016/679 for cybersecurity purposes. The EDPB shall consult the Agency every time it issues an opinion or a decision concerning the implementation of GDPR and cybersecurity, non-exhaustively on issues related to privacy impact assessments, data breach notification, security processing, security requirements, and privacy by design. [Am. 106]</i></p>		
Article 6 Tasks relating to capacity building	Article 6 Tasks relating to capacity building	<i>Article 6 Tasks relating to capacity building</i>	

1. The Agency shall assist: (a) Member States in their efforts to improve the prevention, detection and analysis, and the capacity to respond to, cybersecurity problems and incidents by providing them with the necessary knowledge and expertise;	1. The Agency shall assist: (a) Member States in their efforts to improve the prevention, detection and analysis, and the capacity to respond to, cybersecurity problems and incidents by providing them with the necessary knowledge and expertise;	1. The Agency shall assist: (a) Member States in their efforts to improve the prevention, detection and analysis, and the capacity to respond to, cybersecurity threats problems and incidents by providing them with the necessary knowledge and expertise;	
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	<p><i>(a a) Member States and Union institutions in establishing and implementing coordinated vulnerability disclosure policies and government vulnerability disclosure review processes, whose practices and determinations should be transparent and subject to independent oversight.</i> [Am. 107]</p> <p><i>(a b) The Agency shall facilitate the establishment and launch of a long-term European IT security project to further foster cybersecurity research in the Union and the Member States, in cooperation with the European Research Council (ERC) and the European Institute of Innovation and Technology (EIT) and with regard to Union's research programmes;</i> [Am. 108]</p>		
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(b) Union institutions, bodies, offices and agencies, in their efforts to improve the prevention, detection and analysis of and the capability to respond to cybersecurity problems and incidents through appropriate support for the CERT for the Union institutions, agencies and bodies (CERT-EU);	(b) Union institutions, bodies, offices and agencies, in their efforts to improve the prevention, detection and analysis of and the capability to respond to cybersecurity problems and incidents through appropriate support for the CERT for the Union institutions, agencies and bodies (CERT-EU);	(b) Union institutions, bodies, offices and agencies and bodies , in their efforts to improve the prevention, detection and analysis of and the capability to respond to cybersecurity problems threats and incidents in particular through appropriate support for the CERT for the Union institutions, agencies and bodies (CERT-EU);	
(c) Member States, at their request, in developing national Computer Security Incident Response Teams (CSIRTs) pursuant to Article 9(5) of Directive (EU) 2016/1148;	(c) Member States, at their request, in developing national Computer Security Incident Response Teams (CSIRTs) pursuant to Article 9(5) of Directive (EU) 2016/1148;	(c) Member States, at their request, in developing national Computer Security Incident Response Teams (CSIRTs) pursuant to Article 9(5) of Directive (EU) 2016/1148;	
(d) Member States, at their request, in developing national strategies on the security of network and information systems, pursuant to Article 7(2) of Directive (EU) 2016/1148; the Agency shall also promote dissemination and track progress of implementation of those strategies across the Union in order to promote best practices;	(d) Member States, at their request, in developing national strategies on the security of network and information systems, pursuant to Article 7(2) of Directive (EU) 2016/1148; the Agency shall also promote dissemination and track progress of implementation of those strategies across the Union in order to promote best practices;	(d) Member States, at their request, in developing national strategies on the security of network and information systems, pursuant to Article 7(2) of Directive (EU) 2016/1148; the Agency shall also promote dissemination and track follow the progress of implementation of those strategies across the Union in order to promote best practices;	

(e) Union institutions in developing and reviewing Union strategies regarding cybersecurity, promoting their dissemination and tracking progress of their implementation;	(e) Union institutions in developing and reviewing Union strategies regarding cybersecurity, promoting their dissemination and tracking progress of their implementation	(e) Union institutions in developing and reviewing Union strategies regarding cybersecurity, promoting their dissemination and tracking progress of their implementation;	
(f) national and Union CSIRTs in raising the level of their capabilities, including by promoting dialogue and exchange of information, with a view to ensuring that, with regard to the state of the art, each CSIRT meets a common set of minimum capabilities and operates according to best practices;	(f) national and Union CSIRTs in raising the level of their capabilities, including by promoting dialogue and exchange of information, with a view to ensuring that, with regard to the state of the art, each CSIRT meets a common set of minimum capabilities and operates according to best practices;	(f) national and Union CSIRTs in raising the level of their capabilities, including by promoting dialogue and exchange of information, with a view to ensuring that, with regard to the state of the art, each CSIRT meets a common set of minimum capabilities and operates according to best practices;	
(g) the Member States by organising yearly large-scale cybersecurity exercises at the Union level referred to in Article 7(6) and by making policy recommendations based on the evaluation process of the exercises and lessons learned from them;	(g) the Member States by organising <i>regularly and at least</i> yearly large-scale cybersecurity exercises at the Union level referred to in Article 7(6) and by making policy recommendations <i>and exchanging best practices</i> based on the evaluation process of the exercises and lessons learned from them; [Am. 109]	(g) the Member States by organising <i>regular</i> yearly large-scale cybersecurity exercises at the Union level referred to in Article 7(6) and by making policy recommendations based on the evaluation process of the exercises and lessons learned from them;	
(h) relevant public bodies by offering trainings regarding cybersecurity, where appropriate in cooperation with stakeholders;	(h) relevant public bodies by offering trainings regarding cybersecurity, where appropriate in cooperation with stakeholders;	(h) relevant public bodies by offering trainings regarding cybersecurity, where appropriate in cooperation with stakeholders;	

(i) the Cooperation Group, by exchanging of best practices, in particular with regard to the identification of operators of essential services by Member States, including in relation to cross-border dependencies, regarding risks and incidents, pursuant to Article 11(3)(l) of Directive (EU) 2016/1148.	(i) the Cooperation Group, by exchanging of best practices, in particular with regard to the identification of operators of essential services by Member States, including in relation to cross-border dependencies, regarding risks and incidents, pursuant to Article 11(3)(l) of Directive (EU) 2016/1148.	(i) the Cooperation Group, in by exchanging of best practices, in particular with regard to the identification of operators of essential services by Member States, including in relation to cross-border dependencies, regarding risks and incidents, pursuant to Article 11(3)(l) of Directive (EU) 2016/1148.	
2. The Agency shall facilitate the establishment of and continuously support sectoral Information Sharing and Analysis Centres (ISACs), in particular in the sectors listed in Annex II of Directive (EU) 2016/1148, by providing best practices and guidance on available tools, procedure, as well as on how to address regulatory issues related to information sharing.	2. The Agency shall facilitate the establishment of and continuously support sectoral Information Sharing and Analysis Centres (ISACs), in particular in the sectors listed in Annex II of Directive (EU) 2016/1148, by providing best practices and guidance on available tools, procedure, <i>cyber hygiene principles</i> as well as on how to address regulatory issues related to information sharing. [Am. 110]	2. The Agency shall support information sharing in and between sectors facilitate the establishment of and continuously support sectoral Information Sharing and Analysis Centres (ISACs), in particular in the sectors listed in Annex II of Directive (EU) 2016/1148, by providing best practices and guidance on available tools, procedure, as well as on how to address regulatory issues related to information sharing.	
Article 7 Tasks relating to operational cooperation at Union level	Article 7 Tasks relating to operational cooperation at Union level	<i>Article 7</i> Tasks relating to Operational cooperation at Union level	

<p>1. The Agency shall support operational cooperation among competent public bodies, and between stakeholders.</p>	<p>1. The Agency shall support operational cooperation among competent public Member States, Union institutions, agencies and bodies, and between stakeholders, <i>with a view to achieving collaboration, by analysing and assessing existing national schemes, by developing and implementing a plan and by using the appropriate instruments to achieve the highest level of cybersecurity certification in the Union and the Member States</i> [Am. 111].</p>	<p>1. The Agency shall support operational cooperation among Member States, Union institutions, agencies and competent public bodies, and between stakeholders.</p>	
<p>2. The Agency shall cooperate at operational level and establish synergies with Union institutions, bodies, offices and agencies, including the CERT-EU, those services dealing with cybercrime and supervisory authorities dealing with the protection of privacy and personal data, with a view to addressing issues of common concern, including:</p>	<p>2. The Agency shall cooperate at operational level and establish synergies with Union institutions, bodies, offices and agencies, including the CERT-EU, those services dealing with cybercrime and supervisory authorities dealing with the protection of privacy and personal data, with a view to addressing issues of common concern, including:</p>	<p>2. The Agency shall cooperate at operational level and establish synergies with Union institutions, bodies, offices and agencies and bodies, including the CERT-EU, those services dealing with cybercrime and supervisory authorities dealing with the protection of privacy and personal data, with a view to addressing issues of common concern, including:</p>	

<p>(a) the exchange of know-how and best practices;</p> <p>(b) the provision of advice and guidelines on relevant issues related to cybersecurity;</p> <p>(c) the establishment, upon consultation of the Commission, of practical arrangements for the execution of specific tasks.</p>	<p>(a) the exchange of know-how and best practices;</p> <p>(b) the provision of advice and guidelines on relevant issues related to cybersecurity;</p> <p>(c) the establishment, upon consultation of the Commission, of practical arrangements for the execution of specific tasks.</p>	<p>(a) the exchange of know-how and best practices;</p> <p>(b) the provision of advice and guidelines on relevant issues related to cybersecurity;</p> <p>(c) the establishment, upon consultation of the Commission, of practical arrangements for the execution of specific tasks.</p>	
<p>3. The Agency shall provide the secretariat of the CSIRTs network, pursuant to Article 12(2) of Directive (EU) 2016/1148 and shall actively facilitate the information sharing and the cooperation among its members.</p>	<p>3. The Agency shall provide the secretariat of the CSIRTs network, pursuant to Article 12(2) of Directive (EU) 2016/1148 and shall actively facilitate the information sharing and the cooperation among its members.</p>	<p>3. The Agency shall provide the secretariat of the CSIRTs network, pursuant to Article 12(2) of Directive (EU) 2016/1148 and in this capacity shall actively facilitate the information sharing and the cooperation among its members.</p>	
<p>4. The Agency shall contribute to the operational cooperation within the CSIRTs Network providing support to Member States by:</p>	<p>4. The Agency shall contribute to the operational cooperation within the CSIRTs Network providing support to Member States by:</p>	<p>4. The Agency shall support contribute to the operational cooperation within the CSIRTs Network providing support to Member States - at their request, by:</p>	

(a) advising on how to improve their capabilities to prevent, detect and respond to incidents;	(a) advising on how to improve their capabilities to prevent, detect and respond to incidents;	(a) advising on how to improve their capabilities to prevent, detect and respond to incidents;	
(b) providing, at their request, technical assistance in case of incidents having a significant or substantial impact;	(b) providing, at their request, technical assistance in <i>the form of information sharing and expertise in the</i> case of incidents having a significant or substantial impact; [Am. 112]	(b) providing, at their request, facilitating the technical handling assistance in case of incidents having a significant or substantial impact, including in particular by supporting the voluntary sharing of technical solutions between Member States;	
	<i>(b a) where a situation requires urgent action when an incident has a significant disruptive effect, a Member State may request the assistance of experts from the Agency to assess the situation. The request shall include a description of the situation, the possible aims and envisaged needs.</i> [Am. 113]		
(c) analysing vulnerabilities, artefacts and incidents.	(c) analysing vulnerabilities, artefacts and incidents.	(c) analysing vulnerabilities, artefacts and incidents;	
		(ca) providing support to ex-post technical inquiries of incidents having a significant or substantial impact pursuant to Directive (EU) 2016/1148.	

In performing these tasks, the Agency and CERT-EU shall engage in a structured cooperation in order to benefit from synergies, in particular regarding operational aspects.	In performing these tasks, the Agency and CERT-EU shall engage in a structured cooperation in order to benefit from synergies, in particular regarding operational aspects.	In performing these tasks, the Agency and CERT-EU shall engage in a structured cooperation in order to benefit from synergies and avoid duplication of activities , in particular regarding operational aspects.	
5. Upon a request by two or more Member States concerned, and with the sole purpose of providing advice for the prevention of future incidents, the Agency shall provide support to or carry out an ex-post technical enquiry following notifications by affected undertakings of incidents having a significant or substantial impact pursuant to Directive (EU) 2016/1148.	5. Upon a request by two one or more Member States concerned, and with the sole purpose of providing <i>assistance either in the form of</i> advice for the prevention of future <i>incidents, or in the form of assisting in the response to current large scale</i> incidents, the Agency shall provide support to or carry out an ex-post technical enquiry following notifications by affected undertakings of incidents having a significant or substantial impact pursuant to Directive (EU) 2016/1148.	5. Upon a request by two or more Member States concerned, and with the sole purpose of providing advice for the prevention of future incidents, the Agency shall provide support to or carry out an ex-post technical enquiry following notifications by affected undertakings of incidents having a significant or substantial impact pursuant to Directive (EU) 2016/1148.	

<p>The Agency shall also carry out such an enquiry upon a duly justified request from the Commission in agreement with the concerned Member States in case of such incidents affecting more than two Member States.</p>	<p><i>The Agency shall perform the above activities by receiving relevant information from the affected Member States and by utilising its own resources on threat analysis as well as resources on incident response.</i> The Agency shall also carry out such an enquiry upon a duly justified request from the Commission in agreement with the concerned Member States in case of such incidents affecting more than two one Member State. <i>In so doing, the Agency shall make sure not to disclose the actions taken by Member States to safeguard their essential State functions, in particular those concerning national security.</i> [Am. 114]</p>	<p>The Agency shall also carry out such an enquiry upon a duly justified request from the Commission in agreement with the concerned Member States in case of such incidents affecting more than two Member States.</p>	
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<p>The scope of the enquiry and the procedure to be followed in conducting such enquiry shall be agreed by the concerned Member States and the Agency and is without prejudice to any on-going criminal investigation concerning the same incident. The enquiry shall be concluded by a final technical report compiled by the Agency in particular on the basis of information and comments provided by the concerned Member States and undertaking(s) and agreed with the concerned Member States. A summary of the report focussing on the recommendations for the prevention of future incidents will be shared with the CSIRTs network.</p>	<p>The scope of the enquiry and the procedure to be followed in conducting such enquiry shall be agreed by the concerned Member States and the Agency and is without prejudice to any on-going criminal investigation concerning the same incident. The enquiry shall be concluded by a final technical report compiled by the Agency in particular on the basis of information and comments provided by the concerned Member States and undertaking(s) and agreed with the concerned Member States. A summary of the report focussing on the recommendations for the prevention of future incidents will be shared with the CSIRTs network.</p>	<p>The scope of the enquiry and the procedure to be followed in conducting such enquiry shall be agreed by the concerned Member States and the Agency and is without prejudice to any on-going criminal investigation concerning the same incident. The enquiry shall be concluded by a final technical report compiled by the Agency in particular on the basis of information and comments provided by the concerned Member States and undertaking(s) and agreed with the concerned Member States. A summary of the report focussing on the recommendations for the prevention of future incidents will be shared with the CSIRTs network.</p>	
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<p>6. The Agency shall organise annual cybersecurity exercises at Union level, and support Member States and EU institutions, agencies and bodies in organising exercises following their request(s). Annual exercises at Union level shall include technical, operational and strategic elements and help to prepare the cooperative response at the Union level to large-scale cross-border cybersecurity incidents. The Agency shall also contribute to and help organise, where appropriate, sectoral cybersecurity exercises together with relevant ISACs and permit ISACs to participate also to Union level cybersecurity exercises.</p>	<p>6. The Agency shall organise <i>regular, and in any event at least</i> annual cybersecurity exercises at Union level, and support Member States and EU institutions, agencies and bodies in organising exercises following their request(s). Annual exercises at Union level shall include technical, operational and strategic elements and help to prepare the cooperative response at the Union level to large-scale cross-border cybersecurity incidents. The Agency shall also contribute to and help organise, where appropriate, sectoral cybersecurity exercises together with relevant ISACs and permit ISACs to participate also to Union level cybersecurity exercises. [Am. 115]</p>	<p>6. The Agency shall organise <i>regular annual</i> cybersecurity exercises at Union level, and support Member States and EU institutions, agencies and bodies in organising exercises following their request(s). Such exercises at Union level may include technical, operational or strategic elements. Annual exercises at Union level shall include technical, operational and strategic elements and help to prepare the cooperative response at the Union level to large-scale cross-border cybersecurity incidents. Once every two years, a large-scale exercise shall be organised that will have all that elements. The Agency shall also contribute to and help organise, where appropriate, sectoral cybersecurity exercises together with relevant ISACs and permit ISACs to organisations that may participate also in to Union level cybersecurity exercises.</p>	
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<p>7. The Agency shall prepare a regular EU Cybersecurity Technical Situation Report on incidents and threats based on open source information, its own analysis, and reports shared by, among others: Member States' CSIRTs (on a voluntary basis) or NIS Directive Single Points of Contact (in accordance with NIS Directive Article 14 (5)); European Cybercrime Centre (EC3) at Europol, CERT-EU.</p>	<p>7. The Agency shall prepare a regular <i>and in-depth</i> EU Cybersecurity Technical Situation Report on incidents and threats based on open source information, its own analysis, and reports shared by, among others: Member States' CSIRTs (on a voluntary basis) or NIS Directive Single Points of Contact (in accordance with NIS Directive Article 14 (5)); European Cybercrime Centre (EC3) at Europol, CERT-EU. <i>The Executive Director shall present the public findings to the European Parliament when appropriate.</i> [Am. 116]</p>	<p>7. The Agency shall, in close cooperation with Member States, prepare a regular EU Cybersecurity Technical Situation Report on incidents and threats based on open source information, its own analysis, and reports shared by, among others: Member States' CSIRTs (on a voluntary basis) or NIS Directive Single Points of Contact (both on a voluntary basis in accordance with NIS Directive Article 14 (5)); European Cybercrime Centre (EC3) at Europol, CERT-EU.</p>	
	<p><i>7 a. The Agency shall, where appropriate and subject to prior approval by the Commission, contribute to cyber cooperation with the NATO Cooperative Cyber Defence Centre of Excellence and the NATO Communications and Information (NCI) Academy.</i> [Am. 117]</p>		

8. The Agency shall contribute to develop a cooperative response, at Union and Member States level, to large-scale cross-border incidents or crises related to cybersecurity, mainly by:	8. The Agency shall contribute to develop a cooperative response, at Union and Member States level, to large-scale cross-border incidents or crises related to cybersecurity, mainly by:	8. The Agency shall contribute to develop a cooperative response, at Union and Member States level, to large-scale cross-border incidents or crises related to cybersecurity, mainly by:	
(a) aggregating reports from national sources with a view to contribute to establishing common situational awareness;	(a) <i>analysing and</i> aggregating reports from national sources with a view to contribute to establishing common situational awareness; [Am. 118]	(a) aggregating reports from national sources shared on a voluntary basis with a view to contribute to establishing common situational awareness;	
(b) ensuring the efficient flow of information and the provision of escalation mechanisms between the CSIRTs Network and the technical and political decision-makers at Union level;	(b) ensuring the efficient flow of information and the provision of escalation mechanisms between the CSIRTs Network and the technical and political decision-makers at Union level;	(b) ensuring the efficient flow of information and the provision of escalation mechanisms between the CSIRTs Network and the technical and political decision-makers at Union level;	
(c) supporting the technical handling of an incident or crisis, including facilitating the sharing of technical solutions between Member States;	(c) supporting the technical handling of an incident or crisis, <i>based on its own independent expertise and resources</i> , including facilitating the <i>voluntary</i> sharing of technical solutions between Member States; [Am. 119]	(c) <i>supporting upon request of Member States, facilitating the technical handling of an incident or crisis, including in particular, facilitating by supporting the voluntary sharing of technical solutions between Member States;</i>	

(d) supporting public communication around the incident or crisis;	(d) supporting public communication around the incident or crisis;	(d) supporting EU institutions, agencies and bodies and, upon request, Member States in the public communication around the incident or crisis;	
(e) testing the cooperation plans to respond to such incidents or crises.	(e) testing the cooperation plans to respond to such incidents or crises.	(e) supporting Member States, at their request, to testing the cooperation plans to respond to such incidents or crises.	
	<i>8 a. The Agency shall arrange for an exchange of views when needed and shall assist Member States' authorities in the coordination of their response, in accordance with the principles of subsidiarity and proportionality. [Am. 120]</i>		
	<i>Article 7 a</i> <i>Technical capabilities of the Agency</i>		

	<p><i>1. For the purpose of meeting the objectives described in Article 7, and in accordance with the working programme of the Agency, the Agency shall, inter alia, develop the following technical capabilities and skills:</i></p> <p><i>(a) the ability to collect information on cybersecurity threats from open source; and</i></p> <p><i>(b) the ability to deploy technical equipment, tools and expertise remotely.</i></p> <p><i>2. For the purpose of meeting the technical capabilities referred to in paragraph 1 of this Article and of developing the relevant skills, the Agency shall:</i></p> <p><i>(a) ensure that its recruitment processes reflect the diverse technical skills required; and</i></p> <p><i>(b) cooperate with CERT EU and Europol in accordance with Article 7, paragraph 2 of this Regulation. [Am. 121]</i></p>		
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Article 8 Tasks relating to the market, cybersecurity certification, and standardisation	Article 8 Tasks relating to the market, cybersecurity certification, and standardisation	<i>Article 8</i> <i>Tasks relating to the m</i> -Market, cybersecurity certification, and standardisation	
The Agency shall: (a) support and promote the development and implementation of the Union policy on cybersecurity certification of ICT products and services, as established in Title III of this Regulation, by:	The Agency shall: (a) support and promote the development and implementation of the Union policy on cybersecurity certification of ICT products, and processes as established in Title III of this Regulation, by: [Am. 122]	The Agency shall: (a) support and promote the development and implementation of the Union policy on cybersecurity certification of ICT processes , products and services, as established in Title III of this Regulation, by:	
	<i>(-1) on an ongoing basis identifying standards, technical specifications and ICT technical specifications; [Am. 123]</i>		

<p>(1) preparing candidate European cybersecurity certification schemes for ICT products and services in accordance with Article 44 of this Regulation;</p>	<p>(1) <i>in cooperation with industry stakeholders and standardisation organisations in a formal, standardised and transparent process</i> preparing candidate European cybersecurity certification schemes for ICT products, and services <i>and processes</i> in accordance with Article 44 of this Regulation; [Am. 124]</p>	<p>(1) preparing candidate European cybersecurity certification schemes for ICT processes, products and services in cooperation with industry and in accordance with Article 44 of this Regulation;</p>	
	<p><i>(1 a) carrying out, in cooperation with the Member States Certification Group pursuant to Article 53 of this Regulation, assessments of the procedures for issuing European cybersecurity certificates put in place by conformity assessment bodies referred to in Article 51 of this Regulation, with a view to ensuring the uniform application of this Regulation by conformity assessment bodies when issuing certificates; [Am. 125]</i></p>		

	<i>(1 b) carrying out independent periodic ex-post checks on the compliance of certified ICT products, processes and services with European cybersecurity certification schemes; [Am. 126]</i>		
(2) assisting the Commission in providing the secretariat to the European Cybersecurity Certification Group pursuant to Article 53 of this Regulation;	(2) assisting the Commission in providing the secretariat to the European Cybersecurity Member States Certification Group pursuant to Article 53 of this Regulation; [Am. 127]	(2) assisting the Commission in providing the secretariat to the European Cybersecurity Certification Group pursuant to Article 53 of this Regulation;	
(3) compiling and publishing guidelines and developing good practices concerning the cybersecurity requirements of ICT products and services, in cooperation with national certification supervisory authorities and the industry;	(3) compiling and publishing guidelines and developing good practices, including on cyber hygiene principles concerning the cybersecurity requirements of ICT products, processes and services, in cooperation with national certification supervisory authorities and the industry in a formal, standardised and transparent process ; [Am. 128]	(3) compiling and publishing guidelines and developing good practices concerning the cybersecurity requirements of ICT products and services, in cooperation with national cybersecurity certification supervisory authorities and the industry;	

		<p>(3a) recommending appropriate technical specifications for the use of the development of European cybersecurity certification schemes as referred in Article 47(1)(b) in cases where standards are not available;</p> <p>(3b) contributing to a sufficient capacity building related to evaluation and certification processes by compiling and publishing guidelines as well as by providing support to Member States at their request;</p>	
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<p>(b) facilitate the establishment and take-up of European and international standards for risk management and for the security of ICT products and services, as well as draw up, in collaboration with Member States, advice and guidelines regarding the technical areas related to the security requirements for operators of essential services and digital service providers, as well as regarding already existing standards, including Member States' national standards, pursuant to Article 19(2) of Directive (EU) 2016/1148;</p>	<p>(b) facilitate the establishment and take-up of European and international standards for risk management and for the security of ICT products, <i>processes</i> and services, as well as draw up, in collaboration with Member States <i>and industry</i>, advice and guidelines regarding the technical areas related to the security requirements for operators of essential services and digital service providers, as well as regarding already existing standards, including Member States' national standards, pursuant to Article 19(2) of Directive (EU) 2016/1148 <i>and share that information among Member States; [Am. 129]</i></p>	<p>(b) facilitate the establishment and take-up of European and international standards for risk management and for the security of ICT processes, products and services, as well as;</p> <p>(ba) draw up, in collaboration with Member States, advice and guidelines regarding the technical areas related to the security requirements for operators of essential services and digital service providers, as well as regarding already existing standards, including Member States' national standards, pursuant to Article 19(2) of Directive (EU) 2016/1148;</p>	
<p>(c) perform and disseminate regular analyses of the main trends in the cybersecurity market both on the demand and supply side, with a view of fostering the cybersecurity market in the Union.</p>	<p>(c) perform and disseminate regular analyses of the main trends in the cybersecurity market both on the demand and supply side, with a view of fostering the cybersecurity market in the Union.</p>	<p>(c) perform and disseminate regular analyses of the main trends in the cybersecurity market both on the demand and supply side, with a view of fostering the cybersecurity market in the Union.</p>	

Article 9 Tasks relating to knowledge, information and awareness raising	Article 9 Tasks relating to knowledge, information and awareness raising	<i>Article 9</i> <i>Tasks relating to Knowledge and information and awareness raising</i>	
The Agency shall: (a) perform analyses of emerging technologies and provide topic-specific assessments on expected societal, legal, economic and regulatory impacts of technological innovations on cybersecurity;	(a) perform analyses of emerging technologies and provide topic-specific assessments on expected societal, legal, economic and regulatory impacts of technological innovations on cybersecurity;	The Agency shall: (a) perform analyses of emerging technologies and provide topic-specific assessments on expected societal, legal, economic and regulatory impacts of technological innovations on cybersecurity;	

(b) perform long-term strategic analyses of cybersecurity threats and incidents in order to identify emerging trends and help prevent problems related to cybersecurity;	(b) perform long-term strategic analyses of cybersecurity threats and incidents in order to identify emerging trends and help prevent problems related to cybersecurity;	(b) perform long-term strategic analyses of cybersecurity threats and incidents in order to identify emerging trends and help prevent problems related to cybersecurity incidents;	
(c) provide, in cooperation with experts from Member States authorities, advice, guidance and best practices for the security of network and information systems, in particular for the security of the internet infrastructure and those infrastructures supporting the sectors listed in Annex II of Directive (EU) 2016/1148;	(c) provide, in cooperation with experts from Member States authorities and relevant stakeholders , advice, guidance and best practices for the security of network and information systems, in particular for the security of the internet infrastructure and those infrastructures supporting the sectors listed in Annex II of Directive (EU) 2016/1148; [Am. 130]	(c) provide, in cooperation with experts from Member States authorities, advice, guidance and best practices for the security of network and information systems, in particular for the security of the internet infrastructure and those infrastructures supporting the sectors listed in Annex II of Directive (EU) 2016/1148 and those used by the digital service providers listed in Annex III of that Directive;	
(d) pool, organise and make available to the public, through a dedicated portal, information on cybersecurity, provided by the Union institutions, agencies and bodies;	(d) pool, organise and make available to the public, through a dedicated portal, information on cybersecurity, provided by the Union institutions, agencies and bodies;	(d) pool, organise and make available to the public, through a dedicated portal, information on cybersecurity, provided by the Union institutions, agencies and bodies and, on a voluntary basis, by Member States and private and public stakeholders;	

<p>(e) raise awareness of the public about cybersecurity risks, and provide guidance on good practices for individual users aimed at citizens and organisations;</p>	<p>(e) <i>on an ongoing basis increase and raise the</i> awareness of the public about cybersecurity risks, and provide <i>trainings and</i> guidance on good practices for individual users aimed at citizens and organisations <i>and promote the adoption of preventive strong IT security measures and reliable data protection and privacy;</i> [Am. 131]</p>	<p>(e) raise awareness of the public about cybersecurity risks, and provide guidance on good practices for individual users aimed at citizens and organisations;</p>	
<p>(f) collect and analyse publicly available information regarding significant incidents and compiling reports with a view to providing guidance to businesses and citizens across the Union;</p>	<p>(f) collect and analyse publicly available information regarding significant incidents and compiling reports with a view to providing guidance to businesses and citizens across the Union;</p>	<p>(f) collect and analyse publicly available information regarding significant incidents and compiling reports with a view to providing guidance to businesses and citizens across the Union;</p>	
<p>(g) organise, in cooperation with the Member States and Union institutions, bodies, offices and agencies regular outreach campaigns to increase cybersecurity and its visibility in the Union.</p>	<p>(g) organise, in cooperation with the Member States and Union institutions, bodies, offices and agencies regular outreach <i>communication</i> campaigns to increase cybersecurity and its visibility in the Union <i>encourage a broad public debate.</i> [Am. 132]</p>	<p>(g) organise, in cooperation with the Member States and Union institutions, bodies, offices and agencies regular outreach <i>communication</i> campaigns to increase cybersecurity and its visibility in the Union <i>encourage a broad public debate.</i> [Am. 132]</p>	

	<i>(g a) support closer coordination and exchange of best practices among Member States on cybersecurity education and literacy, cyber hygiene and raising awareness. [Am. 133]</i>		
		<i>Article 9a Awareness raising and education</i>	

		<p>The Agency shall:</p> <ul style="list-style-type: none"> (a) raise awareness of the public about cybersecurity risks, and provide guidance on good practices for individual users aimed at citizens and organisations; (b) organise, in cooperation with the Member States, Union institutions, bodies, agencies and industry, regular outreach campaigns to increase cybersecurity and its visibility in the Union; (c) assist Member States in their efforts to raise cybersecurity awareness and promote cybersecurity education; (d) support closer coordination and exchange of best practices among Member States on cybersecurity education and awareness by facilitating creation and maintenance of a network of national education points of contact. 	
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Article 10 Tasks relating to research and innovation	Article 10 Tasks relating to research and innovation	<i>Article 10 Tasks relating to r</i> Research and innovation	
In relation to research and innovation, the Agency shall: (a) advise the Union and the Member States on research needs and priorities in the area of cybersecurity, with a view to enabling effective responses to current and emerging risks and threats, including with respect to new and emerging information and communications technologies, and to using risk-prevention technologies effectively;	In relation to research and innovation, the Agency shall: (a) <i>ensure prior consultation with relevant user groups and</i> advise the Union and the Member States on research needs and priorities <i>areas</i> in the area of cybersecurity <i>data protection and privacy</i> , with a view to enabling effective responses to current and emerging risks and threats, including with respect to new and emerging information and communications technologies, and to using risk-prevention technologies effectively; [Am. 134]	In relation to research and innovation, the Agency shall: (a) advise the Union and the Member States on research needs and priorities in the area of cybersecurity, with a view to enabling effective responses to current and emerging risks and threats, including with respect to new and emerging information and communications technologies, and to using risk-prevention technologies effectively;	
(b) participate, where the Commission has delegated the relevant powers to it, in the implementation phase of research and innovation funding programmes or as a beneficiary.	(b) participate, where the Commission has delegated the relevant powers to it, in the implementation phase of research and innovation funding programmes or as a beneficiary.	(b) participate, where the Commission has delegated the relevant powers to it, in the implementation phase of research and innovation funding programmes or as a beneficiary.	

	<i>(b) commission its own research activities in areas of interest that are not yet covered by existing Union research programmes, where there is a clearly identified European added value. [Am. 135]</i>		
Article 11 Tasks relating to international cooperation	Article 11 Tasks relating to international cooperation	<i>Article 11 Tasks relating to International cooperation</i>	
The Agency shall contribute to the Union's efforts to cooperate with third countries and international organisations to promote international cooperation on issues related to cybersecurity, by: (a) engaging, where appropriate, as an observer in the organisation of international exercises, and analysing and reporting to the Management Board on the outcome of such exercises;	The Agency shall contribute to the Union's efforts to cooperate with third countries and international organisations to promote international cooperation on issues related to cybersecurity, by: (a) engaging, where appropriate, as an observer in the organisation of international exercises, and analysing and reporting to the Management Board on the outcome of such exercises;	The Agency shall contribute to the Union's efforts to cooperate with third countries and international organisations to promote international cooperation on issues related to cybersecurity, by: (a) engaging, where appropriate, as an observer in the organisation of international exercises, and analysing and reporting to the Management Board on the outcome of such exercises;	

(b) facilitating, upon the request of the Commission, the exchange of best practices between the relevant international organisations;	(b) facilitating, upon the request of the Commission, the exchange of best practices between the relevant international organisations;	(b) facilitating, upon the request of the Commission-within the relevant international cooperation frameworks , the exchange of best practices between the relevant international organisations;	
(c) providing, upon request, the Commission with expertise.	(c) providing, upon request, the Commission with expertise.	(c) providing, upon request, the Commission with expertise;	
	<i>(c a) providing advice and support to the Commission, in collaboration with the Member States Certification Group established under Article 53, on matters concerning agreements for mutual recognition of cybersecurity certificates with third countries. [Am. 136]</i>	(ca) in collaboration with European Cybersecurity Certification Group established under Article 53 providing advice and support to the Commission on matters concerning agreements for mutual recognition of cybersecurity certificates with third countries.	
CHAPTER II ORGANISATION OF THE AGENCY	CHAPTER II ORGANISATION OF THE AGENCY	CHAPTER II ORGANISATION OF THE AGENCY	
Article 12 Structure	Article 12 Structure	Article 12 Structure	

The administrative and management structure of the Agency shall be composed of the following: (a) a Management Board which shall exercise the functions set out in Article 14;	The administrative and management structure of the Agency shall be composed of the following: (a) a Management Board which shall exercise the functions set out in Article 14;	The administrative and management structure of the Agency shall be composed of the following: (a) a Management Board which shall exercise the functions set out in Article 14;	
(b) an Executive Board which shall exercise the functions set out in Article 18;	(b) an Executive Board which shall exercise the functions set out in Article 18;	(b) an Executive Board which shall exercise the functions set out in Article 18;	
(c) an Executive Director who shall exercise the responsibilities set out in Article 19; and	(c) an Executive Director who shall exercise the responsibilities set out in Article 19; and	(c) an Executive Director who shall exercise the responsibilities set out in Article 19; and	
(d) a Permanent Stakeholders' Group which shall exercise the functions set out in Article 20.	(d) an Permanent Stakeholders' ENISA Advisory Group which shall exercise the functions set out in Article 20. [Am. 137]	(d) a Permanent Stakeholders' Group which shall exercise the functions set out in Article 20;	
		(da) a National Liaison Officers Network which shall exercise the functions set out in Article 20a.	
SECTION 1 MANAGEMENT BOARD	SECTION 1 MANAGEMENT BOARD	SECTION 1 MANAGEMENT BOARD	

Article 13 Composition of the Management Board	Article 13 Composition of the Management Board	Article 13 Composition of the Management Board	
<p>1. The Management Board shall be composed of one representative of each Member State, and two representatives appointed by the Commission. All representatives shall have voting rights.</p> <p>2. Each member of the Management Board shall have an alternate member to represent the member in their absence.</p>	<p>1. The Management Board shall be composed of one representative of each Member State, and two representatives appointed by the Commission. All representatives shall have voting rights.</p> <p>2. Each member of the Management Board shall have an alternate member to represent the member in their absence.</p>	<p>1. The Management Board shall be composed of one representative of each Member State, and two representatives appointed by the Commission. All representatives shall have voting rights.</p> <p>2. Each member of the Management Board shall have an alternate member to represent the member in their absence.</p>	

<p>3. Members of the Management Board and their alternates shall be appointed in light of their knowledge in the field of cybersecurity, taking into account relevant managerial, administrative and budgetary skills. The Commission and Member States shall make efforts to limit the turnover of their representatives in the Management Board, in order to ensure continuity of that Board's work. The Commission and Member States shall aim to achieve a balanced representation between men and women on the Management Board.</p> <p>4. The term of office of members of the Management Board and of their alternates shall be four years. That term shall be renewable.</p>	<p>3. Members of the Management Board and their alternates shall be appointed in light of their knowledge in the field of cybersecurity, taking into account relevant managerial, administrative and budgetary skills. The Commission and Member States shall make efforts to limit the turnover of their representatives in the Management Board, in order to ensure continuity of that Board's work. The Commission and Member States shall aim to achieve a balanced representation between men and women on the Management Board.</p> <p>4. The term of office of members of the Management Board and of their alternates shall be four years. That term shall be renewable.</p>	<p>3. Members of the Management Board and their alternates shall be appointed in light of their knowledge in the field of cybersecurity, taking into account relevant managerial, administrative and budgetary skills. The Commission and Member States shall make efforts to limit the turnover of their representatives in the Management Board, in order to ensure continuity of that Board's work. The Commission and Member States shall aim to achieve a balanced representation between men and women on the Management Board.</p> <p>4. The term of office of members of the Management Board and of their alternates shall be four years. That term shall be renewable.</p>	
<p>Article 14 Functions of the Management Board</p>	<p>Article 14 Functions of the Management Board</p>	<p>Article 14 Functions of the Management Board</p>	

<p>1. The Management Board shall:</p> <p>(a) define the general direction of the operation of the Agency and shall also ensure that the Agency works in accordance with the rules and principles laid down in this Regulation. It shall also ensure consistency of the Agency's work with activities conducted by the Member States as well as at Union level;</p> <p>(b) adopt the Agency's draft single programming document referred to in Article 21, before its submission to the Commission for its opinion;</p> <p>(c) adopt, taking into account the Commission opinion, the Agency's single programming document by a majority of two-thirds of members and in accordance with Article 17;</p>	<p>1. The Management Board shall:</p> <p>(a) define the general direction of the operation of the Agency and shall also ensure that the Agency works in accordance with the rules and principles laid down in this Regulation. It shall also ensure consistency of the Agency's work with activities conducted by the Member States as well as at Union level;</p> <p>(b) adopt the Agency's draft single programming document referred to in Article 21, before its submission to the Commission for its opinion;</p> <p>(c) adopt, taking into account the Commission opinion, the Agency's single programming document by a majority of two-thirds of members and in accordance with Article 17;</p>	<p>1. The Management Board shall:</p> <p>(a) define the general direction of the operation of the Agency and shall also ensure that the Agency works in accordance with the rules and principles laid down in this Regulation. It shall also ensure consistency of the Agency's work with activities conducted by the Member States as well as at Union level;</p> <p>(b) adopt the Agency's draft single programming document referred to in Article 21, before its submission to the Commission for its opinion;</p> <p>(c) adopt, taking into account the Commission opinion, the Agency's single programming document by a majority of two-thirds of members and in accordance with Article 17;</p> <p>(ca) supervise the implementation of the multiannual and annual programming included in the single programming document;</p>	
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(d) adopt, by a majority of two-thirds of members, the annual budget of the Agency and exercise other functions in respect of the Agency's budget pursuant to Chapter III;	(d) adopt, by a majority of two-thirds of members, the annual budget of the Agency and exercise other functions in respect of the Agency's budget pursuant to Chapter III;	(d) adopt, by a majority of two-thirds of members, the annual budget of the Agency and exercise other functions in respect of the Agency's budget pursuant to Chapter III;	
(e) assess and adopt the consolidated annual report on the Agency's activities and send both the report and its assessment by 1 July of the following year, to the European Parliament, the Council, the Commission and the Court of Auditors. The annual report shall include the accounts and describe how the Agency has met its performance indicators. The annual report shall be made public;	(e) assess and adopt the consolidated annual report on the Agency's activities and send both the report and its assessment by 1 July of the following year, to the European Parliament, the Council, the Commission and the Court of Auditors. The annual report shall include the accounts, and describe <i>the effectiveness of the expenditure and assess how efficient</i> the Agency been and to what extent it has met its performance indicators. The annual report shall be made public; [Am. 138]	(e) assess and adopt the consolidated annual report on the Agency's activities and send both the report and its assessment by 1 July of the following year, to the European Parliament, the Council, the Commission and the Court of Auditors. The annual report shall include the accounts and describe how the Agency has met its performance indicators. The annual report shall be made public;	

<p>(f) adopt the financial rules applicable to the Agency in accordance with Article 29;</p> <p>(g) adopt an anti-fraud strategy that is proportionate to the fraud risks having regard to a cost-benefit analysis of the measures to be implemented;</p> <p>(h) adopt rules for the prevention and management of conflicts of interest in respect of its members;</p> <p>(i) ensure adequate follow-up to the findings and recommendations resulting from investigations of the European Anti-fraud Office (OLAF) and the various internal or external audit reports and evaluations;</p>	<p>(f) adopt the financial rules applicable to the Agency in accordance with Article 29;</p> <p>(g) adopt an anti-fraud strategy that is proportionate to the fraud risks having regard to a cost-benefit analysis of the measures to be implemented;</p> <p>(h) adopt rules for the prevention and management of conflicts of interest in respect of its members;</p> <p>(i) ensure adequate follow-up to the findings and recommendations resulting from investigations of the European Anti-fraud Office (OLAF) and the various internal or external audit reports and evaluations;</p>	<p>(f) adopt the financial rules applicable to the Agency in accordance with Article 29;</p> <p>(g) adopt an anti-fraud strategy that is proportionate to the fraud risks having regard to a cost-benefit analysis of the measures to be implemented;</p> <p>(h) adopt rules for the prevention and management of conflicts of interest in respect of its members;</p> <p>(i) ensure adequate follow-up to the findings and recommendations resulting from investigations of the European Anti-fraud Office (OLAF) and the various internal or external audit reports and evaluations;</p>	
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<p>(j) adopt its rules of procedure;</p> <p>(k) in accordance with paragraph 2, exercise, with respect to the staff of the Agency, the powers conferred by the Staff Regulations of Officials on the Appointing Authority and the Conditions of Employment of Other Servants of the European Union on the Authority Empowered to Conclude a Contract of Employment ("the appointing authority powers");</p> <p>(l) adopt rules implementing the Staff Regulations and the Conditions of Employment of Other Servants in accordance with the procedure provided for in Article 110 of the Staff Regulations;</p>	<p>(j) adopt its rules of procedure;</p> <p>(k) in accordance with paragraph 2, exercise, with respect to the staff of the Agency, the powers conferred by the Staff Regulations of Officials on the Appointing Authority and the Conditions of Employment of Other Servants of the European Union on the Authority Empowered to Conclude a Contract of Employment ("the appointing authority powers");</p> <p>(l) adopt rules implementing the Staff Regulations and the Conditions of Employment of Other Servants in accordance with the procedure provided for in Article 110 of the Staff Regulations;</p>	<p>(j) adopt its rules of procedure;</p> <p>(k) in accordance with paragraph 2, exercise, with respect to the staff of the Agency, the powers conferred by the Staff Regulations of Officials on the Appointing Authority and the Conditions of Employment of Other Servants of the European Union on the Authority Empowered to Conclude a Contract of Employment ("the appointing authority powers");</p> <p>(l) adopt rules implementing the Staff Regulations and the Conditions of Employment of Other Servants in accordance with the procedure provided for in Article 110 of the Staff Regulations;</p>	
<p>(m) appoint the Executive Director and where relevant extend his term of office or remove him from office in accordance with Article 33 of this Regulation;</p>	<p>(m) appoint the Executive Director <i>through selection based on professional criteria</i> and where relevant extend his term of office or remove him from office in accordance with Article 33 of this Regulation; [Am. 139]</p>	<p>(m) appoint the Executive Director and where relevant extend his term of office or remove him from office in accordance with Article 33 of this Regulation;</p>	

(n) appoint an Accounting Officer, who may be the Commission's Accounting Officer, who shall be totally independent in the performance of his/her duties;	(n) appoint an Accounting Officer, who may be the Commission's Accounting Officer, who shall be totally independent in the performance of his/her duties;	(n) appoint an Accounting Officer, who may be the Commission's Accounting Officer, who shall be totally independent in the performance of his/her duties;	
(o) take all decisions on the establishment of the Agency's internal structures and, where necessary, their modification, taking into consideration the Agency's activity needs and having regard to sound budgetary management;	(o) take all decisions on the establishment of the Agency's internal structures and, where necessary, their modification, taking into consideration the Agency's activity needs, <i>as listed in this Regulation</i> , and having regard to sound budgetary management; [Am. 140]	(o) take all decisions on the establishment of the Agency's internal structures and, where necessary, their modification, taking into consideration the Agency's activity needs and having regard to sound budgetary management;	
(p) authorise the conclusion of working arrangements in accordance with Articles 7 and 39.	(p) authorise the conclusion of working arrangements in accordance with Articles 7 and 39.	(p) authorise the conclusion of working arrangements in accordance with Articles 7 and 39.	

<p>2. The Management Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants, delegating relevant appointing authority powers to the Executive Director and defining the conditions under which this delegation of powers can be suspended. The Executive Director shall be authorised to sub-delegate those powers.</p>	<p>2. The Management Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants, delegating relevant appointing authority powers to the Executive Director and defining the conditions under which this delegation of powers can be suspended. The Executive Director shall be authorised to sub-delegate those powers.</p>	<p>2. The Management Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants, delegating relevant appointing authority powers to the Executive Director and defining the conditions under which this delegation of powers can be suspended. The Executive Director shall be authorised to sub-delegate those powers.</p>	
<p>3. Where exceptional circumstances so require, the Management Board may by way of a decision temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.</p>	<p>3. Where exceptional circumstances so require, the Management Board may by way of a decision temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.</p>	<p>3. Where exceptional circumstances so require, the Management Board may by way of a decision temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.</p>	

Article 15 Chairperson of the Management Board	Article 15 Chairperson of the Management Board	Article 15 Chairperson of the Management Board	
The Management Board shall elect by a majority of two-thirds of members its Chairperson and a Deputy Chairperson from among its members for a period of four years, which shall be renewable once. If, however, their membership of the Management Board ends at any time during their term of office, their term of office shall automatically expire on that date. The Deputy Chairperson shall <i>ex officio</i> replace the Chairperson if the latter is unable to attend to his or her duties.	The Management Board shall elect by a majority of two-thirds of members its Chairperson and a Deputy Chairperson from among its members for a period of four years, which shall be renewable once. If, however, their membership of the Management Board ends at any time during their term of office, their term of office shall automatically expire on that date. The Deputy Chairperson shall <i>ex officio</i> replace the Chairperson if the latter is unable to attend to his or her duties.	The Management Board shall elect by a majority of two-thirds of members its Chairperson and a Deputy Chairperson from among its members for a period of four years, which shall be renewable once. If, however, their membership of the Management Board ends at any time during their term of office, their term of office shall automatically expire on that date. The Deputy Chairperson shall <i>ex officio</i> replace the Chairperson if the latter is unable to attend to his or her duties.	
Article 16 Meetings of the Management Board	Article 16 Meetings of the Management Board	Article 16 Meetings of the Management Board	

<p>1. Meetings of the Management Board shall be convened by its Chairperson.</p> <p>2. The Management Board shall hold at least two ordinary meetings a year. It shall also hold extraordinary meetings at the request of the Chairperson, at the request of the Commission, or at the request of at least a third of its members.</p> <p>3. The Executive Director shall take part, without voting rights, in the meetings of the Management Board.</p>	<p>1. Meetings of the Management Board shall be convened by its Chairperson.</p> <p>2. The Management Board shall hold at least two ordinary meetings a year. It shall also hold extraordinary meetings at the request of the Chairperson, at the request of the Commission, or at the request of at least a third of its members.</p> <p>3. The Executive Director shall take part, without voting rights, in the meetings of the Management Board.</p>	<p>1. Meetings of the Management Board shall be convened by its Chairperson.</p> <p>2. The Management Board shall hold at least two ordinary meetings a year. It shall also hold extraordinary meetings at the request of the Chairperson, at the request of the Commission, or at the request of at least a third of its members.</p> <p>3. The Executive Director shall take part, without voting rights, in the meetings of the Management Board.</p>	
<p>4. Members of the Permanent Stakeholder Group may take part, upon invitation from the Chairperson, in the meetings of the Management Board, without voting rights.</p>	<p>4. Members of the Permanent Stakeholder <i>ENISA Advisory</i> Group may take part, upon invitation from the Chairperson, in the meetings of the Management Board, without voting rights.</p> <p>[Am. 141]</p>	<p>4. Members of the Permanent Stakeholder Group may take part, upon invitation from the Chairperson, in the meetings of the Management Board, without voting rights.</p>	

<p>5. The members of the Management Board and their alternates may, subject to its Rules of Procedure, be assisted at the meetings by advisers or experts.</p> <p>6. The Agency shall provide the secretariat for the Management Board.</p>	<p>5. The members of the Management Board and their alternates may, subject to its Rules of Procedure, be assisted at the meetings by advisers or experts.</p> <p>6. The Agency shall provide the secretariat for the Management Board</p>	<p>5. The members of the Management Board and their alternates may, subject to its Rules of Procedure, be assisted at the meetings by advisers or experts.</p> <p>6. The Agency shall provide the secretariat for the Management Board.</p>	
<p>Article 17</p> <p>Voting rules of the Management Board</p>	<p>Article 17</p> <p>Voting rules of the Management Board</p>	<p>Article 17</p> <p>Voting rules of the Management Board</p>	

<p>1. The Management Board shall take its decisions by majority of its members.</p> <p>2. A two-thirds majority of all Management Board members shall be required for the single programming document, the annual budget, the appointment, extension of the term of office or removal of the Executive Director.</p> <p>3. Each member shall have one vote. In the absence of a member, their alternate shall be entitled to exercise the right to vote.</p> <p>4. The Chairperson shall take part in the voting.</p> <p>5. The Executive Director shall not take part in the voting.</p> <p>6. The Management Board's rules of procedures shall establish more detailed voting arrangements, in particular the circumstances in which a member may act on behalf of another member.</p>	<p>1. The Management Board shall take its decisions by majority of its members.</p> <p>2. A two-thirds majority of all Management Board members shall be required for the single programming document, the annual budget, the appointment, extension of the term of office or removal of the Executive Director.</p> <p>3. Each member shall have one vote. In the absence of a member, their alternate shall be entitled to exercise the right to vote.</p> <p>4. The Chairperson shall take part in the voting.</p> <p>5. The Executive Director shall not take part in the voting.</p> <p>6. The Management Board's rules of procedures shall establish more detailed voting arrangements, in particular the circumstances in which a member may act on behalf of another member.</p>	<p>1. The Management Board shall take its decisions by majority of its members.</p> <p>2. A two-thirds majority of all Management Board members shall be required for the single programming document, the annual budget, the appointment, extension of the term of office or removal of the Executive Director.</p> <p>3. Each member shall have one vote. In the absence of a member, their alternate shall be entitled to exercise the right to vote.</p> <p>4. The Chairperson shall take part in the voting.</p> <p>5. The Executive Director shall not take part in the voting.</p> <p>6. The Management Board's rules of procedures shall establish more detailed voting arrangements, in particular the circumstances in which a member may act on behalf of another member.</p>	
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SECTION 2 EXECUTIVE BOARD	SECTION 2 EXECUTIVE BOARD	SECTION 2 EXECUTIVE BOARD	
Article 18 Executive Board	Article 18 Executive Board	Article 18 Executive Board	
<p>1. The Management Board shall be assisted by an Executive Board.</p> <p>2. The Executive Board shall:</p> <p>(a) prepare decisions to be adopted by the Management Board;</p> <p>(b) ensure, together with the Management Board, the adequate follow-up to the findings and recommendations stemming from investigations of OLAF and the various internal or external audit reports and evaluations;</p> <p>(c) without prejudice to the responsibilities of the Executive Director, as set out in Article 19, assist and advise the Executive Director in implementing the decisions of the Management Board on administrative and budgetary matters pursuant to Article 19.</p>	<p>1. The Management Board shall be assisted by an Executive Board.</p> <p>2. The Executive Board shall:</p> <p>(a) prepare decisions to be adopted by the Management Board;</p> <p>(b) ensure, together with the Management Board, the adequate follow-up to the findings and recommendations stemming from investigations of OLAF and the various internal or external audit reports and evaluations;</p> <p>(c) without prejudice to the responsibilities of the Executive Director, as set out in Article 19, assist and advise the Executive Director in implementing the decisions of the Management Board on administrative and budgetary matters pursuant to Article 19.</p>	<p>1. The Management Board shall be assisted by an Executive Board.</p> <p>2. The Executive Board shall:</p> <p>(a) prepare decisions to be adopted by the Management Board;</p> <p>(b) ensure, together with the Management Board, the adequate follow-up to the findings and recommendations stemming from investigations of OLAF and the various internal or external audit reports and evaluations;</p> <p>(c) without prejudice to the responsibilities of the Executive Director, as set out in Article 19, assist and advise the Executive Director in implementing the decisions of the Management Board on administrative and budgetary matters pursuant to Article 19.</p>	

<p>3. The Executive Board shall be composed of five members appointed from among the members of the Management Board amongst whom the Chairperson of the Management Board, who may also chair the Executive Board, and one of the representatives of the Commission. The Executive Director shall take part in the meetings of the Executive Board, but shall not have the right to vote.</p>	<p>3. The Executive Board shall be composed of five members appointed from among the members of the Management Board amongst whom the Chairperson of the Management Board, who may also chair the Executive Board, and one of the representatives of the Commission. The Executive Director shall take part in the meetings of the Executive Board, but shall not have the right to vote.</p> <p><i>The appointments shall aim to achieve a balanced representation of genders on the Executive Board.</i> [Am. 142]</p>	<p>3. The Executive Board shall be composed of five members appointed from among the members of the Management Board amongst whom the Chairperson of the Management Board, who may also chair the Executive Board, and one of the representatives of the Commission. The Executive Director shall take part in the meetings of the Executive Board, but shall not have the right to vote.</p>	
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<p>4. The term of office of the members of the Executive Board shall be four years. That term shall be renewable.</p> <p>5. The Executive Board shall meet at least once every three months. The chairperson of the Executive Board shall convene additional meetings at the request of its members.</p> <p>6. The Management Board shall lay down the rules of procedure of the Executive Board.</p>	<p>4. The term of office of the members of the Executive Board shall be four years. That term shall be renewable.</p> <p>5. The Executive Board shall meet at least once every three months. The chairperson of the Executive Board shall convene additional meetings at the request of its members.</p> <p>6. The Management Board shall lay down the rules of procedure of the Executive Board.</p>	<p>4. The term of office of the members of the Executive Board shall be four years. That term shall be renewable.</p> <p>5. The Executive Board shall meet at least once every three months. The chairperson of the Executive Board shall convene additional meetings at the request of its members.</p> <p>6. The Management Board shall lay down the rules of procedure of the Executive Board.</p>	
<p>7. When necessary, because of urgency, the Executive Board may take certain provisional decisions on behalf of the Management Board, in particular on administrative management matters, including the suspension of the delegation of the appointing authority powers and budgetary matters.</p>	<p>7. When necessary, because of urgency, the Executive Board may take certain provisional decisions on behalf of the Management Board, in particular on administrative management matters, including the suspension of the delegation of the appointing authority powers and budgetary matters.</p>	<p>7. When necessary, because of urgency, the Executive Board may take certain provisional decisions on behalf of the Management Board, in particular on administrative management matters, including the suspension of the delegation of the appointing authority powers and budgetary matters.</p>	

SECTION 3 EXECUTIVE DIRECTOR	SECTION 3 EXECUTIVE DIRECTOR	SECTION 3 EXECUTIVE DIRECTOR	
Article 19 Responsibilities of the Executive Director	Article 19 Responsibilities of the Executive Director	Article 19 Responsibilities of the Executive Director	
1. The Agency shall be managed by its Executive Director, who shall be independent in the performance of his or her duties. The Executive Director shall be accountable to the Management Board.	1. The Agency shall be managed by its Executive Director, who shall be independent in the performance of his or her duties. The Executive Director shall be accountable to the Management Board.	1. The Agency shall be managed by its Executive Director, who shall be independent in the performance of his or her duties. The Executive Director shall be accountable to the Management Board.	
2. The Executive Director shall report to the European Parliament on the performance of his or her duties when invited to do so. The Council may invite the Executive Director to report on the performance of his or her duties.	2. The Executive Director shall report <i>annually</i> to the European Parliament on the performance of his or her duties <i>or</i> when invited to do so. The Council may invite the Executive Director to report on the performance of his or her duties. [Am. 143]	2. The Executive Director shall report to the European Parliament on the performance of his or her duties when invited to do so. The Council may invite the Executive Director to report on the performance of his or her duties.	

<p>3. The Executive Director shall be responsible for:</p> <ul style="list-style-type: none"> (a) the day-to-day administration of the Agency; (b) implementing the decisions adopted by the Management Board; (c) preparing the draft single programming document and submitting it to the Management Board for approval before its submission to the Commission; (d) implementing the single programming document and reporting to the Management Board thereon; 	<p>3. The Executive Director shall be responsible for:</p> <ul style="list-style-type: none"> (a) the day-to-day administration of the Agency; (b) implementing the decisions adopted by the Management Board; (c) preparing the draft single programming document and submitting it to the Management Board for approval before its submission to the Commission; (d) implementing the single programming document and reporting to the Management Board thereon; 	<p>3. The Executive Director shall be responsible for:</p> <ul style="list-style-type: none"> (a) the day-to-day administration of the Agency; (b) implementing the decisions adopted by the Management Board; (c) preparing the draft single programming document and submitting it to the Management Board for approval before its submission to the Commission; (d) implementing the single programming document and reporting to the Management Board thereon; 	
<p>(e) preparing the consolidated annual report on the Agency's activities and presenting it to the Management Board for assessment and adoption;</p>	<p>(e) preparing the consolidated annual report on the Agency's activities and presenting it to the Management Board for assessment and adoption;</p>	<p>(e) preparing the consolidated annual report on the Agency's activities including the implementation of the annual work programme and presenting it to the Management Board for assessment and adoption;</p>	

<p>(f) preparing an action plan following-up on the conclusions of the retrospective evaluations and reporting on progress every two years to the Commission;</p> <p>(g) preparing an action plan following-up conclusions of internal or external audit reports, as well as investigations by the European Ant-fraud Office (OLAF) and reporting on progress twice a year to the Commission and regularly to the Management Board;</p> <p>(h) preparing draft financial rules applicable to the Agency</p> <p>(i) preparing the Agency's draft statement of estimates of revenue and expenditure and implementing its budget;</p>	<p>(f) preparing an action plan following-up on the conclusions of the retrospective evaluations and reporting on progress every two years to the Commission;</p> <p>(g) preparing an action plan following-up conclusions of internal or external audit reports, as well as investigations by the European Ant-fraud Office (OLAF) and reporting on progress twice a year to the Commission and regularly to the Management Board;</p> <p>(h) preparing draft financial rules applicable to the Agency</p> <p>(i) preparing the Agency's draft statement of estimates of revenue and expenditure and implementing its budget;</p>	<p>(f) preparing an action plan following-up on the conclusions of the retrospective evaluations and reporting on progress every two years to the Commission;</p> <p>(g) preparing an action plan following-up conclusions of internal or external audit reports, as well as investigations by the European Ant-fraud Office (OLAF) and reporting on progress twice a year to the Commission and regularly to the Management Board;</p> <p>(h) preparing draft financial rules applicable to the Agency</p> <p>(i) preparing the Agency's draft statement of estimates of revenue and expenditure and implementing its budget;</p>	
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<p>(j) protecting the financial interests of the Union by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive administrative and financial penalties;</p> <p>(k) preparing an anti-fraud strategy for the Agency and presenting it to the Management Board for approval;</p> <p>(l) developing and maintaining contact with the business community and consumers' organisations to ensure regular dialogue with relevant stakeholders;</p>	<p>(j) protecting the financial interests of the Union by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive administrative and financial penalties;</p> <p>(k) preparing an anti-fraud strategy for the Agency and presenting it to the Management Board for approval;</p> <p>(l) developing and maintaining contact with the business community and consumers' organisations to ensure regular dialogue with relevant stakeholders;</p>	<p>(j) protecting the financial interests of the Union by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive administrative and financial penalties;</p> <p>(k) preparing an anti-fraud strategy for the Agency and presenting it to the Management Board for approval;</p> <p>(l) developing and maintaining contact with the business community and consumers' organisations to ensure regular dialogue with relevant stakeholders;</p>	
		<p>(la) the regular exchange with Union institutions, agencies and bodies regarding their activities on cybersecurity to ensure coherence in the development and the implementation of EU policy;</p>	

(m) other tasks assigned to the Executive Director by this Regulation	(m) other tasks assigned to the Executive Director by this Regulation.	(m) other tasks assigned to the Executive Director by this Regulation.	
4. Where necessary and within the Agency's mandate, and in accordance with the Agency's objectives and tasks, the Executive Director may set up ad hoc Working Groups composed of experts, including from the Member States' competent authorities. The Management Board shall be informed in advance. The procedures regarding in particular the composition of the Working Groups, the appointment of the experts of the Working Groups by the Executive Director and the operation of the Working Groups shall be specified in the Agency's internal rules of operation.	4. Where necessary and within the Agency's mandate, and in accordance with the Agency's objectives and tasks, the Executive Director may set up ad hoc Working Groups composed of experts, including from the Member States' competent authorities. The Management Board shall be informed in advance. The procedures regarding in particular the composition of the Working Groups, the appointment of the experts of the Working Groups by the Executive Director and the operation of the Working Groups shall be specified in the Agency's internal rules of operation.	4. Where necessary and within the Agency's mandate, and in accordance with the Agency's objectives and tasks, the Executive Director may set up ad hoc Working Groups composed of experts, including from the Member States' competent authorities. The Management Board shall be informed in advance. The procedures regarding in particular the composition of the Working Groups, the appointment of the experts of the Working Groups by the Executive Director and the operation of the Working Groups shall be specified in the Agency's internal rules of operation.	

<p>5. The Executive Director shall decide whether it is necessary to locate members of staff in one or more Member States for the purpose of carrying out the Agency's tasks in an efficient and effective manner. Before deciding to establish a local office the Executive Director shall obtain the prior consent of the Commission, the Management Board and the Member State(s) concerned.</p>	<p>5. The Executive Director shall decide whether it is necessary to locate members of staff in one or more Member States for the purpose of carrying out the Agency's tasks in an efficient and effective manner. Before deciding to establish a local office the Executive Director shall obtain the prior consent of the Commission, the Management Board and the Member State(s) concerned.</p>	<p>5. Where necessary, for the purpose of carrying out the Agency's tasks in an efficient and effective manner and based on an appropriate cost-benefit analysis, the Executive Director may decide to locate members of staff in one or more Member States to establish one or more local offices in one or more Member States. Before deciding to establish a local office the Executive Director shall seek the opinion of the Member State(s) concerned, including the Member State where the seat of the Agency is located, and obtain the prior consent of the Commission and the Management Board and the Member State(s) concerned. In cases of disagreement during the consultation process between the Executive Director and the Member States concerned, the issue shall be brought to the Council for discussion.</p>	
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<p>The decision shall specify the scope of the activities to be carried out at the local office in a manner that avoids unnecessary costs and duplication of administrative functions of the Agency. An agreement with the Member State(s) concerned shall be reached, where appropriate or required.</p>	<p>The decision shall specify the scope of the activities to be carried out at the local office in a manner that avoids unnecessary costs and duplication of administrative functions of the Agency. An agreement with the Member State(s) concerned shall be reached, where appropriate or required.</p>	<p>The decision shall specify the scope of the activities to be carried out at the local office in a manner that avoids unnecessary costs and duplication of administrative functions of the Agency. An agreement with the Member State(s) concerned shall be reached, where appropriate or required. The number of the staff in all local offices shall be kept to a minimum and shall not exceed in total 40 % of the total number of the Agency's staff located in the Member State where the seat of the Agency is located. The number of the staff in each local office shall not exceed 10 % of the total number of the Agency's staff located in the Member State where the seat of the Agency is located.</p>	
	<p><i>5a. The Executive Director shall also be entitled to act as an institutional special adviser on cybersecurity policy to the President of the European Commission, with a mandate defined in Commission Decision C(2014) 541 of 6 February 2014. [Am. 144]</i></p>		

SECTION 4 PERMANENT STAKEHOLDERS' GROUP	SECTION 4 PERMANENT STAKEHOLDERS' <i>ENISA ADVISORY GROUP</i> [AM. 145]	SECTION 4 PERMANENT STAKEHOLDERS' GROUP	
Article 20 Permanent Stakeholders' Group	Article 20 Permanent Stakeholders' Group	Article 20 Permanent Stakeholders' Group	

<p>1. The Management Board, acting on a proposal by the Executive Director, shall set up a Permanent Stakeholders' Group composed of recognised experts representing the relevant stakeholders, such as the ICT industry, providers of electronic communications networks or services available to the public, consumer groups, academic experts in the cybersecurity, and representatives of competent authorities notified under [Directive establishing the European Electronic Communications Code] as well as of law enforcement and data protection supervisory authorities.</p>	<p>1. The Management Board, acting on a proposal by the Executive Director, <i>in the transparent manner</i>, shall set up a Permanent Stakeholders' <i>ENISA Advisory</i> Group composed of recognised <i>security</i> experts representing the relevant stakeholders, such as the ICT industry, – <i>including SMEs, operators of essential services according to the NIS Directive</i> providers of electronic communications networks or services available to the public, consumer groups, academic experts in the cybersecurity, <i>European Standards Organisations (ESOs), EU agencies</i> and representatives of competent authorities notified under [Directive establishing the European Electronic Communications Code] as well as of law enforcement and data protection supervisory authorities. <i>The Management Board shall ensure an appropriate balance between different stakeholder groups. [Am. 146]</i></p>	<p>1. The Management Board, acting on a proposal by the Executive Director, shall set up a Permanent Stakeholders' Group composed of recognised experts representing the relevant stakeholders, such as the ICT industry, providers of electronic communications networks or services available to the public, <i>operators of essential services</i>, consumer groups, academic experts in the cybersecurity, and representatives of competent authorities notified under [Directive establishing the European Electronic Communications Code] as well as of law enforcement and data protection supervisory authorities.</p>	
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<p>2. Procedures for the Permanent Stakeholders' Group, in particular regarding the number, composition, and the appointment of its members by the Management Board, the proposal by the Executive Director and the operation of the Group, shall be specified in the Agency's internal rules of operation and shall be made public.</p>	<p>2. Procedures for the Permanent Stakeholders' <i>ENISA Advisory</i> Group, in particular regarding the number, composition, and the appointment of its members by the Management Board, the proposal by the Executive Director and the operation of the Group, shall be specified in the Agency's internal rules of operation and shall be made public. [Am. 147]</p>	<p>2. Procedures for the Permanent Stakeholders' Group, in particular regarding the number, composition, and the appointment of its members by the Management Board, the proposal by the Executive Director and the operation of the Group, shall be specified in the Agency's internal rules of operation and shall be made public.</p>	
<p>3. The Permanent Stakeholders' Group shall be chaired by the Executive Director or by any person the Executive Director appoints on a case-by-case basis.</p>	<p>3. The Permanent Stakeholders' <i>The ENISA</i> Advisory Group shall be chaired by the Executive Director or by any person the Executive Director appoints on a case-by-case basis. [Am. 148]</p>	<p>3. The Permanent Stakeholders' Group shall be chaired by the Executive Director or by any person the Executive Director appoints on a case-by-case basis.</p>	

<p>4. The term of office of the Permanent Stakeholders' Group's members shall be two-and-a-half years. Members of the Management Board may not be members of the Permanent Stakeholders' Group. Experts from the Commission and the Member States shall be entitled to be present at the meetings of the Permanent Stakeholders' Group and to participate in its work. Representatives of other bodies deemed relevant by the Executive Director, who are not members of the Permanent Stakeholders' Group, may be invited to attend the meetings of the Permanent Stakeholders' Group and to participate in its work.</p>	<p>4. The term of office of the Permanent Stakeholders' ENISA Advisory Group's members shall be two-and-a-half years. Members of the Management Board may not be members of the Permanent Stakeholders' ENISA Advisory Group. Experts from the Commission and the Member States shall be entitled to be present at the meetings of the Permanent Stakeholders' ENISA Advisory Group and to participate in its work. Representatives of other bodies deemed relevant by the Executive Director, who are not members of the Permanent Stakeholders' ENISA Advisory Group, may be invited to attend the meetings of the Permanent Stakeholders' ENISA Advisory Group and to participate in its work. [Am. 149]</p>	<p>4. The term of office of the Permanent Stakeholders' Group's members shall be two-and-a-half years. Members of the Management Board may not be members of the Permanent Stakeholders' Group. Experts from the Commission and the Member States shall be entitled to be present at the meetings of the Permanent Stakeholders' Group and to participate in its work. Representatives of other bodies deemed relevant by the Executive Director, who are not members of the Permanent Stakeholders' Group, may be invited to attend the meetings of the Permanent Stakeholders' Group and to participate in its work.</p>	
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	<i>4 a. The ENISA Advisory Group will provide regular updates on its planning throughout the year and set out the objectives in its work programme which shall be published every six months to ensure transparency; [Am. 150]</i>		
5. The Permanent Stakeholders' Group shall advise the Agency in respect of the performance of its activities. It shall in particular advise the Executive Director on drawing up a proposal for the Agency's work programme, and on ensuring communication with the relevant stakeholders on all issues related to the work programme.	5. The Permanent Stakeholders' ENISA Advisory Group shall advise the Agency in respect of the performance of its activities, <i>except of the application of the title III of this Regulation</i> . It shall in particular advise the Executive Director on drawing up a proposal for the Agency's work programme, and on ensuring communication with the relevant stakeholders on all issues related to the work programme. [Am. 151]	5. The Permanent Stakeholders' Group shall advise the Agency in respect of the performance of its activities. It shall in particular advise the Executive Director on drawing up a proposal for the Agency's work programme, and on ensuring communication with the relevant stakeholders on all issues related to the work programme.	
		5a. The Permanent Stakeholders' Group shall on regular basis inform the Management Board of its activities.	

		SECTION 4A NATIONAL LIAISON OFFICERS NETWORK	
	<p><i>Article 20 a</i> <i>Stakeholder Certification Group</i></p>	<p><i>Article 20a</i> <i>National Liaison Officers Network</i></p>	

	<p><i>1. The Executive Director shall setup a Stakeholder Certification Group, composed of a general advisory committee providing general advice on the application of the title III of this Regulation and shall setup ad-hoc committees for the proposal, development and adoption of each candidate scheme. Members of this Group shall be selected among recognised security experts representing relevant stakeholders, such as the ICT industry - including SMEs, operators of essential services according to the NIS Directive, providers of electronic communications networks or services available to the public, , consumer groups, academic experts in the cybersecurity and European Standards Organisations (ESOs) and representatives of competent authorities notified under [Directive establishing the European Electronic Communications Code] as well as of law enforcement and data protection supervisory authorities.</i></p>	<p>(1) The Management Board, acting on a proposal by the Executive Director, shall set up a National Liaison Officers Network composed of representatives of the Member States.</p>	
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	<p><i>2. Procedures for the Stakeholder Certification Group, in particular regarding the number, composition, and the appointment of its members by the Executive Director, shall be specified in the Agency's internal rules of operation, follow best practices in ensuring a fair representation and equal rights for all stakeholders and shall be made public.</i></p>	<p>2. The National Liaison Officers Network shall compose of the representatives of all Member States. Each Member State shall appoint one representative. The meetings of the network may be held in different expert formats.</p>	
	<p><i>3. Members of the Management Board may not be members of the Stakeholder Certification Group. Members of the ENISA Advisory Group may also be Members of the Stakeholder Certification Group. Experts from the Commission and the Member States shall be entitled, upon invitation, to be present at the meetings of the Stakeholder Certification Group. Representatives of other bodies deemed relevantly the Executive Director, may be invited to attend the meetings of the Stakeholder Certification Group and to participate in its work.</i></p>	<p>3. The National Liaison Officers Network shall in particular facilitate the exchange of information between ENISA and the Member States. It shall in particular support ENISA in disseminating its activities, findings and recommendations across the EU, to the relevant stakeholders.</p>	

	<p><i>4. The Stakeholder Certification Group shall advise the Agency in respect of the performance of its activities with regards Title III of this Regulation. It shall in particular be entitled to propose to the Commission the preparation of a candidate European cybersecurity certification scheme, as provided in Article 44 of this Regulation, as well as to participate to the procedures referred to in Articles 43 to 48 and Article 53 of this Regulation for the approval of such schemes.</i></p> <p>[Am. 152]</p>	<p>4. National Liaison Officers shall act as focal points of contact on a national level to facilitate cooperation between ENISA and national experts in the context of ENISA work programme implementation.</p>	
		<p>5. While National Liaisons Officers should closely cooperate with the Management Board Representatives of their respective countries the Network itself shall not duplicate the work neither of the Management Board nor other EU fora.</p>	

		6. Functions and procedures for the National Liaisons Officers Network, shall be specified in the Agency's internal rules of operation and shall be made public.	
SECTION 5 OPERATION	SECTION 5 OPERATION	SECTION 5 OPERATION	
Article 21 Single Programming Document	Article 21 Single Programming Document	Article 21 Single Programming Document	

<p>1. The Agency shall carry out its operations in accordance with a single programming document containing its multiannual and annual programming, which shall include all of its planned activities.</p> <p>2. Each year, the Executive Director shall draw up a draft single programming document containing multiannual and annual programming with the corresponding human and financial resources planning in accordance with Article 32 of Commission Delegated Regulation (EU) No 1271/2013 and taking into account guidelines set by the Commission.</p>	<p>1. The Agency shall carry out its operations in accordance with a single programming document containing its multiannual and annual programming, which shall include all of its planned activities.</p> <p>2. Each year, the Executive Director shall draw up a draft single programming document containing multiannual and annual programming with the corresponding human and financial resources planning in accordance with Article 32 of Commission Delegated Regulation (EU) No 1271/2013 and taking into account guidelines set by the Commission.</p>	<p>1. The Agency shall carry out its operations in accordance with a single programming document containing its multiannual and annual programming, which shall include all of its planned activities.</p> <p>2. Each year, the Executive Director shall draw up a draft single programming document containing multiannual and annual programming with the corresponding human and financial resources planning in accordance with Article 32 of Commission Delegated Regulation (EU) No 1271/2013 and taking into account guidelines set by the Commission.</p>	
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<p>3. By 30 November each year, the Management Board shall adopt the single programming document referred to in paragraph 1 and forward it to the European Parliament, the Council and the Commission no later than 31 January of the following year, as well as any later updated version of that document.</p> <p>4. The single programming document shall become definitive after final adoption of the general budget of the Union and, if necessary, shall be adjusted accordingly.</p>	<p>3. By 30 November each year, the Management Board shall adopt the single programming document referred to in paragraph 1 and forward it to the European Parliament, the Council and the Commission no later than 31 January of the following year, as well as any later updated version of that document.</p> <p>4. The single programming document shall become definitive after final adoption of the general budget of the Union and, if necessary, shall be adjusted accordingly.</p>	<p>3. By 30 November each year, the Management Board shall adopt the single programming document referred to in paragraph 1 and forward it to the European Parliament, the Council and the Commission no later than 31 January of the following year, as well as any later updated version of that document.</p> <p>4. The single programming document shall become definitive after final adoption of the general budget of the Union and, if necessary, shall be adjusted accordingly.</p>	
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<p>5. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be coherent with the multi-annual work programme referred to in paragraph 7. It shall clearly indicate tasks that have been added, changed or deleted in comparison with the previous financial year.</p>	<p>5. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be coherent with the multi-annual work programme referred to in paragraph 7. It shall clearly indicate tasks that have been added, changed or deleted in comparison with the previous financial year.</p>	<p>5. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be coherent with the multi-annual work programme referred to in paragraph 7. It shall clearly indicate tasks that have been added, changed or deleted in comparison with the previous financial year.</p>	
<p>6. The Management Board shall amend the adopted annual work programme when a new task is given to the Agency. Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The Management Board may delegate the power to make non-substantial amendments to the annual work programme to the Executive Director.</p>	<p>6. The Management Board shall amend the adopted annual work programme when a new task is given to the Agency. Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The Management Board may delegate the power to make non-substantial amendments to the annual work programme to the Executive Director.</p>	<p>6. The Management Board shall amend the adopted annual work programme when a new task is given to the Agency. Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The Management Board may delegate the power to make non-substantial amendments to the annual work programme to the Executive Director.</p>	

<p>7. The multi-annual work programme shall set out overall strategic programming including objectives, expected results and performance indicators. It shall also set out resource programming including multi-annual budget and staff.</p> <p>8. The resource programming shall be updated annually. The strategic programming shall be updated wherever appropriate and in particular where necessary to address the outcome of the evaluation referred to in Article 56.</p>	<p>7. The multi-annual work programme shall set out overall strategic programming including objectives, expected results and performance indicators. It shall also set out resource programming including multi-annual budget and staff.</p> <p>8. The resource programming shall be updated annually. The strategic programming shall be updated wherever appropriate and in particular where necessary to address the outcome of the evaluation referred to in Article 56.</p>	<p>7. The multi-annual work programme shall set out overall strategic programming including objectives, expected results and performance indicators. It shall also set out resource programming including multi-annual budget and staff.</p> <p>8. The resource programming shall be updated annually. The strategic programming shall be updated wherever appropriate and in particular where necessary to address the outcome of the evaluation referred to in Article 56.</p>	
	<p><i>Article 21 a</i></p> <p><i>Request to the Agency</i></p>		

	<p><i>1. The Agency should establish and manage a single entry point through which requests for advice and assistance falling within the Agency's objectives and tasks shall be addressed. These requests should be accompanied by background information explaining the issue to be addressed. Agency should draw up the potential resource implications, and, in due course, follow-up to the requests. If the Agency refuses a request, it shall give a justification.</i></p>		
	<p><i>2. Requests referred to in paragraph 1 may be made by:</i></p> <ul style="list-style-type: none"> <i>a) the European Parliament;</i> <i>b) the Council;</i> <i>c) the Commission; and</i> <i>d) any competent body appointed by a Member State, such as a national regulatory authority as defined in Article 2 of Directive 2002/21/EC.</i> 		

	<i>3. The practical arrangements for applying paragraphs 1 and 2, regarding in particular submission, prioritisation, follow-up and information, shall be laid down by the Management Board in the Agency's internal rules of operation. [Am. 153]</i>		
Article 22 Declaration of interest	Article 22 Declaration of interest	Article 22 Declaration of interest	
1. Members of the Management Board, the Executive Director and officials seconded by Member States on a temporary basis shall each make a declaration of commitments and a declaration indicating the absence or presence of any direct or indirect interest which might be considered prejudicial to their independence. The declarations shall be accurate and complete, made annually in writing and updated whenever necessary.	1. Members of the Management Board, the Executive Director and officials seconded by Member States on a temporary basis shall each make a declaration of commitments and a declaration indicating the absence or presence of any direct or indirect interest which might be considered prejudicial to their independence. The declarations shall be accurate and complete, made annually in writing and updated whenever necessary.	1. Members of the Management Board, the Executive Director and officials seconded by Member States on a temporary basis shall each make a declaration of commitments and a declaration indicating the absence or presence of any direct or indirect interest which might be considered prejudicial to their independence. The declarations shall be accurate and complete, made annually in writing and updated whenever necessary.	

<p>2. Members of the Management Board, the Executive Director, and external experts participating in ad hoc Working Groups shall each accurately and completely declare, at the latest at the start of each meeting, any interest which might be considered prejudicial to their independence in relation to the items on the agenda, and shall abstain from participating in the discussion of and voting upon such points.</p>	<p>2. Members of the Management Board, the Executive Director, and external experts participating in ad hoc Working Groups shall each accurately and completely declare, at the latest at the start of each meeting, any interest which might be considered prejudicial to their independence in relation to the items on the agenda, and shall abstain from participating in the discussion of and voting upon such points.</p>	<p>2. Members of the Management Board, the Executive Director, and external experts participating in ad hoc Working Groups shall each accurately and completely declare, at the latest at the start of each meeting, any interest which might be considered prejudicial to their independence in relation to the items on the agenda, and shall abstain from participating in the discussion of and voting upon such points.</p>	
<p>3. The Agency shall lay down, in its internal rules of operation, the practical arrangements for the rules on declarations of interest referred to in paragraphs 1 and 2.</p>	<p>3. The Agency shall lay down, in its internal rules of operation, the practical arrangements for the rules on declarations of interest referred to in paragraphs 1 and 2.</p>	<p>3. The Agency shall lay down, in its internal rules of operation, the practical arrangements for the rules on declarations of interest referred to in paragraphs 1 and 2.</p>	
<p>Article 23 Transparency</p>	<p>Article 23 Transparency</p>	<p>Article 23 Transparency</p>	

<p>1. The Agency shall carry out its activities with a high level of transparency and in accordance with Article 25.</p> <p>2. The Agency shall ensure that the public and any interested parties are given appropriate, objective, reliable and easily accessible information, in particular with regard to the results of its work. It shall also make public the declarations of interest made in accordance with Article 22.</p>	<p>1. The Agency shall carry out its activities with a high level of transparency and in accordance with Article 25.</p> <p>2. The Agency shall ensure that the public and any interested parties are given appropriate, objective, reliable and easily accessible information, in particular with regard to the results of its work. It shall also make public the declarations of interest made in accordance with Article 22.</p>	<p>1. The Agency shall carry out its activities with a high level of transparency and in accordance with Article 25.</p> <p>2. The Agency shall ensure that the public and any interested parties are given appropriate, objective, reliable and easily accessible information, in particular with regard to the results of its work. It shall also make public the declarations of interest made in accordance with Article 22.</p>	
<p>3. The Management Board, acting on a proposal from the Executive Director, may authorise interested parties to observe the proceedings of some of the Agency's activities.</p> <p>4. The Agency shall lay down, in its internal rules of operation, the practical arrangements for implementing the transparency rules referred to in paragraphs 1 and 2.</p>	<p>3. The Management Board, acting on a proposal from the Executive Director, may authorise interested parties to observe the proceedings of some of the Agency's activities.</p> <p>4. The Agency shall lay down, in its internal rules of operation, the practical arrangements for implementing the transparency rules referred to in paragraphs 1 and 2.</p>	<p>3. The Management Board, acting on a proposal from the Executive Director, may authorise interested parties to observe the proceedings of some of the Agency's activities.</p> <p>4. The Agency shall lay down, in its internal rules of operation, the practical arrangements for implementing the transparency rules referred to in paragraphs 1 and 2.</p>	

Article 24 Confidentiality	Article 24 Confidentiality	Article 24 Confidentiality	
1. Without prejudice to Article 25, the Agency shall not divulge to third parties information that it processes or receives in relation to which a reasoned request for confidential treatment, in whole or in part, has been made.	1. Without prejudice to Article 25, the Agency shall not divulge to third parties information that it processes or receives in relation to which a reasoned request for confidential treatment, in whole or in part, has been made.	1. Without prejudice to Article 25, the Agency shall not divulge to third parties information that it processes or receives in relation to which a reasoned request for confidential treatment, in whole or in part, has been made.	
2. Members of the Management Board, the Executive Director, the members of the Permanent Stakeholders Group, external experts participating in ad hoc Working Groups, and members of the staff of the Agency including officials seconded by Member States on a temporary basis shall comply with the confidentiality requirements under Article 339 of the Treaty on the Functioning of the European Union (TFEU), even after their duties have ceased.	2. Members of the Management Board, the Executive Director, the members of the Permanent Stakeholders <i>ENISA Advisory</i> Group, external experts participating in ad hoc Working Groups, and members of the staff of the Agency including officials seconded by Member States on a temporary basis shall comply with the confidentiality requirements under Article 339 of the Treaty on the Functioning of the European Union (TFEU), even after their duties have ceased. [Am. 154]	2. Members of the Management Board, the Executive Director, the members of the Permanent Stakeholders Group, external experts participating in ad hoc Working Groups, and members of the staff of the Agency including officials seconded by Member States on a temporary basis shall comply with the confidentiality requirements under Article 339 of the Treaty on the Functioning of the European Union (TFEU), even after their duties have ceased.	

<p>3. The Agency shall lay down, in its internal rules of operation, the practical arrangements for implementing the confidentiality rules referred to in paragraphs 1 and 2.</p> <p>4. If required for the performance of the Agency's tasks, the Management Board shall decide to allow the Agency to handle classified information. In that case the Management Board shall, in agreement with the Commission services, adopt internal rules of operation applying the security principles set out in Commission Decisions (EU, Euratom) 2015/443 and 2015/444 . Those rules shall include provisions for the exchange, processing and storage of classified information.</p>	<p>3. The Agency shall lay down, in its internal rules of operation, the practical arrangements for implementing the confidentiality rules referred to in paragraphs 1 and 2.</p> <p>4. If required for the performance of the Agency's tasks, the Management Board shall decide to allow the Agency to handle classified information. In that case the Management Board shall, in agreement with the Commission services, adopt internal rules of operation applying the security principles set out in Commission Decisions (EU, Euratom) 2015/443 and 2015/444 . Those rules shall include provisions for the exchange, processing and storage of classified information.</p>	<p>3. The Agency shall lay down, in its internal rules of operation, the practical arrangements for implementing the confidentiality rules referred to in paragraphs 1 and 2.</p> <p>4. If required for the performance of the Agency's tasks, the Management Board shall decide to allow the Agency to handle classified information. In that case the Management Board shall, in agreement with the Commission services, adopt internal rules of operation applying the security principles set out in Commission Decisions (EU, Euratom) 2015/443 and 2015/444 . Those rules shall include provisions for the exchange, processing and storage of classified information.</p>	
<p>Article 25</p> <p>Access to documents</p>	<p>Article 25</p> <p>Access to documents</p>	<p>Article 25</p> <p>Access to documents</p>	

<p>1. Regulation (EC) No 1049/2001 shall apply to documents held by the Agency.</p> <p>2. The Management Board shall adopt arrangements for implementing Regulation (EC) No 1049/2001 within six months of the establishment of the Agency.</p> <p>3. Decisions taken by the Agency pursuant to Article 8 of Regulation (EC) No 1049/2001 may be the subject of a complaint to the Ombudsman under Article 228 TFEU or of an action before the Court of Justice of the European Union under Article 263 TFEU.</p>	<p>1. Regulation (EC) No 1049/2001 shall apply to documents held by the Agency.</p> <p>2. The Management Board shall adopt arrangements for implementing Regulation (EC) No 1049/2001 within six months of the establishment of the Agency.</p> <p>3. Decisions taken by the Agency pursuant to Article 8 of Regulation (EC) No 1049/2001 may be the subject of a complaint to the Ombudsman under Article 228 TFEU or of an action before the Court of Justice of the European Union under Article 263 TFEU.</p>	<p>1. Regulation (EC) No 1049/2001 shall apply to documents held by the Agency.</p> <p>2. The Management Board shall adopt arrangements for implementing Regulation (EC) No 1049/2001 within six months of the establishment of the Agency.</p> <p>3. Decisions taken by the Agency pursuant to Article 8 of Regulation (EC) No 1049/2001 may be the subject of a complaint to the Ombudsman under Article 228 TFEU or of an action before the Court of Justice of the European Union under Article 263 TFEU.</p>	
<p>CHAPTER III</p> <p>ESTABLISHMENT AND STRUCTURE OF THE BUDGET</p>	<p>CHAPTER III</p> <p>ESTABLISHMENT AND STRUCTURE OF THE BUDGET</p>	<p>CHAPTER III</p> <p>ESTABLISHMENT AND STRUCTURE OF THE BUDGET</p>	
<p>Article 26</p> <p>Establishment of the budget</p>	<p>Article 26</p> <p>Establishment of the budget</p>	<p>Article 26</p> <p>Establishment of the budget</p>	

<p>1. Each year, the Executive Director shall draw up a draft statement of estimates of the Agency's revenue and expenditure for the following financial year, and shall forward it to the Management Board, together with a draft establishment plan. Revenue and expenditure shall be in balance.</p>	<p>1. Each year, the Executive Director shall draw up a draft statement of estimates of the Agency's revenue and expenditure for the following financial year, and shall forward it to the Management Board, together with a draft establishment plan. Revenue and expenditure shall be in balance.</p> <p><i>The provisional draft statement of estimates shall be based on the objectives and expected results of the single programming document referred to in Article 21, paragraph 1 of this Regulation and shall take into account the financial resources necessary to achieve those objectives and expected results, in accordance with the principle of performance-based budgeting. [Am. 155]</i></p>	<p>1. Each year, the Executive Director shall draw up a draft statement of estimates of the Agency's revenue and expenditure for the following financial year, and shall forward it to the Management Board, together with a draft establishment plan. Revenue and expenditure shall be in balance.</p>	
<p>2. Each year, the Management Board shall, on the basis of the draft statement of estimates of revenue and expenditure referred to in paragraph 1, produce a statement of estimates of revenue and expenditure for the Agency for the following financial year.</p>	<p>2. Each year, the Management Board shall, on the basis of the draft statement of estimates of revenue and expenditure referred to in paragraph 1, produce a statement of estimates of revenue and expenditure for the Agency for the following financial year.</p>	<p>2. Each year, the Management Board shall, on the basis of the draft statement of estimates of revenue and expenditure referred to in paragraph 1, produce a statement of estimates of revenue and expenditure for the Agency for the following financial year.</p>	

<p>3. The Management Board shall, by 31 January each year, send the statement of estimates referred to in paragraph 2, which shall be part of the draft single programming document, to the Commission and the third countries with which the Union has concluded agreements in accordance with Article 39.</p>	<p>3. The Management Board shall, by 31 January each year, send the statement of estimates referred to in paragraph 2, which shall be part of the draft single programming document, to the Commission and the third countries with which the Union has concluded agreements in accordance with Article 39.</p>	<p>3. The Management Board shall, by 31 January each year, send the statement of estimates referred to in paragraph 2, which shall be part of the draft single programming document, to the Commission and the third countries with which the Union has concluded agreements in accordance with Article 39.</p>	
<p>4. On the basis of that statement of estimates, the Commission shall enter in the draft budget of the Union the estimates it deems necessary for the establishment plan and the amount of the contribution to be charged to the general budget, which it shall submit to the European Parliament and the Council in accordance with Article 313 and 314 TFEU.</p>	<p>4. On the basis of that statement of estimates, the Commission shall enter in the draft budget of the Union the estimates it deems necessary for the establishment plan and the amount of the contribution to be charged to the general budget, which it shall submit to the European Parliament and the Council in accordance with Article 313 and 314 TFEU.</p>	<p>4. On the basis of that statement of estimates, the Commission shall enter in the draft budget of the Union the estimates it deems necessary for the establishment plan and the amount of the contribution to be charged to the general budget, which it shall submit to the European Parliament and the Council in accordance with Article 313 and 314 TFEU.</p>	

<p>5. The European Parliament and the Council shall authorise the appropriations for the contribution to the Agency.</p> <p>6. The European Parliament and the Council shall adopt the establishment plan for the Agency.</p> <p>7. Together with the single programming document, the Management Board shall adopt the Agency's budget. It shall become final following definitive adoption of the general budget of the Union. Where appropriate, the Management Board shall adjust the Agency's budget and single programming document in accordance with the general budget of the Union.</p>	<p>5. The European Parliament and the Council shall authorise the appropriations for the contribution to the Agency.</p> <p>6. The European Parliament and the Council shall adopt the establishment plan for the Agency.</p> <p>7. Together with the single programming document, the Management Board shall adopt the Agency's budget. It shall become final following definitive adoption of the general budget of the Union. Where appropriate, the Management Board shall adjust the Agency's budget and single programming document in accordance with the general budget of the Union.</p>	<p>5. The European Parliament and the Council shall authorise the appropriations for the contribution to the Agency.</p> <p>6. The European Parliament and the Council shall adopt the establishment plan for the Agency.</p> <p>7. Together with the single programming document, the Management Board shall adopt the Agency's budget. It shall become final following definitive adoption of the general budget of the Union. Where appropriate, the Management Board shall adjust the Agency's budget and single programming document in accordance with the general budget of the Union.</p>	
<p>Article 27</p> <p>Structure of the budget</p>	<p>Article 27</p> <p>Structure of the budget</p>	<p>Article 27</p> <p>Structure of the budget</p>	

<p>1. Without prejudice to other resources, the Agency's revenue shall be composed of:</p> <ul style="list-style-type: none"> (a) a contribution from the Union budget; (b) revenue assigned to specific items of expenditure in accordance with its financial rules referred to in Article 29; (c) Union funding in the form of delegation agreements or ad hoc grants in accordance with its financial rules referred to in Article 29 and with the provisions of the relevant instruments supporting the policies of the Union; (d) contributions from third countries participating in the work of the Agency as provided for in Article 39; (e) any voluntary contributions from Member States in money or in kind; Member States that provide voluntary contributions may not claim any specific right or service as a result thereof. 	<p>1. Without prejudice to other resources, the Agency's revenue shall be composed of:</p> <ul style="list-style-type: none"> (a) a contribution from the Union budget; (b) revenue assigned to specific items of expenditure in accordance with its financial rules referred to in Article 29; (c) Union funding in the form of delegation agreements or ad hoc grants in accordance with its financial rules referred to in Article 29 and with the provisions of the relevant instruments supporting the policies of the Union; (d) contributions from third countries participating in the work of the Agency as provided for in Article 39; (e) any voluntary contributions from Member States in money or in kind; Member States that provide voluntary contributions may not claim any specific right or service as a result thereof. 	<p>1. Without prejudice to other resources, the Agency's revenue shall be composed of:</p> <ul style="list-style-type: none"> (a) a contribution from the Union budget; (b) revenue assigned to specific items of expenditure in accordance with its financial rules referred to in Article 29; (c) Union funding in the form of delegation agreements or ad hoc grants in accordance with its financial rules referred to in Article 29 and with the provisions of the relevant instruments supporting the policies of the Union; (d) contributions from third countries participating in the work of the Agency as provided for in Article 39; (e) any voluntary contributions from Member States in money or in kind; Member States that provide voluntary contributions may not claim any specific right or service as a result thereof. 	
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2. The expenditure of the Agency shall include staff, administrative and technical support, infrastructure and operational expenses, and expenses resulting from contracts entered into with third parties.	2. The expenditure of the Agency shall include staff, administrative and technical support, infrastructure and operational expenses, and expenses resulting from contracts entered into with third parties.	2. The expenditure of the Agency shall include staff, administrative and technical support, infrastructure and operational expenses, and expenses resulting from contracts entered into with third parties.	
Article 28 Implementation of the budget	Article 28 Implementation of the budget	Article 28 Implementation of the budget	
1. The Executive Director shall be responsible for the implementation of the Agency's budget. 2. The Commission's internal auditor shall exercise the same powers over the Agency as over Commission departments. 3. By 1 March following each financial year (1 March of year N + 1), the Agency's accounting officer shall send the provisional accounts to the Commission's accounting officer and to the Court of Auditors.	1. The Executive Director shall be responsible for the implementation of the Agency's budget. 2. The Commission's internal auditor shall exercise the same powers over the Agency as over Commission departments. 3. By 1 March following each financial year (1 March of year N + 1), the Agency's accounting officer shall send the provisional accounts to the Commission's accounting officer and to the Court of Auditors.	1. The Executive Director shall be responsible for the implementation of the Agency's budget. 2. The Commission's internal auditor shall exercise the same powers over the Agency as over Commission departments. 3. By 1 March following each financial year (1 March of year N + 1), the Agency's accounting officer shall send the provisional accounts to the Commission's accounting officer and to the Court of Auditors.	

<p>4. Upon receipts of the Court of Auditors' observations on the Agency's provisional accounts, the Agency's accounting officer shall draw up the Agency's final accounts under his or her responsibility.</p> <p>5. The Executive Director shall submit the final accounts to the Management Board for an opinion.</p> <p>6. The Executive Director shall send, by 31 March of year N + 1, the report on the budgetary and financial management to the European Parliament, the Council, the Commission and the Court of Auditors.</p> <p>7. The accounting officer shall, by 1 July of year N + 1, transmit the final accounts to the European Parliament, the Council, the accounting officer of the Commission and the Court of Auditors, together with the Management Board's opinion.</p>	<p>4. Upon receipts of the Court of Auditors' observations on the Agency's provisional accounts, the Agency's accounting officer shall draw up the Agency's final accounts under his or her responsibility.</p> <p>5. The Executive Director shall submit the final accounts to the Management Board for an opinion.</p> <p>6. The Executive Director shall send, by 31 March of year N + 1, the report on the budgetary and financial management to the European Parliament, the Council, the Commission and the Court of Auditors.</p> <p>7. The accounting officer shall, by 1 July of year N + 1, transmit the final accounts to the European Parliament, the Council, the accounting officer of the Commission and the Court of Auditors, together with the Management Board's opinion.</p>	<p>4. Upon receipts of the Court of Auditors' observations on the Agency's provisional accounts, the Agency's accounting officer shall draw up the Agency's final accounts under his or her responsibility.</p> <p>5. The Executive Director shall submit the final accounts to the Management Board for an opinion.</p> <p>6. The Executive Director shall send, by 31 March of year N + 1, the report on the budgetary and financial management to the European Parliament, the Council, the Commission and the Court of Auditors.</p> <p>7. The accounting officer shall, by 1 July of year N + 1, transmit the final accounts to the European Parliament, the Council, the accounting officer of the Commission and the Court of Auditors, together with the Management Board's opinion.</p>	
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<p>8. At the same date as the transmission of his or her final accounts, the accounting officer shall also send to the Court of Auditors a representation letter covering those final accounts, with a copy to the accounting officer of the Commission.</p> <p>9. The Executive Director shall publish the final accounts by 15 November of the following year.</p> <p>10. The Executive Director shall send the Court of Auditors a reply to its observations by 30 September of year N + 1 and shall also send a copy of that reply to the Management Board and to the Commission.</p>	<p>8. At the same date as the transmission of his or her final accounts, the accounting officer shall also send to the Court of Auditors a representation letter covering those final accounts, with a copy to the accounting officer of the Commission.</p> <p>9. The Executive Director shall publish the final accounts by 15 November of the following year.</p> <p>10. The Executive Director shall send the Court of Auditors a reply to its observations by 30 September of year N + 1 and shall also send a copy of that reply to the Management Board and to the Commission.</p>	<p>8. At the same date as the transmission of his or her final accounts, the accounting officer shall also send to the Court of Auditors a representation letter covering those final accounts, with a copy to the accounting officer of the Commission.</p> <p>9. The Executive Director shall publish the final accounts by 15 November of the following year.</p> <p>10. The Executive Director shall send the Court of Auditors a reply to its observations by 30 September of year N + 1 and shall also send a copy of that reply to the Management Board and to the Commission.</p>	
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<p>11. The Executive Director shall submit to the European Parliament, at the latter's request, all the information necessary for the smooth application of the discharge procedure for the financial year in question, as laid down in Article 165(3) of the Financial Regulation.</p> <p>12. The European Parliament, acting on a recommendation from the Council, shall, before 15 May of year N + 2, give a discharge to the Executive Director in respect of the implementation of the budget for the year N.</p>	<p>11. The Executive Director shall submit to the European Parliament, at the latter's request, all the information necessary for the smooth application of the discharge procedure for the financial year in question, as laid down in Article 165(3) of the Financial Regulation.</p> <p>12. The European Parliament, acting on a recommendation from the Council, shall, before 15 May of year N + 2, give a discharge to the Executive Director in respect of the implementation of the budget for the year N.</p>	<p>11. The Executive Director shall submit to the European Parliament, at the latter's request, all the information necessary for the smooth application of the discharge procedure for the financial year in question, as laid down in Article 165(3) of the Financial Regulation.</p> <p>12. The European Parliament, acting on a recommendation from the Council, shall, before 15 May of year N + 2, give a discharge to the Executive Director in respect of the implementation of the budget for the year N.</p>	
<p>Article 29</p> <p>Financial Rules</p>	<p>Article 29</p> <p>Financial Rules</p>	<p>Article 29</p> <p>Financial Rules</p>	
<p>The financial rules applicable to the Agency shall be adopted by the Management Board after consulting the Commission. They shall not depart from Regulation (EU) 1271/2013 unless such a departure is specifically required for the Agency's operation and the Commission has given its prior consent.</p>	<p>The financial rules applicable to the Agency shall be adopted by the Management Board after consulting the Commission. They shall not depart from Regulation (EU) 1271/2013 unless such a departure is specifically required for the Agency's operation and the Commission has given its prior consent.</p>	<p>The financial rules applicable to the Agency shall be adopted by the Management Board after consulting the Commission. They shall not depart from Regulation (EU) 1271/2013 unless such a departure is specifically required for the Agency's operation and the Commission has given its prior consent.</p>	

Article 30 Combating fraud	Article 30 Combating fraud	Article 30 Combating fraud	
1. In order to facilitate the combating of fraud, corruption and other unlawful activities under Regulation (EC) 883/2013 of the European Parliament and of the Council , the Agency shall, within six months from the day it becomes operational, accede to the Interinstitutional Agreement of 25 May, 1999 concerning internal investigations by the European Anti-fraud Office (OLAF) and shall adopt the appropriate provisions applicable to all the employees of the Agency, using the template set out in the Annex to that Agreement.	1. In order to facilitate the combating of fraud, corruption and other unlawful activities under Regulation (EC) 883/2013 of the European Parliament and of the Council , the Agency shall, within six months from the day it becomes operational, accede to the Interinstitutional Agreement of 25 May, 1999 concerning internal investigations by the European Anti-fraud Office (OLAF) and shall adopt the appropriate provisions applicable to all the employees of the Agency, using the template set out in the Annex to that Agreement.	1. In order to facilitate the combating of fraud, corruption and other unlawful activities under Regulation (EC) 883/2013 of the European Parliament and of the Council , the Agency shall, within six months from the day it becomes operational, accede to the Interinstitutional Agreement of 25 May, 1999 concerning internal investigations by the European Anti-fraud Office (OLAF) and shall adopt the appropriate provisions applicable to all the employees of the Agency, using the template set out in the Annex to that Agreement.	
2. The Court of Auditors shall have the power of audit, on the basis of documents and on the spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds from the Agency.	2. The Court of Auditors shall have the power of audit, on the basis of documents and on the spot <i>inspections</i> , over all grant beneficiaries, contractors and subcontractors who have received Union funds from the Agency. [Am. 156]	2. The Court of Auditors shall have the power of audit, on the basis of documents and on the spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds from the Agency.	

<p>3. OLAF may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation 883/2013 of the European Parliament and of the Council and Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the Union' financial interests against fraud and other irregularities with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract funded by the Agency.</p>	<p>3. OLAF may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation 883/2013 of the European Parliament and of the Council and Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the Union' financial interests against fraud and other irregularities with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract funded by the Agency.</p>	<p>3. OLAF may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation 883/2013 of the European Parliament and of the Council and Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the Union' financial interests against fraud and other irregularities with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract funded by the Agency.</p>	
<p>4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and international organisations, contracts, grant agreements and grant decisions of the Agency shall contain provisions expressly empowering the Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.</p>	<p>4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and international organisations, contracts, grant agreements and grant decisions of the Agency shall contain provisions expressly empowering the Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.</p>	<p>4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and international organisations, contracts, grant agreements and grant decisions of the Agency shall contain provisions expressly empowering the Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.</p>	

CHAPTER IV AGENCY STAFF	CHAPTER IV AGENCY STAFF	CHAPTER IV AGENCY STAFF	
Article 31 General provisions	Article 31 General provisions	Article 31 General provisions	
The Staff Regulations and the Conditions of Employment of Other Servants and the rules adopted by agreement between the Union institutions for giving effect to those Staff Regulations shall apply to the staff of the Agency.	The Staff Regulations and the Conditions of Employment of Other Servants and the rules adopted by agreement between the Union institutions for giving effect to those Staff Regulations shall apply to the staff of the Agency.	The Staff Regulations and the Conditions of Employment of Other Servants and the rules adopted by agreement between the Union institutions for giving effect to those Staff Regulations shall apply to the staff of the Agency.	
Article 32 Privileges and immunity	Article 32 Privileges and immunity	Article 32 Privileges and immunity	
Protocol No 7 on the Privileges and Immunities of the European Union annexed to the Treaty on European Union and to the TFEU shall apply to the Agency and its staff.	Protocol No 7 on the Privileges and Immunities of the European Union annexed to the Treaty on European Union and to the TFEU shall apply to the Agency and its staff.	Protocol No 7 on the Privileges and Immunities of the European Union annexed to the Treaty on European Union and to the TFEU shall apply to the Agency and its staff.	
Article 33 Executive Director	Article 33 Executive Director	Article 33 Executive Director	

<p>1. The Executive Director shall be engaged as a temporary agent of the Agency under Article 2(a) of the Conditions of Employment of Other Servants.</p> <p>2. The Executive Director shall be appointed by the Management Board from a list of candidates proposed by the Commission, following an open and transparent selection procedure.</p>	<p>1. The Executive Director shall be engaged as a temporary agent of the Agency under Article 2(a) of the Conditions of Employment of Other Servants.</p> <p>2. The Executive Director shall be appointed by the Management Board from a list of candidates proposed by the Commission, following an open and transparent selection procedure.</p>	<p>1. The Executive Director shall be engaged as a temporary agent of the Agency under Article 2(a) of the Conditions of Employment of Other Servants.</p> <p>2. The Executive Director shall be appointed by the Management Board from a list of candidates proposed by the Commission, following an open and transparent selection procedure.</p>	
<p>3. For the purpose of concluding the contract of the Executive Director, the Agency shall be represented by the Chairperson of the Management Board.</p> <p>4. Before appointment, the candidate selected by the Management Board shall be invited to make a statement before the relevant committee of the European Parliament and to answer Members' questions.</p>	<p>3. For the purpose of concluding the contract of the Executive Director, the Agency shall be represented by the Chairperson of the Management Board.</p> <p>4. Before appointment, the candidate selected by the Management Board shall be invited to make a statement before the relevant committee of the European Parliament and to answer Members' questions.</p>	<p>3. For the purpose of concluding the contract of the Executive Director, the Agency shall be represented by the Chairperson of the Management Board.</p> <p>4. Before appointment, the candidate selected by the Management Board shall be invited to make a statement before the relevant committee of the European Parliament and to answer Members' questions.</p>	

5. The term of office of the Executive Director shall be five years. By the end of that period, the Commission shall carry out an assessment which takes into account the evaluation of the performance of the Executive Director and the Agency's future tasks and challenges.	5. The term of office of the Executive Director shall be five years. By the end of that period, the Commission shall carry out an assessment which takes into account the evaluation of the performance of the Executive Director and the Agency's future tasks and challenges.	5. The term of office of the Executive Director shall be four five years. By the end of that period, the Commission shall carry out an assessment which takes into account the evaluation of the performance of the Executive Director and the Agency's future tasks and challenges.	
6. The Management Board shall reach decisions on appointment, extension of the term of office or removal from office of the Executive Director on the basis of a two-thirds majority of its members with voting rights.	6. The Management Board shall reach decisions on appointment, extension of the term of office or removal from office of the Executive Director on the basis of a two-thirds majority of its members with voting rights.	6. The Management Board shall reach decisions on appointment, extension of the term of office or removal from office of the Executive Director on the basis of a two-thirds majority of its members with voting rights.	
7. The Management Board may, acting on a proposal from the Commission which takes into account the assessment referred to in paragraph 5, extend once the term of office of the Executive Director for no more than five years.	7. The Management Board may, acting on a proposal from the Commission which takes into account the assessment referred to in paragraph 5, extend once the term of office of the Executive Director for no more than five years.	7. The Management Board may, acting on a proposal from the Commission which takes into account the assessment referred to in paragraph 5, extend once the term of office of the Executive Director for no more than four five years.	

8. The Management Board shall inform the European Parliament about its intention to extend the Executive Director's term of office. Within three months before any such extension, the Executive Director shall, if invited, make a statement before the relevant committee of the European Parliament and answer Members' questions.	8. The Management Board shall inform the European Parliament about its intention to extend the Executive Director's term of office. Within three months before any such extension, the Executive Director shall, if invited, make a statement before the relevant committee of the European Parliament and answer Members' questions.	8. The Management Board shall inform the European Parliament about its intention to extend the Executive Director's term of office. Within three months before any such extension, the Executive Director shall, if invited, make a statement before the relevant committee of the European Parliament and answer Members' questions.	
9. An Executive Director whose term of office has been extended may not participate in another selection procedure for the same post.	9. An Executive Director whose term of office has been extended may not participate in another selection procedure for the same post.	9. An Executive Director whose term of office has been extended may not participate in another selection procedure for the same post.	
10. The Executive Director may be removed from office only by decision of the Management Board, acting on a proposal from the Commission.	10. The Executive Director may be removed from office only by decision of the Management Board, acting on a proposal from the Commission.	10. The Executive Director may be removed from office only by decision of the Management Board, acting on a proposal from the Commission.	
Article 34 Seconded national experts and other staff	Article 34 Seconded national experts and other staff	Article 34 Seconded national experts and other staff	

<p>1. The Agency may make use of seconded national experts or other staff not employed by the Agency. The Staff Regulations and the Conditions of Employment of Other Servants shall not apply to such staff.</p> <p>2. The Management Board shall adopt a decision laying down rules on the secondment to the agency of national experts.</p>	<p>1. The Agency may make use of seconded national experts or other staff not employed by the Agency. The Staff Regulations and the Conditions of Employment of Other Servants shall not apply to such staff.</p> <p>2. The Management Board shall adopt a decision laying down rules on the secondment to the agency of national experts.</p>	<p>1. The Agency may make use of seconded national experts or other staff not employed by the Agency. The Staff Regulations and the Conditions of Employment of Other Servants shall not apply to such staff.</p> <p>2. The Management Board shall adopt a decision laying down rules on the secondment to the agency of national experts.</p>	
CHAPTER V GENERAL PROVISIONS	CHAPTER V GENERAL PROVISIONS	CHAPTER V GENERAL PROVISIONS	
Article 35 Legal status of the Agency	Article 35 Legal status of the Agency	Article 35 Legal status of the Agency	
1. The Agency shall be a body of the Union and shall have legal personality.	1. The Agency shall be a body of the Union and shall have legal personality.	1. The Agency shall be a body of the Union and shall have legal personality.	

2. In each Member State, the Agency shall enjoy the most extensive legal capacity accorded to legal persons under national law. It may, in particular, acquire or dispose of movable and immovable property and may be a party to legal proceedings, or both.	2. In each Member State, the Agency shall enjoy the most extensive legal capacity accorded to legal persons under national law. It may, in particular, acquire or dispose of movable and immovable property and may be a party to legal proceedings, or both.	2. In each Member State, the Agency shall enjoy the most extensive legal capacity accorded to legal persons under national law. It may, in particular, acquire or dispose of movable and immovable property and may be a party to legal proceedings, or both .	
3. The Agency shall be represented by its Executive Director.	3. The Agency shall be represented by its Executive Director.	3. The Agency shall be represented by its Executive Director.	
Article 36 Liability of the Agency	Article 36 Liability of the Agency	Article 36 Liability of the Agency	

<p>1. The contractual liability of the Agency shall be governed by the law applicable to the contract in question.</p> <p>2. The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by the Agency.</p> <p>3. In the case of non-contractual liability, the Agency shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by it or its servants in the performance of their duties.</p> <p>4. The Court of Justice of the European Union shall have jurisdiction in any dispute relating to compensation for such damage.</p>	<p>1. The contractual liability of the Agency shall be governed by the law applicable to the contract in question.</p> <p>2. The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by the Agency.</p> <p>3. In the case of non-contractual liability, the Agency shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by it or its servants in the performance of their duties.</p> <p>4. The Court of Justice of the European Union shall have jurisdiction in any dispute relating to compensation for such damage.</p>	<p>1. The contractual liability of the Agency shall be governed by the law applicable to the contract in question.</p> <p>2. The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by the Agency.</p> <p>3. In the case of non-contractual liability, the Agency shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by it or its servants in the performance of their duties.</p> <p>4. The Court of Justice of the European Union shall have jurisdiction in any dispute relating to compensation for such damage.</p>	
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5. The personal liability of its servants towards the Agency shall be governed by the relevant conditions applying to the staff of the Agency.	5. The personal liability of its servants towards the Agency shall be governed by the relevant conditions applying to the staff of the Agency. <i>Effective recruitment of staff shall be ensured.</i> [Am. 157]	5. The personal liability of its servants towards the Agency shall be governed by the relevant conditions applying to the staff of the Agency.	
Article 37 Language arrangements	Article 37 Language arrangements	Article 37 Language arrangements	
1. Council Regulation No 1 shall apply to the Agency .The Member States and the other bodies appointed by them may address the Agency and receive a reply in the official language of the institutions of the Union of their choice.	1. Council Regulation No 1 shall apply to the Agency ⁷ .The Member States and the other bodies appointed by them may address the Agency and receive a reply in the official language of the institutions of the Union of their choice.	1. Council Regulation No 1 shall apply to the Agency .The Member States and the other bodies appointed by them may address the Agency and receive a reply in the official language of the institutions of the Union of their choice.	

⁷ [Regulation No 1 determining the languages to be used by the European Atomic Energy Community](#) (OJ 17, 6.10.1958, p. 401).

2. The translation services required for the functioning of the Agency shall be provided by the Translation Centre for the Bodies of the European Union.	2. The translation services required for the functioning of the Agency shall be provided by the Translation Centre for the Bodies of the European Union <i>or other translation services providers in accordance with the procurement rules and within the limits established by the relevant financial rules.</i> [Am. 158]	2. The translation services required for the functioning of the Agency shall be provided by the Translation Centre for the Bodies of the European Union.	
Article 38 Protection of personal data	Article 38 Protection of personal data	Article 38 Protection of personal data	
1. The processing of personal data by the Agency shall be subject to Regulation EC) No 45/2001 of the European Parliament and of the Council . 2. The Management Board shall adopt implementing measures referred to in Article 24(8) of Regulation (EC) No 45/2001. The Management Board may adopt additional measures necessary for the application of Regulation (EC) No 45/2001 by the Agency.	1. The processing of personal data by the Agency shall be subject to Regulation EC) No 45/2001 of the European Parliament and of the Council . 2. The Management Board shall adopt implementing measures referred to in Article 24(8) of Regulation (EC) No 45/2001. The Management Board may adopt additional measures necessary for the application of Regulation (EC) No 45/2001 by the Agency.	1. The processing of personal data by the Agency shall be subject to Regulation EC) No 45/2001 of the European Parliament and of the Council . 2. The Management Board shall adopt implementing measures referred to in Article 24(8) of Regulation (EC) No 45/2001. The Management Board may adopt additional measures necessary for the application of Regulation (EC) No 45/2001 by the Agency.	

Article 39 Cooperation with third countries and international organisations	Article 39 Cooperation with third countries and international organisations	Article 39 Cooperation with third countries and international organisations	
<p>1. In so far as is necessary in order to achieve the objectives set out in this Regulation, the Agency may cooperate with the competent authorities of third countries or with international organisations or both. To this end, the Agency may, subject to prior approval by the Commission, establish working arrangements with the authorities of third countries and international organisations. These arrangements shall not create legal obligations incumbent on the Union and its Member States.</p>	<p>1. In so far as is necessary in order to achieve the objectives set out in this Regulation, the Agency may cooperate with the competent authorities of third countries or with international organisations or both. To this end, the Agency may, subject to prior approval by the Commission, establish working arrangements with the authorities of third countries and international organisations. <i>Cooperation with NATO, where it takes place, may include joint cybersecurity exercises and joint cyber incident response coordination.</i> These arrangements shall not create legal obligations incumbent on the Union and its Member States. [Am. 159]</p>	<p>1. In so far as is necessary in order to achieve the objectives set out in this Regulation, the Agency may cooperate with the competent authorities of third countries or with international organisations or both. To this end, the Agency may, subject to prior approval by the Commission, establish working arrangements with the authorities of third countries and international organisations. These arrangements shall not create legal obligations incumbent on the Union and its Member States.</p>	

<p>2. The Agency shall be open to the participation of third countries that have entered into agreements with the Union to this effect. Under the relevant provisions of these agreements, arrangements shall be made specifying in particular the nature, extent and manner in which those countries will participate in the Agency's work, including provisions relating to participation in the initiatives undertaken by the Agency, financial contributions and staff. As regards staff matters, those arrangements shall, in any event, comply with the Staff Regulations.</p>	<p>2. The Agency shall be open to the participation of third countries that have entered into agreements with the Union to this effect. Under the relevant provisions of these agreements, arrangements shall be made specifying in particular the nature, extent and manner in which those countries will participate in the Agency's work, including provisions relating to participation in the initiatives undertaken by the Agency, financial contributions and staff. As regards staff matters, those arrangements shall, in any event, comply with the Staff Regulations.</p>	<p>2. The Agency shall be open to the participation of third countries that have entered into agreements with the Union to this effect. Under the relevant provisions of these agreements, arrangements shall be made specifying in particular the nature, extent and manner in which those countries will participate in the Agency's work, including provisions relating to participation in the initiatives undertaken by the Agency, financial contributions and staff. As regards staff matters, those arrangements shall, in any event, comply with the Staff Regulations.</p>	
<p>3. The Management Board shall adopt a strategy for relations with third countries or international organisations concerning matters for which the Agency is competent. The Commission shall ensure that the agency operates within its mandate and the existing institutional framework by concluding an appropriate working arrangement with the agency's Executive Director.</p>	<p>3. The Management Board shall adopt a strategy for relations with third countries or international organisations concerning matters for which the Agency is competent. The Commission shall ensure that the agency operates within its mandate and the existing institutional framework by concluding an appropriate working arrangement with the agency's Executive Director.</p>	<p>3. The Management Board shall adopt a strategy for relations with third countries or international organisations concerning matters for which the Agency is competent. The Commission shall ensure that the agency operates within its mandate and the existing institutional framework by concluding an appropriate working arrangement with the agency's Executive Director.</p>	

Article 40 Security rules on the protection of classified and sensitive non-classified information	Article 40 Security rules on the protection of classified and sensitive non-classified information	Article 40 Security rules on the protection of classified and sensitive non-classified information	
In consultation with the Commission, the Agency shall adopt its security rules applying the security principles contained in the Commission's security rules for protecting European Union Classified Information (EUCI) and sensitive non-classified information, as set out in Commission Decisions (EU, Euratom) 2015/443 and 2015/444. This shall cover, inter alia, provisions for the exchange, processing and storage of such information.	In consultation with the Commission, the Agency shall adopt its security rules applying the security principles contained in the Commission's security rules for protecting European Union Classified Information (EUCI) and sensitive non-classified information, as set out in Commission Decisions (EU, Euratom) 2015/443 and 2015/444. This shall cover, inter alia, provisions for the exchange, processing and storage of such information.	In consultation with the Commission, the Agency shall adopt its security rules applying the security principles contained in the Commission's security rules for protecting European Union Classified Information (EUCI) and sensitive non-classified information, as set out in Commission Decisions (EU, Euratom) 2015/443 and 2015/444. This shall cover, inter alia, provisions for the exchange, processing and storage of such information.	
Article 41 Headquarters Agreement and operating conditions	Article 41 Headquarters Agreement and operating conditions	Article 41 Headquarters Agreement and operating conditions	

<p>1. The necessary arrangements concerning the accommodation to be provided for the Agency in the host Member State and the facilities to be made available by that Member State together with the specific rules applicable in the host Member State to the Executive Director, members of the Management Board, Agency staff and members of their families shall be laid down in a Headquarters Agreement between the Agency and Member State where the seat is located, concluded after obtaining the approval of the Management Board and no later than [2 years after the entry into force of this Regulation].</p>	<p>1. The necessary arrangements concerning the accommodation to be provided for the Agency in the host Member State and the facilities to be made available by that Member State together with the specific rules applicable in the host Member State to the Executive Director, members of the Management Board, Agency staff and members of their families shall be laid down in a Headquarters Agreement between the Agency and Member State where the seat is located, concluded after obtaining the approval of the Management Board and no later than [2 years after the entry into force of this Regulation].</p>	<p>1. The necessary arrangements concerning the accommodation to be provided for the Agency in the host Member State and the facilities to be made available by that Member State together with the specific rules applicable in the host Member State to the Executive Director, members of the Management Board, Agency staff and members of their families shall be laid down in a Headquarters Agreement between the Agency and Member State where the seat is located, concluded after obtaining the approval of the Management Board and no later than [2 years after the entry into force of this Regulation].</p>	
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2. The Agency's host Member State shall provide the best possible conditions to ensure the proper functioning of the Agency, including the accessibility of the location, the existence of adequate education facilities for the children of staff members, appropriate access to the labour market, social security and medical care for both children and spouses.	2. The Agency's host Member State shall provide the best possible conditions to ensure the proper functioning of the Agency, including <i>a single location for the entire Agency</i> , the accessibility of the location, the existence of adequate education facilities for the children of staff members, appropriate access to the labour market, social security and medical care for both children and spouses. [Am. 160]	2. The Agency's host Member State shall provide the best possible conditions to ensure the proper functioning of the Agency, including the accessibility of the location, the existence of adequate education facilities for the children of staff members, appropriate access to the labour market, social security and medical care for both children and spouses.	
Article 42 Administrative control	Article 42 Administrative control	Article 42 Administrative control	
The operations of the Agency shall be supervised by the Ombudsman in accordance with Article 228 TFEU.	The operations of the Agency shall be supervised by the Ombudsman in accordance with Article 228 TFEU.	The operations of the Agency shall be supervised by the Ombudsman in accordance with Article 228 TFEU.	
TITLE III CYBERSECURITY CERTIFICATION FRAMEWORK	TITLE III CYBERSECURITY CERTIFICATION FRAMEWORK	TITLE III CYBERSECURITY CERTIFICATION FRAMEWORK	
Article 43 European cybersecurity certification schemes	Article 43 European cybersecurity certification schemes	<i>Article 43 European cybersecurity certification framework-schemes</i>	

<p>A European cybersecurity certification scheme shall attest that the ICT products and services that have been certified in accordance with such scheme comply with specified requirements as regards their ability to resist at a given level of assurance, actions that aim to compromise the availability, authenticity, integrity or confidentiality of stored or transmitted or processed data or the functions or services offered by, or accessible via, those products, processes, services and systems.</p>	<p>A European cybersecurity certification scheme shall attest that the ICT products, <i>processes</i> and services that have been certified in accordance with such scheme <i>covered have no known vulnerabilities at the time of certification, and</i> comply with specified requirements <i>that may refer to European and international standards, technical specification and ICT technical specification</i>' as regards their ability to resist, <i>throughout their life cycle</i>, at a given level of assurance, actions that aim to compromise the availability, authenticity, integrity or confidentiality of stored or transmitted or processed data or the functions or services offered by, or accessible via, those products, processes, services and systems <i>meet the specified security objectives.</i> [Am. 161]</p>	<p>1. The European cybersecurity certification framework is established in order to improve the conditions for the functioning of the internal market by increasing the level of cybersecurity within the Union. It sets governance that enables a harmonised approach at EU level of European cybersecurity certification schemes, in view of creating a digital single market for ICT processes, products and services.</p>	
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		<p>2. The European cybersecurity certification framework defines a mechanism to establish A</p> <p>European cybersecurity certification schemes shall and to attest that the ICT processes, products and services that have been certified evaluated in accordance with such schemes comply with specified security requirements as regards their ability to resist at a given level of assurance, actions that aim to compromise with the aim to protect the availability, authenticity, integrity or confidentiality of stored or transmitted or processed data or the functions or services offered by, or accessible via, those products, processes, and services and systems throughout their life cycle.</p>	
Article 44 Preparation and adoption of a European Cybersecurity Certification Scheme	Article 44 Preparation and adoption of a European Cybersecurity Certification Scheme	Article 44 Preparation and adoption of a European cybersecurity certification scheme	

	<p><i>-1. The Commission shall adopt delegated acts in accordance with Article 55a, supplementing this Regulation by establishing a Union rolling work programme for European cybersecurity certification schemes. Those delegated acts shall identify common actions to be undertaken at Union level and strategic priorities. The Union rolling work programme shall in particular include a priority list of ICT products, processes and services suitable for being subject to a European cybersecurity certification scheme as well as an analysis as to whether there is an equivalent level of quality, know-how and expertise among the conformity assessment bodies and the national certification supervisory authorities and, if necessary, a proposal of measures how such a level of equivalence is to be achieved.</i></p>		
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	<p><i>The initial Union rolling work programme shall be established no later than ... [six months after entry into force of this Regulation] and shall be updated as necessary but in any event at least every two years thereafter. The Union rolling work programme shall be made publicly available.</i></p> <p><i>Prior to adopting or updating the Union rolling work programme, the Commission shall consult the Member States' Certification Group, the Agency and the Stakeholders' Certification Group by means of an open, transparent and inclusive consultation.</i> [Am. 162]</p>		
	<p><i>-1a. When justified, the Commission may request the Agency to draft a candidate European cybersecurity certification scheme. The request shall be based on the Union rolling work programme.</i> [Am. 163]</p>		

<p>1. Following a request from the Commission, ENISA shall prepare a candidate European cybersecurity certification scheme which meets the requirements set out in Articles 45, 46 and 47 of this Regulation. Member States or the European Cybersecurity Certification Group (the 'Group') established under Article 53 may propose the preparation of a candidate European cybersecurity certification scheme to the Commission.</p>	<p>1. Following a <i>The</i> request from the Commission, ENISA shall prepare for a candidate European cybersecurity certification scheme <i>shall contain the scope, the applicable security objectives referred to in Article 45, the applicable elements referred to in Article 47, and a deadline by</i> which meets the requirements set out in Articles 45, 46 and 47 of this Regulation <i>the specific candidate scheme is to become effective. While drafting the request, the Commission may consult the Agency, the Member States or the European Cybersecurity Certification Group (the 'Group') established under Article 53 may propose the preparation of a candidate European cybersecurity and the Stakeholders certification scheme to the Commission Group.</i></p> <p>[Am. 164]</p>	<p>1. Following a request from the Commission or the European Cybersecurity Certification Group (the 'Group') established under Article 53, ENISA shall prepare a candidate European cybersecurity certification scheme which meets the requirements set out in Articles 45, 46 and 47 of this Regulation. Member States or the European Cybersecurity Certification Group (the 'Group') established under Article 53 may propose the preparation of a candidate European cybersecurity certification scheme to the Commission.</p>	
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		<p>1a. The preparation of a candidate European cybersecurity certification scheme may be proposed to the Group by Member States or interested stakeholder organisations. The Group shall assess such proposals against criteria defined by the Group by means of guidelines in accordance with Article 53(3)(ca) and may request ENISA to prepare a candidate European cybersecurity certification scheme.</p>	
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<p>2. When preparing candidate schemes referred to in paragraph 1 of this Article, ENISA shall consult all relevant stakeholders and closely cooperate with the Group. The Group shall provide ENISA with the assistance and expert advice required by ENISA in relation to the preparation of the candidate scheme, including by providing opinions where necessary.</p>	<p>2. When preparing <i>the</i> candidate schemes referred to in paragraph 4 of this Article, <i>ENISA - 1 (new), the Agency</i> shall consult all relevant stakeholders <i>and by means of a formal, open, transparent and inclusive consultation processes and shall</i> closely cooperate with the Group. <i>The Member States Certification Group, the Stakeholder Certification Group, ad-hoc committees in accordance with Article 20a of this Regulation and the European Standardisation Bodies. They</i> shall provide ENISA <i>the Agency</i> with the assistance and expert advice required by ENISA <i>the Agency</i> in relation to the preparation of the candidate scheme, including by providing opinions where necessary.</p> <p>[Am. 165]</p>	<p>2. When preparing candidate schemes referred to in paragraph 1 of this Article, ENISA shall consult all relevant stakeholders <i>by transparent consultation processes</i> and closely cooperate with the Group. The Group shall provide ENISA with the assistance and expert advice <i>required by</i> ENISA in relation to the preparation of the candidate scheme <i>and adopt an opinion on the candidate scheme before its submission to the Commission, including by providing opinions where necessary. ENISA shall ensure that the candidate schemes are consistent with the applicable harmonised standard used for accreditation of the conformity assessment body.</i></p>	
<p>3. ENISA shall transmit the candidate European cybersecurity certification scheme prepared in accordance with paragraph 2 of this Article to the Commission.</p>	<p>3. <i>ENISA The Agency</i> shall transmit the candidate European cybersecurity certification scheme prepared in accordance with paragraph 2 of this Article <i>paragraphs 1 and 2 of this Article</i> to the Commission. [Am. 166]</p>	<p>3. ENISA shall <i>take utmost account of the opinion of the Group before transmitting</i> the candidate European cybersecurity certification scheme prepared in accordance with paragraph 2 of this Article to the Commission.</p>	

<p>4. The Commission, based on the candidate scheme proposed by ENISA, may adopt implementing acts, in accordance with Article 55(1), providing for European cybersecurity certification schemes for ICT products and services meeting the requirements of Articles 45, 46 and 47 of this Regulation.</p>	<p>4. The Commission, based on the candidate scheme proposed by ENISA, <i>the Agency</i> may adopt implementing <i>delegated</i> acts, in accordance with Article 55(2) <i>55a</i>, <i>supplementing this Regulation by</i>, providing for European cybersecurity certification schemes for ICT products, <i>processes</i> and services meeting the requirements of Articles 45, 46 and 47 of this Regulation. [Am. 167]</p>	<p>4. The Commission, based on the candidate scheme proposed by ENISA, may adopt implementing acts, in accordance with Article 55(2), providing for European cybersecurity certification schemes for ICT <i>processes</i>, products and services meeting the requirements of Articles 45, 46 and 47 of this Regulation.</p>	
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<p>5. ENISA shall maintain a dedicated website providing information on, and publicity of, European cybersecurity certification schemes.</p>	<p>5. <i>ENISA The Agency</i> shall maintain a dedicated website providing information on, and publicity of, European cybersecurity certification schemes <i>including with regard to withdrawn and expired certificates, and national certifications covered.</i></p> <p><i>Where a European cybersecurity certification scheme satisfies the requirements with which it aims to comply in accordance with the relevant Union harmonisation law, the Commission shall, without delay, publish a reference thereof in the Official Journal of the European Union and by any other means in accordance with the conditions laid down in the corresponding act of Union harmonisation law. [Am. 168]</i></p>	<p><i>5. ENISA shall maintain a dedicated website providing information on, and publicity of, European cybersecurity certification schemes.</i></p>	
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	<p><i>5.a. The Agency shall review in accordance with the structure established under this Regulation the adopted schemes at the end of their validity in accordance with Article 47(1.ac) or upon the request from the Commission, taking into account feedback received from relevant stakeholders. [Am. 169]</i></p>		
		<p><i>Article 44a</i></p> <p><i>Maintenance of a European cybersecurity certification scheme</i></p>	
		<p>1. The Agency shall maintain a dedicated website providing information on, and publicity of, European cybersecurity certification schemes, certificates and EU statements of conformity issued pursuant to Article 47a.</p>	

		<p>2. The Agency, in close cooperation with the Group, shall at least every 5 years review the adopted European cybersecurity certification schemes taking into account feedback received from interested parties. If considered necessary, the Commission or the Group may request the Agency to start the process of developing a revised candidate scheme in accordance with Article 44(2) and (3).</p>	
Article 45 Security objectives of European cybersecurity certification schemes	Article 45 Security objectives of European cybersecurity certification schemes	Article 45 Security objectives of European cybersecurity certification schemes	
A European cybersecurity certification scheme shall be so designed to take into account, as applicable, the following security objectives: (a) protect data stored, transmitted or otherwise processed against accidental or unauthorised storage, processing, access or disclosure;	A European cybersecurity certification scheme shall be so designed to take into account, as applicable, the following security objectives <i>ensuring</i> : [Am. 170] (a) protect data stored, transmitted or otherwise processed against accidental or unauthorised storage, processing, access or disclosure the <i>confidentiality, integrity, availability and privacy of services, functions and data</i> ; [Am. 171]	A European cybersecurity certification scheme shall be so designed as to take into account achieve, as applicable, at least the following security objectives: (a) protect data stored, transmitted or otherwise processed against accidental or unauthorised storage, processing, access or disclosure during the entire process, product or service lifecycle ;	

<p>(b) protect data stored, transmitted or otherwise processed against accidental or unauthorised destruction, accidental loss or alteration;</p>	<p>(b) protect data stored, transmitted or otherwise processed against accidental or unauthorised destruction, accidental loss or alteration <i>that services, functions and data can be accessed and used only by authorised persons and/or authorised systems and programmes</i>; [Am. 172]</p>	<p>(b) protect data stored, transmitted or otherwise processed against accidental or unauthorised destruction, accidental loss or alteration or lack of availability during the entire process, product or service lifecycle;</p>	
<p>(c) ensure that authorised persons, programmes or machines can access exclusively the data, services or functions to which their access rights refer;</p>	<p>(c) ensure that authorised persons, programmes or machines can <i>access exclusively the data, that a process is in place to identify and document all dependencies and known vulnerabilities in ICT products, processes and services or functions to which their access rights refer</i>; [Am. 173]</p>	<p>(c) ensure that authorised persons, programmes or machines can access exclusively the data, services or functions to which their access rights refer;</p>	
<p>(d) record which data, functions or services have been communicated, at what times and by whom;</p>	<p>(d) record which data, functions or <i>that ICT products, processes and services have been communicated, at what times and by whom do not contain known vulnerabilities</i>; [Am. 174]</p>	<p>(d) record which data, functions or services have been communicated accessed, used or otherwise processed, at what times and by whom;</p>	

(e) ensure that it is possible to check which data, services or functions have been accessed or used, at what times and by whom;	(e) ensure that it is possible to check which data, <i>that a process is in place to deal with newly discovered vulnerabilities in ICT products, processes and services or functions have been accessed or used, at what times and by whom</i> ; [Am. 175]	(e) ensure that it is possible to check which data, services or functions have been accessed, or used or otherwise processed , at what times and by whom;	
(f) restore the availability and access to data, services and functions in a timely manner in the event of physical or technical incident;	(f) restore the availability and access to data, <i>that ICT products, processes and services and functions in a timely manner in the event of physical or technical incident are secure by default and by design</i> ; [Am. 176]	(f) restore the availability and access to data, services and functions in a timely manner in the event of physical or technical incident;	
(g) ensure that ICT products and services are provided with up to date software that does not contain known vulnerabilities, and are provided mechanisms for secure software updates.	(g) ensure that ICT products and services are provided with up to date software that does not contain known vulnerabilities, and are provided mechanisms for secure software updates. [Am. 177]	(g) ensure that ICT processes, products and services are provided with up to date software and hardware that does do not contain publicly known vulnerabilities, and are provided mechanisms for secure software-updates;	
	<i>(ga) that other risks linked to cyber-incidents, such as risks to life, health, the environment and other significant legal interests are minimised.</i> [Am. 178]	(ga) ICT processes, products and services are developed, manufactured and supplied according to the security requirements stated in the particular scheme.	

Article 46 Assurance levels of European cybersecurity certification schemes	Article 46 Assurance levels of European cybersecurity certification schemes	Article 46 Assurance levels of European cybersecurity certification schemes	
1. A European cybersecurity certification scheme may specify one or more of the following assurance levels: basic, substantial and/or high, for ICT products and services issued under that scheme.	1. A European cybersecurity certification scheme may specify one or more of the following risk-based assurance levels <i>according to the context and intended use of the ICT products, processes and services</i> : basic, substantial and/or high, for ICT products, processes and services issued under that scheme. [Am. 179]	1. A European cybersecurity certification scheme may specify one or more of the following assurance levels: basic, substantial and/or high, for ICT processes , products and services issued under that scheme. The level of assurance shall be commensurate with the level of the risk associated with the intended use of an ICT process, product or service.	

<p>2. The assurance levels basic, substantial and high shall meet the following criteria respectively:</p>	<p>2. The assurance levels basic, substantial and high shall meet the following criteria respectively:</p>	<p>2. The assurance levels basic, substantial and high shall meet the following criteria respectively: refer to a certificate or an EU statement of conformity issued in the context of a European cybersecurity certification scheme, which provides for each assurance level respective security requirements including security functionalities and the corresponding degree of effort for the evaluation of an ICT process, product or service. The certificate or the EU statement of conformity is characterised with reference to technical specifications, standards and procedures related thereto, including technical controls, the purpose of which is to decrease the risk of, or to prevent cybersecurity incidents as follows:</p>	
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<p>(a) assurance level basic shall refer to a certificate issued in the context of a European cybersecurity certification scheme, which provides a limited degree of confidence in the claimed or asserted cybersecurity qualities of an ICT product or service, and is characterised with reference to technical specifications, standards and procedures related thereto, including technical controls, the purpose of which is to decrease the risk of cybersecurity incidents;</p>	<p>(a) <i>The assurance level basic shall refer to a certificate issued in the context of a European cybersecurity certification scheme, which provides a limited degree of confidence in the claimed or asserted cybersecurity qualities of correspond to a low risk, in terms of the combined likelihood and damage, related to an ICT product or , process and service, and is characterised with reference to technical specifications, standards and procedures related thereto, including technical controls, the purpose of which is to decrease the risk of cybersecurity having regard to their intended use and context. The assurance level basic provides the confidence that the known basic risks of cyber incidents can be resisted; [Am. 180]</i></p>	<p>(a) a European cybersecurity certificate or EU statement of conformity that refers to assurance level “basic” provides assurance that the ICT processes, products and services meet the respective security requirements including security functionalities and they have been evaluated to a level which aims to minimise the known basic risks for cyber incidents and cyber attacks. The evaluation activities shall include at least a review of a technical documentation, or where not applicable they shall include substitute activities with equivalent effect shall refer to a certificate issued in the context of a European cybersecurity certification scheme, which provides a limited degree of confidence in the claimed or asserted cybersecurity qualities of an ICT product or service, and is characterised with reference to technical specifications, standards and procedures related thereto, including technical controls, the purpose of which is to decrease the risk of cybersecurity incidents;</p>	
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<p>(b) assurance level substantial shall refer to a certificate issued in the context of a European cybersecurity certification scheme, which provides a substantial degree of confidence in the claimed or asserted cybersecurity qualities of an ICT product or service, and is characterised with reference to technical specifications, standards and procedures related thereto, including technical controls, the purpose of which is to decrease substantially the risk of cybersecurity incidents;</p>	<p>(b) <i>The assurance level substantial shall refer to a certificate issued in the context of a European cybersecurity certification scheme, which provides a substantial degree of confidence in the claimed or asserted cybersecurity qualities of correspond to a higher risk, in terms of the combined likelihood and damage, related to an ICT product or, process and service, and is characterised with reference to technical specifications, standards and procedures related thereto, including technical controls, the purpose of which is to decrease substantially the risk of cybersecurity. The assurance level substantial provides the confidence that known risks of cyber-incidents can be prevented and that there is also capability to resist cyber-attacks with limited resources; [Am. 181]</i></p>	<p>(b) a European cybersecurity certificate that refers to assurance level “substantial” provides assurance that the ICT processes, products and services meet the respective security requirements including security functionalities and they have been evaluated to a level which aims to minimise known cyber risks, cyber incidents and cyber attacks carried out by actors with limited skills and resources. The evaluation activities shall include at least: reviewing the non-applicability of publicly known vulnerabilities and testing that the ICT processes, products or services correctly implement the necessary security functionality; or where not applicable they shall include substitute activities with equivalent effect</p>	
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		<p>shall refer to a certificate issued in the context of a European cybersecurity certification scheme, which provides a substantial degree of confidence in the claimed or asserted cybersecurity qualities of an ICT product or service, and is characterised with reference to technical specifications, standards and procedures related thereto, including technical controls, the purpose of which is to decrease substantially the risk of cybersecurity incidents;</p>	
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<p>(c) assurance level high shall refer to a certificate issued in the context of a European cybersecurity certification scheme, which provides a higher degree of confidence in the claimed or asserted cybersecurity qualities of an ICT product or service than certificates with the assurance level substantial, and is characterised with reference to technical specifications, standards and procedures related thereto, including technical controls, the purpose of which is to prevent cybersecurity incidents.</p>	<p>(c) <i>The assurance level high shall refer to a certificate issued in the context of a European cybersecurity certification scheme, which provides a higher degree of confidence in the claimed or asserted cybersecurity qualities of correspond to a high risk in terms of the damage related to an ICT product or , process and service. than certificates with The assurance level substantial, and is characterised with reference to technical specifications, standards and procedures related thereto, including technical controls, the purpose of which is to prevent cybersecurity high provides the confidence that risks of cyber incidents can be prevented and that there is also capability to resist state-of-the-art cyber-attacks with significant resources.</i> [Am. 182]</p>	<p>(c) a European cybersecurity certificate that refers to assurance level “high” provides assurance that the ICT processes, products and services meet the respective security requirements including security functionalities and they have been evaluated to a level which aims to minimise the risk of state-of-the-art cyber attacks carried out by actors with significant skills and resources. The evaluation activities shall include at least: reviewing the non-applicability of publicly known vulnerabilities, testing that the ICT processes, products or services correctly implement the necessary security functionality, at the state-of-the-art, and assessing their resistance to skilled attackers via penetration testing; or where not applicable they shall include substitute activities with equivalent effect</p>	
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		<p>shall refer to a certificate issued in the context of a European cybersecurity certification scheme, which provides a higher degree of confidence in the claimed or asserted cybersecurity qualities of an ICT product or service than certificates with the assurance level substantial, and is characterised with reference to technical specifications, standards and procedures related thereto, including technical controls, the purpose of which is to prevent cybersecurity incidents.</p>	
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		<p>2a. A European cybersecurity certification scheme may specify several evaluation levels depending on the rigour and depth of the evaluation methodology. Each one of the evaluation levels shall correspond to one of the assurance levels and be defined by an appropriate combination of assurance components.</p>	
	<p><i>Article 46 a</i></p> <p><i>Evaluation of assurance levels of European cybersecurity certification schemes</i></p>		
	<p><i>1. For the assurance level basic, the manufacturer or provider of ICT products, processes and services may, under its sole responsibility, perform a self-assessment of conformity.</i></p>		
	<p><i>2. For the assurance level substantial, the evaluation shall be guided at least by the verification of the conformity of security functionalities of the product, process or service to its technical documentation;</i></p>		

	<p>3. For the assurance levels high, the evaluation methodology shall be guided at least by efficiency testing which assesses the resistance of security functionalities against attackers having significant resources [Am. 183]</p>		
Article 47 Elements of European cybersecurity certification schemes	Article 47 Elements of European cybersecurity certification schemes	Article 47 Elements of European cybersecurity certification schemes	
1. A European cybersecurity certification scheme shall include the following elements: (a) subject-matter and scope of the certification, including the type or categories of ICT products and services covered;	1. A European cybersecurity certification scheme shall include the following elements: (a) subject-matter and scope of the certification, including the type or categories of ICT products, processes and services covered; [Am. 184]	1. A European cybersecurity certification scheme shall include at least the following elements: (a) subject-matter and scope of the certification scheme , including the type or categories of ICT processes , products and services covered as well as an elaboration of how the certification scheme suits the needs of the expected target groups ;	

	<i>(a a) scope and cybersecurity requirements, and when applicable, that scope and those requirements shall mirror those of the national cybersecurity certifications that it replaces, or are provided for in legal acts; [Am. 185]</i>		
	<i>(a b) the validity period of the certification scheme; [Am. 186]</i>		
(b) detailed specification of the cybersecurity requirements against which the specific ICT products and services are evaluated, for example by reference to Union or international standards or technical specifications;	(b) detailed specification of the cybersecurity requirements against which the specific ICT products, <i>processes</i> and services are evaluated, for example by reference to Union European or international standards, or technical specifications <i>or ICT technical specifications, defined in such a way that certification can be built into or based on the producer's systematic security processes followed during the development and lifecycle of the product or service in question; [Am. 187]</i>	(b) detailed specification of the cybersecurity requirements against which the specific ICT products and services are evaluated, for example by reference to Union or international, European or national standards followed in the evaluation. Where standards are not available, a reference shall be made to or technical specifications that meet the requirements of Annex II of Regulation 1025/2012 or, if such are not available, to technical specifications or other cybersecurity requirements defined in the scheme;	

	<i>(b a) information of known cyber threats that are not covered by the certification and guidance to deal with them; [Am. 188]</i>		
(c) where applicable, one or more assurance levels;	(c) where applicable, one or more assurance <i>levels taking into account inter alia a risk-based approach</i> ; [Am. 189]	(c) where applicable, one or more assurance levels;	
	<i>(c a) an indication of whether self-assessment of conformity is permitted under the scheme, and the applicable procedure for the conformity assessment or self-declaration of conformity or both; [Am. 190]</i>	(ca) where applicable, specific or additional requirements applicable to conformity assessment bodies in order to guarantee their technical competence to evaluate the cybersecurity requirements;	
(d) specific evaluation criteria and methods used, including types of evaluation, in order to demonstrate that the specific objectives referred to in Article 45 are achieved;	(d) specific evaluation criteria, <i>types of conformity assessment</i> and methods used, including types of evaluation , in order to demonstrate that the specific objectives referred to in Article 45 are achieved; [Am. 191]	(d) specific evaluation criteria and methods used, including types of evaluation, in order to demonstrate that the specific objectives referred to in Article 45 are achieved;	
(e) information to be supplied to the conformity assessment bodies by an applicant which is necessary for certification;	(e) information to be supplied to the conformity assessment bodies by an applicant which is necessary for certification; [Am. 192]	(e) where applicable , information to be supplied or otherwise be made available to the conformity assessment bodies by an applicant which is necessary for certification;	

(f) where the scheme provides for marks or labels, the conditions under which such marks or labels may be used;	(f) where the scheme provides for marks or labels, the conditions under which such marks or labels may be used <i>cybersecurity information pursuant to Article 47a of this Regulation</i> ; [Am. 193]	(f) where the scheme provides for marks or labels, the conditions under which such marks or labels may be used;	
(g) where surveillance is part of the scheme, the rules for monitoring compliance with the requirements of the certificates, including mechanisms to demonstrate the continued compliance with the specified cybersecurity requirements;	(g) where surveillance is part of the scheme , the rules for monitoring compliance with the requirements of the certificates, including mechanisms to demonstrate the continued compliance with the specified cybersecurity requirements; [Am. 194]	(g) where surveillance is part of the scheme , the rules for monitoring compliance with the requirements of the certificates or the EU statement of conformity , including mechanisms to demonstrate the continued compliance with the specified cybersecurity requirements;	
(h) conditions for granting, maintaining, continuing, extending and reducing the scope of certification;	(h) conditions for granting, maintaining, continuing, <i>reviewing</i> , extending and reducing the scope of certification <i>and the validity period of the certificate</i> ; [Am. 195]	(h) where applicable , conditions for granting and renewing a certificate , as well as maintaining, continuing, extending or reducing the scope of certification;	
	<i>(h a) rules aiming to treat vulnerabilities that may arise after the certification is issued by establishing a dynamic and continuous organisational process, involving providers and users;</i> [Am. 196]		

(i) rules concerning the consequences of non-conformity of certified ICT products and services with the certification requirements;	(i) rules concerning the consequences of non-conformity of <i>self-assessed and</i> certified ICT products and services with the certification requirements; [Am. 197]	(i) rules concerning the consequences of non-conformity of certified or self-assessed ICT products and services with the certification requirements of the scheme ;	
(j) rules concerning how previously undetected cybersecurity vulnerabilities in ICT products and services are to be reported and dealt with;	(j) rules <i>concerning</i> how previously <i>undetected not publicly known</i> cybersecurity vulnerabilities in ICT products and services are to be reported and dealt with <i>once detected</i> ; [Am. 198]	(j) rules concerning how previously undetected cybersecurity vulnerabilities in ICT processes , products and services are to be reported and dealt with;	
(k) rules concerning the retention of records by conformity assessment bodies;	(k) rules concerning the retention of records by conformity assessment bodies;	(k) where applicable , rules concerning the retention of records by conformity assessment bodies;	
(l) identification of national cybersecurity certification schemes covering the same type or categories of ICT products and services;	(l) identification of national or international cybersecurity certification schemes covering the same type or categories of ICT products, processes and services, <i>security requirements and evaluation criteria and methods</i> ; [Am. 199]	(l) identification of national or international cybersecurity certification schemes covering the same type or categories of ICT processes , products and services, <i>security requirements and evaluation criteria and methods</i> ;	
(m) the content of the issued certificate.	(m) the content of the issued certificate.	(m) the content of the issued certificate or the EU statement of conformity ;	

	<i>(m a) conditions for the mutual recognition of certification schemes with third countries.</i> [Am. 200]	(ma) the period of the storage of the EU statement of conformity and the technical documentation of all relevant information by the manufacturer or provider of ICT products and services;	
		(mba) maximum period of validity of certificates;	
		(mcb) disclosure policy for granted, amended and withdrawn certificates;	
		(mde) conditions for the mutual recognition of certification schemes with third countries;	
		(med) where applicable, rules concerning a peer review mechanism for the bodies issuing European cybersecurity certificates for high assurance levels pursuant to Article 48(4a).	
	<i>1 a. Maintenance processes with updates shall not render certification invalid, unless such updates have a substantial adverse effect on the security of the ICT product, process or service.</i> [Am. 201]		

2. The specified requirements of the scheme shall not contradict any applicable legal requirements, in particular requirements emanating from harmonised Union legislation.	2. The specified requirements of the scheme shall not contradict any applicable legal requirements, in particular requirements emanating from harmonised Union legislation.	2. The specified requirements of the scheme shall not contradict any applicable legal requirements, in particular requirements emanating from harmonised Union legislation.	
3. Where a specific Union act so provides, certification under a European cybersecurity certification scheme may be used to demonstrate the presumption of conformity with requirements of that act.	3. Where a specific Union act so provides, certification under a European cybersecurity certification scheme may be used to demonstrate the presumption of conformity with requirements of that act.	3. Where a specific Union act so provides, certification or the EU statement of conformity under a European cybersecurity certification scheme may be used to demonstrate the presumption of conformity with requirements of that act.	
4. In the absence of harmonised Union legislation, Member State law may also provide that a European cybersecurity certification scheme may be used for establishing the presumption of conformity with legal requirements.	4. In the absence of harmonised Union legislation, Member State law may also provide that a European cybersecurity certification scheme may be used for establishing the presumption of conformity with legal requirements.	4. In the absence of harmonised Union legislation, Member State law may also provide that a European cybersecurity certification scheme may be used for establishing the presumption of conformity with legal requirements.	
	<p style="text-align: center;"><i>Article 47 a</i></p> <p style="text-align: center;"><i>Cybersecurity information for certified products, process and services</i></p>	<p style="text-align: center;"><i>Article 47a</i></p> <p style="text-align: center;"><i>Conformity self-assessment</i></p>	

	<p><i>1. The manufacturer or provider of ICT products, processes and services falling under a certification scheme pursuant to this Regulation shall provide the end user with a document, in electronic or paper form, containing at least the following information: the assurance level of the certificate relating to the intended use of the ICT product, process or service; a description of the risks that the certification is intended to provide confidence in resisting against; recommendations on how users can further foster the cybersecurity of the product, process or service, the regularity of and the support period following any updates; where applicable, information about how users can preserve the main features of the product, process or service in case of an attack.</i></p>	<p>1. A European cybersecurity certification scheme may allow for carrying out a conformity assessment under the sole responsibility of the manufacturer or provider of ICT products and services. Such conformity assessment shall be applicable only to ICT products and services of low risk corresponding to assurance level basic.</p>	
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	<p><i>2. The document referred to in paragraph 1 of this Article shall be available throughout the lifecycle of the product, process or services until its discontinuity from the market and for a minimum period of five years.</i></p>	<p>2. The manufacturer or provider of ICT products and services may issue an EU statement of conformity stating that the fulfilment of the requirements set out in the scheme has been demonstrated. By drawing up such a statement, the manufacturer or provider of ICT products and services shall assume responsibility for the compliance of the ICT product or service with the requirements set out in the scheme.</p>	
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	<p><i>3. The Commission shall adopt implementing acts establishing a template for the document. The Commission may request the Agency to propose a candidate template. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 55 of this Regulation.</i> [Am. 202]</p>	<p>3. The manufacturer or provider of ICT products and services shall keep the EU statement of conformity and technical documentation of all relevant information relating to the conformity of the ICT products or services with a scheme at the disposal of the national cybersecurity certification authority referred to in Article 50(1) for a period defined in the corresponding European cybersecurity certification scheme. A copy of the EU statement of conformity shall be submitted to the national cybersecurity certification authority and to ENISA.</p>	
		<p>4. The issuing of EU statement of conformity is voluntary unless otherwise specified in the Union law or in Member States law.</p>	
		<p>5. The EU statement of conformity issued pursuant to this Article shall be recognised in all Member States.</p>	

Article 48 Cybersecurity certification	Article 48 Cybersecurity certification	Article 48 Cybersecurity certification	
1. ICT products and services that have been certified under a European cybersecurity certification scheme adopted pursuant to Article 44 shall be presumed to be compliant with the requirements of such scheme.	1. ICT products, <i>processes</i> and services that have been certified under a European cybersecurity certification scheme adopted pursuant to Article 44 shall be presumed to be compliant with the requirements of such scheme. [Am. 203]	1. ICT processes , products and services that have been certified under a European cybersecurity certification scheme adopted pursuant to Article 44 shall be presumed to be compliant with the requirements of such scheme.	
2. The certification shall be voluntary, unless otherwise specified in Union law.	2. The certification shall be voluntary, unless otherwise specified in Union law.	2. The certification shall be voluntary, unless otherwise specified in Union law or in Member States law .	
3. A European cybersecurity certificate pursuant to this Article shall be issued by the conformity assessment bodies referred to in Article 51 on the basis of criteria included in the European cybersecurity certification scheme, adopted pursuant to Article 44.	3. A European cybersecurity certificate pursuant to this Article shall be issued by the conformity assessment bodies referred to in Article 51 on the basis of criteria included in the European cybersecurity certification scheme, adopted pursuant to Article 44.	3. A European cybersecurity certificate pursuant to this Article referring to assurance level basic or substantial shall be issued by the conformity assessment bodies referred to in Article 51 on the basis of criteria included in the European cybersecurity certification scheme, adopted pursuant to Article 44.	

<p>4. By the way of derogation from paragraph 3, in duly justified cases a particular European cybersecurity scheme may provide that a European cybersecurity certificate resulting from that scheme can only be issued by a public body. Such public body shall be one of the following:</p>	<p>4. By the way of derogation from paragraph 3, <i>and only</i> in duly justified cases, <i>such as for national security reasons</i>, a particular European cybersecurity <i>certification</i> scheme may provide that a European cybersecurity certificate resulting from that scheme can only be issued by a public body. Such public body shall be <i>one of the following: a body that is accredited as a conformity assessment body pursuant to Article 51, paragraph 1 of this Regulation. The natural or legal person which submits its ICT products or services to the certification mechanism shall make available to the conformity assessment body referred to in Article 51 all information necessary to conduct the certification procedure.</i> [Am. 204]</p>	<p>4. By the way of derogation from paragraph 3, in duly justified cases a particular European cybersecurity <i>certification</i> scheme may provide that a European cybersecurity certificate resulting from that scheme can only be issued by a public body. Such <i>public</i> body shall be one of the following:</p>	
<p>(a) a national certification supervisory authority referred to in Article 50(1)</p>	<p>(a) a national certification supervisory authority referred to in Article 50(1);</p>	<p>(a) a national <i>cybersecurity</i> certification <i>supervisory</i>-authority referred to in Article 50(1);</p>	
<p>(b) a body that is accredited as conformity assessment body pursuant to Article 51(1) or</p>	<p>(b) a body that is accredited as conformity assessment body pursuant to Article 51(1) or</p>	<p>(b) a <i>public</i> body that is accredited as conformity assessment body pursuant to Article 51(1)-or</p>	

(c) a body established under laws, statutory instruments, or other official administrative procedures of a Member State concerned and meeting the requirements for bodies certifying products, processes and services further to ISO/IEC 17065:2012.	(c) a body established under laws, statutory instruments, or other official administrative procedures of a Member State concerned and meeting the requirements for bodies certifying products, processes and services further to ISO/IEC 17065:2012.	(c) a body established under laws, statutory instruments, or other official administrative procedures of a Member State concerned and meeting the requirements for bodies certifying products, processes and services further to ISO/IEC 17065:2012.	
		<p>4a. In cases where a European cybersecurity certification scheme pursuant to Article 44 requires an assurance level high, the certificate can only be issued by a national cybersecurity certification authority referred to in Article 50(1) or, under the following conditions, by a conformity assessment body referred to in Article 51:</p> <p>(a) upon prior approval by the national cybersecurity certification authority for each individual certificate issued by a conformity assessment body; or</p> <p>(b) upon prior general delegation of this task to a conformity assessment body by the national cybersecurity certification authority.</p>	

5. The natural or legal person which submits its ICT products or services to the certification mechanism shall provide the conformity assessment body referred to in Article 51 with all information necessary to conduct the certification procedure.	5. The natural or legal person which submits its ICT products, or services <i>or processes</i> to the certification mechanism shall provide the conformity assessment body referred to in Article 51 with all information necessary to conduct the certification procedure, <i>including information on any known security vulnerabilities. The submission can be made with any conformity assessment body referred to in Article 51.</i> [Am. 205]	5. The natural or legal person which submits its ICT processes , products or services to the certification mechanism shall provide make available to the conformity assessment body referred to in Article 51 or the national cybersecurity certification authority referred to in Article 50, where this authority is the body issuing the certificate , with all information necessary to conduct the certification procedure.	
		5a. The holder of a certificate shall inform the body issuing the certificate about any later detected vulnerabilities or irregularities concerning the security of the certified ICT process, product or service that may have an impact on the requirements related to the certification. The body shall forward this information without undue delay to the national cybersecurity certification authority.	

<p>6. Certificates shall be issued for a maximum period of three years and may be renewed, under the same conditions, provided that the relevant requirements continue to be met.</p>	<p>6. Certificates shall be issued for a maximum period of three years <i>determined on a case by case basis by each scheme, taking into account a reasonable life-cycle which shall not exceed in any case five years</i> and may be renewed, under the same conditions, provided that the relevant requirements continue to be met.</p> <p>[Am. 206]</p>	<p>6. Certificates shall be issued for a maximum period of three years the period defined by the particular certification scheme and may be renewed, under the same conditions, provided that the relevant requirements continue to be met.</p>	
<p>7. A European cybersecurity certificate issued pursuant to this Article shall be recognised in all Member States.</p>	<p>7. A European cybersecurity certificate issued pursuant to this Article shall be recognised in all Member States <i>as satisfying local cybersecurity requirements relating to ICT products and processes and consumer electronic devices covered by that certificate, taking into account the specified assurance level referred to in Article 46, and there shall be no discrimination between such certificates based either on the Member State of origin or the issuing conformity assessment body referred to in Article 51.</i></p> <p>[Am. 207]</p>	<p>7. A European cybersecurity certificate issued pursuant to this Article shall be recognised in all Member States</p>	

	<p><i>Article 48 a</i></p> <p><i>Certification schemes for operators of essential services</i></p>		
	<p><i>1. When European cybersecurity certifications schemes have been adopted pursuant to paragraph 2 of this Article, operators of essential services shall, in order to comply with the security requirements pursuing to Article 14 of the Directive (EU) 2016/1148, use products, processes and services covered by those certification schemes.</i></p>		

	<p><i>2. By [one year after the entry into force of this Regulation] the Commission shall, after consulting the Cooperation Group referred to in Article 11 of the Directive (EU) 2016/1148, adopt delegated acts in accordance with Article 55a, supplementing this Regulation by listing the categories of products, processes and services, that meet both of the following criteria:</i></p> <p><i>(a) they are intended for use by operators of essential services; and</i></p> <p><i>(b) their malfunctioning would have a significant disruptive effect on the provision of the essential service.</i></p>		
	<p><i>3. The Commission shall adopt delegated acts in accordance with Article 55a, amending this Regulation by updating, when necessary, the list of categories of products, processes and services referred to in paragraph 3 of this Article.</i></p>		

	<p><i>4. The Commission shall request the Agency to draft a candidate European cybersecurity schemes pursuant to Article 44(-1) of this Regulation for the list of categories of products, processes and services referred in paragraphs 2 and 3 of this Article as soon as that list is adopted or updated. The certificates issued pursuant to such European cybersecurity certification schemes shall have an assurance level high.</i> [Am. 208]</p>		
	<p><i>Article 48 b</i></p> <p><i>Formal objections to European cybersecurity certification schemes</i></p>		

	<p><i>1. When a Member State considers that a European cybersecurity certification scheme does not entirely satisfy the requirements which it aims to comply with and which are set out in the relevant Union harmonisation legislation, it shall inform the Commission and shall provide a detailed explanation. The Commission shall, after consulting the committee set up in accordance with the relevant Union harmonisation legislation, if applicable, or after holding other forms of consultation with sectoral experts, decide:</i></p> <p><i>(a) to publish, not to publish or to publish with restriction the references to the European cybersecurity scheme concerned in the Official Journal of the European Union;</i></p> <p><i>(b) to maintain, to maintain with restriction or to withdraw the references to the European cybersecurity scheme concerned in or from the Official Journal of the European Union.</i></p>		
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	<i>2. The Commission shall publish information on its website on the European cybersecurity schemes that have been subject to the decision referred to in paragraph 1 of this Article.</i>		
	<i>3. The Commission shall inform the Agency of the decision referred to in paragraph 1 of this Article and, if necessary, request the revision of the European cybersecurity scheme concerned.</i>		
	<i>4. The decision referred to in point (a) of paragraph 1 of this Article shall be adopted in accordance with the advisory procedure referred to in Article 55, paragraph 2 of this Regulation.</i>		
	<i>5. The decision referred to in point (b) of paragraph 1 of this Article shall be adopted in accordance with the examination procedure referred to in Article 55, paragraph 2a new of this Regulation. [Am. 209]</i>		

Article 49 National cybersecurity certification schemes and certificates	Article 49 National cybersecurity certification schemes and certificates	Article 49 National cybersecurity certification schemes and certificates	
1. Without prejudice to paragraph 3, national cybersecurity certification schemes and the related procedures for the ICT products and services covered by a European cybersecurity certification scheme shall cease to produce effects from the date established in the implementing act adopted pursuant Article 44(4). Existing national cybersecurity certification schemes and the related procedures for the ICT products and services not covered by a European cybersecurity certification scheme shall continue to exist.	1. Without prejudice to paragraph 3, national cybersecurity certification schemes and the related procedures for the ICT products, <i>processes</i> and services covered by a European cybersecurity certification scheme shall cease to produce effects from the date established in the implementing act adopted pursuant Article 44(4). Existing national cybersecurity certification schemes and the related procedures for the ICT products and services not covered by a European cybersecurity certification scheme shall continue to exist. [Am. 210]	1. Without prejudice to paragraph 3, national cybersecurity certification schemes and the related procedures for the ICT processes , products and services covered by a European cybersecurity certification scheme shall cease to produce effects from the date established in the implementing act adopted pursuant Article 44(4). National cybersecurity certification schemes and the related procedures for the ICT processes , products and services not covered by a European cybersecurity certification scheme shall continue to exist.	
2. Member States shall not introduce new national cybersecurity certification schemes for ICT products and services covered by a European cybersecurity certification scheme in force.	2. Member States shall not introduce new national cybersecurity certification schemes for ICT products, <i>processes</i> and services covered by a European cybersecurity certification scheme in force. [Am. 211]	2. Member States shall not introduce new national cybersecurity certification schemes for ICT processes , products and services covered by a European cybersecurity certification scheme in force.	

3. Existing certificates issued under national cybersecurity certification schemes shall remain valid until their expiry date.	3. Existing certificates issued under national cybersecurity certification schemes shall remain valid until their expiry date.	3. Existing certificates issued under national cybersecurity certification schemes and covered by a European cybersecurity certification scheme shall remain valid until their expiry date.	
	<i>3 a. Member States shall communicate to the Commission all requests to draw up national cybersecurity certification schemes and shall state the grounds for their enactment. [Am. 212]</i>		
	<i>3 b. Member States shall, upon request, send draft national cybersecurity certification schemes to other Member States, the Agency or the Commission, at least in electronic form. [Am. 213]</i>		
	<i>3 c. Without prejudice of Directive (EU) 2015/1535, Member States shall, within three months, reply to, and take due account of, any observation received from any other Member State, the Agency or the Commission with respect to any draft referred to in paragraph 3b of this Article. [Am. 214]</i>		

	<i>3 d. When observations received pursuant to paragraph 3c of this Article indicate that a draft national cybersecurity certification scheme is likely to have a negative impact on the proper functioning of the internal market, the receiving Member State shall consult and take utmost account of the observations of the Agency and the Commission before adopting the draft scheme. [Am. 215]</i>		
Article 50 National certification supervisory authorities	Article 50 National certification supervisory authorities	<i>Article 50 National cybersecurity certification supervisory authorities</i>	
1. Each Member State shall appoint a national certification supervisory authority.	1. Each Member State shall appoint a national certification supervisory authority.	1. Each Member State shall appoint designate one or more -national cybersecurity certification supervisory authorities in its territory, or upon mutual agreement with another Member State, designate one or more authorities established in that other Member State to be responsible for the supervisory tasks in the designating Member State.	

2. Each Member State shall inform the Commission of the identity of the authority appointed.	2. Each Member State shall inform the Commission of the identity of the authority appointed.	2. Each Member State shall inform the Commission of the identity of the authorities appointed designated and of the tasks assigned to them .	
3. Each national certification supervisory authority shall, in its organisation, funding decisions, legal structure and decision-making, be independent of the entities they supervise	3. Each national certification supervisory authority shall, in its organisation, funding decisions, legal structure and decision-making, be independent of the entities they supervise	3. Without prejudice to Article 48(4)(a) and Article 48 (4a), Each national cybersecurity certification supervisory authority shall, in its organisation, funding decisions, legal structure and decision-making, be independent of the entities they supervise.	
		3a. Member States shall ensure that the activities of the national cybersecurity certification authority related to the issuance of certificates in accordance with Article 48(4)(a) and Article 48(4a) adhere to a strict separation of roles and responsibilities with the supervisory activities in this article and that both activities function independently from each other.	

4. Member States shall ensure that national certification supervisory authorities have adequate resources to exercise their powers and to carry out, in an effective and efficient manner, the tasks assigned to them.	4. Member States shall ensure that national certification supervisory authorities have adequate resources to exercise their powers and to carry out, in an effective and efficient manner, the tasks assigned to them.	4. Member States shall ensure that national cybersecurity certification supervisory authorities have adequate resources to exercise their powers and to carry out, in an effective and efficient manner, the tasks assigned to them.	
5. For the effective implementation of the regulation, it is appropriate that these authorities participate in the European Cybersecurity Certification Group established pursuant to Article 53 in an active, effective, efficient and secure manner.	5. For the effective implementation of the regulation, it is appropriate that these authorities participate in the European Cybersecurity Member States Certification Group established pursuant to Article 53 in an active, effective, efficient and secure manner. [Am. 216]	5. For the effective implementation of the regulation, it is appropriate that these authorities participate in the European Cybersecurity Certification Group established pursuant to Article 53 in an active, effective, efficient and secure manner.	
6. National certification supervisory authorities shall:	6. National certification supervisory authorities shall:	6. National cybersecurity certification supervisory authorities shall:	
(a) monitor and enforce the application of the provisions under this Title at national level and supervise compliance of the certificates that have been issued by conformity assessment bodies established in their respective territories with the requirements set out in this Title and in the corresponding European cybersecurity certification scheme;	(a) monitor and enforce the application of the provisions under this Title at national level and supervise verify compliance of, <i>in accordance with the rules adopted by the European Cybersecurity Certification Group pursuant to point (da) of Article 53(3), of:</i>	(a) monitor and enforce the application of the provisions under this Title at national level and supervise compliance of the certificates that have been issued by conformity assessment bodies established in their respective territories with the requirements set out in this Title and in the corresponding European cybersecurity certification scheme;	

		(aa) monitor and enforce the obligations of the manufacturer or provider of ICT products and services established in their respective territories set out in Article 47a(2) and (3) and in the corresponding European cybersecurity certification scheme;	
	<i>i.) the certificates that have been issued by conformity assessment bodies established in their respective territories with the requirements set out in this Title and in the corresponding European cybersecurity certification scheme; and</i>		
	<i>ii) self-declarations of conformity made under a scheme for an ICT process, product or service; [Am. 217]</i>		

<p>(b) monitor and supervise the activities of conformity assessment bodies for the purpose of this Regulation, including in relation to the notification of conformity assessment bodies and the related tasks set out in Article 52 of this Regulation;</p>	<p>(b) <i>monitor</i> and supervise <i>and, at least every two years, assess</i> the activities of conformity assessment bodies for the purpose of this Regulation, including in relation to the notification of conformity assessment bodies and the related tasks set out in Article 52 of this Regulation; [Am. 218]</p>	<p>(b) <i>monitor and supervise the without prejudice to Article 51(1b), assist the national accreditation bodies in the monitoring and supervision of</i> activities of conformity assessment bodies for the purpose of this Regulation, <i>including in relation to the notification of conformity assessment bodies and the related tasks set out in Article 52 of this Regulation;</i></p>	
	<p><i>(ba) carry out audits to ensure that equivalent standards apply in the Union and shall report on the results to the Agency and to the Group; [Am. 219]</i></p>	<p><i>(ba) monitor and supervise the activities of the bodies referred to in Article 48(4);</i></p>	
		<p><i>(bb) authorise conformity assessment bodies referred to in Article 51(1b) and restrict, suspend or withdraw existing authorisation in cases of non-compliance with the requirements of this Regulation;</i></p>	

<p>(c) handle complaints lodged by natural or legal persons in relation to certificates issued by conformity assessment bodies established in their territories, investigate, to the extent appropriate, the subject matter of the complaint, and inform the complainant of the progress and the outcome of the investigation within a reasonable time period;</p>	<p>(c) handle complaints lodged by natural or legal persons in relation to certificates issued by conformity assessment bodies established in their territories <i>or to self-assessment of conformity made</i>, investigate, to the extent appropriate, the subject matter of the complaint, and inform the complainant of the progress and the outcome of the investigation within a reasonable time period; [Am. 220]</p>	<p>(c) handle complaints lodged by natural or legal persons in relation to certificates issued by eonformity assessment bodies established in their territories the national cybersecurity certification authority or, in accordance with Article 48(4a) by conformity assessment bodies, investigate, to the extent appropriate, the subject matter of the complaint, and inform the complainant of the progress and the outcome of the investigation within a reasonable time period;</p>	
	<p><i>(ca) report the results of verifications under point (a) and the assessments under point (b) to the Agency and the European Cybersecurity Certification Group;</i> [Am. 221]</p>		

(d) cooperate with other national certification supervisory authorities or other public authorities, including by sharing information on possible non-compliance of ICT products and services with the requirements of this Regulation or specific European cybersecurity certification schemes;	(d) cooperate with other national certification supervisory authorities or other public authorities, <i>such as national data protection supervisory authorities</i> , including by sharing information on possible non-compliance of ICT products, processes and services with the requirements of this Regulation or specific European cybersecurity IT security certification schemes; [Am. 222] [Am. 223]	(d) cooperate with other national cybersecurity certification supervisory authorities or other public authorities, including by sharing information on possible non-compliance of ICT processes , products and services with the requirements of this Regulation or specific European cybersecurity certification schemes;	
(e) monitor relevant developments in the field of cybersecurity certification.	(e) monitor relevant developments in the field of cybersecurity certification.	(e) monitor relevant developments in the field of cybersecurity certification.	
7. Each national certification supervisory authority shall have at least the following powers:	7. Each national certification supervisory authority shall have at least the following powers:	7. Each national cybersecurity certification supervisory authority shall have at least the following powers:	
(a) to request conformity assessment bodies and European cybersecurity certificate holders to provide any information it requires for the performance of its task;	(a) to request conformity assessment bodies and European cybersecurity certificate holders to provide any information it requires for the performance of its task;	(a) to request conformity assessment bodies, and European cybersecurity certificate holders and issuers of EU statement of conformity to provide any information it requires for the performance of its task;	

(b) to carry out investigations, in the form of audits, of conformity assessment bodies and European cybersecurity certificates' holders, for the purpose of verifying compliance with the provisions under Title III;	(b) to carry out investigations, in the form of audits, of conformity assessment bodies and European cybersecurity certificates' holders, for the purpose of verifying compliance with the provisions under Title III;	(b) to carry out investigations, in the form of audits , of conformity assessment bodies, and European cybersecurity certificates' holders and issuers of EU statement of conformity , for the purpose of verifying compliance with the provisions under Title III;	
(c) to take appropriate measures, in accordance with national law, in order to ensure that conformity assessment bodies or certificate holders comply with this Regulation or with a European cybersecurity certification scheme;	(c) to take appropriate measures, in accordance with national law, in order to ensure that conformity assessment bodies or certificate holders comply with this Regulation or with a European cybersecurity certification scheme;	(c) to take appropriate measures, in accordance with national law, in order to ensure that conformity assessment bodies, or certificate holders and issuers of EU statement of conformity comply with this Regulation or with a European cybersecurity certification scheme;	
	<i>(c a) to revoke the accreditation of conformity assessment bodies that do not comply with this Regulation; [Am. 224]</i>		
(d) to obtain access to any premises of conformity assessment bodies and European cybersecurity certificates' holders for the purpose of carrying out investigations in accordance with Union or Member State procedural law;	(d) to obtain access to any premises of conformity assessment bodies and European cybersecurity certificates' holders for the purpose of carrying out investigations in accordance with Union or Member State procedural law;	(d) to obtain access to any premises of conformity assessment bodies and European cybersecurity certificates' holders for the purpose of carrying out investigations in accordance with Union or Member State procedural law;	

(e) to withdraw, in accordance with national law, certificates that are not compliant with this Regulation or a European cybersecurity certification scheme;	(e) to withdraw, in accordance with national law, certificates that are not compliant with this Regulation or a European cybersecurity certification scheme <i>and inform national accreditation bodies accordingly</i> ; [Am. 225]	(e) to withdraw, in accordance with national law, certificates issued by the national cybersecurity certification authority or, in accordance with Article 48(4a) by conformity assessment bodies that are not compliant with this Regulation or a European cybersecurity certification scheme;	
(f) to impose penalties, as provided for in Article 54, in accordance with national law, and to require the immediate cessation of the breaches of obligations set out in this Regulation.	(f) to impose penalties, as provided for in Article 54, in accordance with national law, and to require the immediate cessation of the breaches of obligations set out in this Regulation.	(f) to impose penalties, as provided for in Article 54, in accordance with national law, and to require the immediate cessation of the breaches of obligations set out in this Regulation.	
8. National certification supervisory authorities shall cooperate amongst each other and the Commission and, in particular, exchange information, experiences and good practices as regards cybersecurity certification and technical issues concerning cybersecurity of ICT products and services.	8. National certification supervisory authorities shall cooperate amongst each other and the Commission and, in particular, exchange information, experiences and good practices as regards cybersecurity certification and technical issues concerning cybersecurity of ICT products, <i>processes</i> and services. [Am. 226]	8. National cybersecurity certification supervisory -authorities shall cooperate amongst each other and the Commission and, in particular, exchange information, experiences and good practices as regards cybersecurity certification and technical issues concerning cybersecurity of ICT processes , products and services.	

	<i>8a. Each national certification supervisory authority, and each member and staff of each national certification supervisory authority, shall, in accordance with Union or Member State law, be subject to a duty of professional secrecy both during and after their term of office, with regard to any confidential information which has come to their knowledge in the course of the performance of their tasks or the exercise of their powers. [Am. 227]</i>		
	<i>Article 50 a</i> <i>Peer review</i>		
	<i>1. National certification supervisory authorities shall be subject to peer review in respect of any activity which they carry out pursuant to Article 50 organised by the Agency.</i>		

	<p><i>2. Peer evaluation shall be operated on the basis of sound and transparent evaluation criteria and procedures, in particular concerning structural, human resource and process requirements, confidentiality and complaints. Appropriate appeal procedures against decisions taken as a result of such evaluation shall be provided for.</i></p>		
	<p><i>3. Peer review shall cover the assessments of the procedures put in place by national certification supervisory authorities, in particular the procedures for checking compliance of the certificates, the procedures for monitoring and supervising the activities of conformity assessment bodies, the competence of the personnel, the correctness of the checks and the inspection methodology as well as the correctness of the results. Peer review shall also assess whether the national certification supervisory authorities in question have sufficient resources for the proper performance of their duties as required by Article 50(4).</i></p>		

	<p><i>4. Peer review of a national certification supervisory authority shall be carried out by two national certification supervisory authorities of other Member States and the Commission and shall be carried out at least once every five years. the Agency may participate in the peer review and shall decide on its participation on the basis of a risk assessment analysis.</i></p>		
	<p><i>5. The Commission may adopt delegated acts in accordance with Article 55a, supplementing this Regulation by establishing a plan for the peer review covering a period of at least five years, laying down criteria concerning the composition of the peer review team, the methodology used for the peer review, the schedule, periodicity and the other tasks related to the peer review. When adopting those delegated acts, the Commission shall take due account of the considerations of the Member States' Certification Group.</i></p>		

	<i>6. The outcome of the peer review shall be examined by the Member States' Certification Group. The Agency shall draw up a summary of the outcome and when necessary provide guidance and best practice documents and make them public. [Am. 228]</i>		
Article 51 Conformity assessment bodies	Article 51 Conformity assessment bodies	Article 51 Conformity assessment bodies	
1. The conformity assessment bodies shall be accredited by the national accreditation body named pursuant to Regulation (EC) No 765/2008 only when they meet the requirements set out in the Annex to this Regulation.	1. The conformity assessment bodies shall be accredited by the national accreditation body named pursuant to Regulation (EC) No 765/2008 only when they meet the requirements set out in the Annex to this Regulation.	1. The conformity assessment bodies shall be accredited by the national accreditation body named pursuant to Regulation (EC) No 765/2008 only when they meet the requirements set out in the Annex to this Regulation.	

	<p><i>1a. For the assurance level high, the conformity assessment body must, in addition to its accreditation, be notified by the national certification supervisory authority with regard to its competence and expertise in the assessment of cybersecurity. The national certification supervisory authority shall carry out regular audits of the expertise and competences of the notified conformity assessment bodies.</i> [Am. 229]</p>	<p>1a. In cases where a European cybersecurity certificate is issued by a national cybersecurity certification authority pursuant to Article 48(4)(a) and Article 48(4a), the certification body of the national cybersecurity certification authority shall be accredited as conformity assessment body pursuant to paragraph 1 of this Article.</p>	
		<p>1b. Where applicable, the conformity assessment bodies shall be authorised by the national cybersecurity certification authority to carry out its tasks when they meet specific or additional requirements set out in the European certification scheme pursuant to Article 47(1)(ca).</p>	

<p>2. Accreditation shall be issued for a maximum of five years and may be renewed on the same conditions provided that the conformity assessment body meets the requirements set out in this Article. Accreditation bodies shall revoke an accreditation of a conformity assessment body pursuant to paragraph 1 of this Article where the conditions for the accreditation are not, or are no longer, met or where actions taken by a conformity assessment body infringe this Regulation.</p>	<p>2. Accreditation shall be issued for a maximum of five years and may be renewed on the same conditions provided that the conformity assessment body meets the requirements set out in this Article. Accreditation bodies shall revoke an accreditation of a conformity assessment body pursuant to paragraph 1 of this Article where the conditions for the accreditation are not, or are no longer, met or where actions taken by a conformity assessment body infringe this Regulation.</p>	<p>2. Accreditation shall be issued for a maximum of five years and may be renewed on the same conditions provided that the conformity assessment body meets the requirements set out in this Article. Accreditation bodies shall take all appropriate measures within a reasonable timeframe to restrict, suspend or revoke an accreditation of a conformity assessment body pursuant to paragraph 1 of this Article where the conditions for the accreditation are not, or are no longer, met or where actions taken by a conformity assessment body infringe this Regulation.</p>	
	<p><i>2 a. Audits shall be carried out to ensure that equivalent standards apply in the Union, the results of which shall be reported to the Agency and to the Group.</i> [Am. 230]</p>		

	<i>2b. Where manufacturers opt for a ‘self-declaration of conformity’ in accordance with Article 48(3), conformity assessment bodies shall take additional steps to verify the internal procedures undertaken by the manufacturer to ensure that their products and/or services conform with the requirements of the European cybersecurity certification scheme. [Am. 231]</i>		
Article 52 Notification	Article 52 Notification	Article 52 Notification	
1. For each European cybersecurity certification scheme adopted pursuant Article 44, national certification supervisory authorities shall notify the Commission of the accredited conformity assessment bodies accredited to issue certificates at specified assurance levels as referred to in Article 46 and, without undue delay, of any subsequent changes thereto.	1. For each European cybersecurity certification scheme adopted pursuant Article 44, national certification supervisory authorities shall notify the Commission of the accredited conformity assessment bodies accredited to issue certificates at specified assurance levels as referred to in Article 46 and, without undue delay, of any subsequent changes thereto.	1. For each European cybersecurity certification scheme adopted pursuant to Article 44, national cybersecurity certification supervisory authorities shall notify the Commission of the accredited conformity assessment bodies accredited and where applicable, authorised pursuant to Article 51(1b) to issue certificates at specified assurance levels as referred to in Article 46 and, without undue delay, of any subsequent changes thereto.	

2. One year after the entry into force of a European cybersecurity certification scheme, the Commission shall publish a list of notified conformity assessment bodies in the Official Journal.	2. One year after the entry into force of a European cybersecurity certification scheme, the Commission shall publish a list of notified conformity assessment bodies in the Official Journal.	2. One year after the entry into force of a European cybersecurity certification scheme, the Commission shall publish a list of notified conformity assessment bodies in the Official Journal.	
3. If the Commission receives a notification after the expiry of the period referred to in paragraph 1, it shall publish in the Official Journal of the European Union the amendments to the list referred to in paragraph 2 within two months from the date of receipt of that notification.	3. If the Commission receives a notification after the expiry of the period referred to in paragraph 1, it shall publish in the Official Journal of the European Union the amendments to the list referred to in paragraph 2 within two months from the date of receipt of that notification.	3. If the Commission receives a notification after the expiry of the period referred to in paragraph 24, it shall publish in the Official Journal of the European Union the amendments to the list referred to in paragraph 2 within two months from the date of receipt of that notification.	
4. A national certification supervisory authority may submit to the Commission a request to remove a conformity assessment body notified by that Member State from the list referred to in paragraph 2 of this Article. The Commission shall publish in the Official Journal of the European Union the corresponding amendments to the list within one month from the date of receipt of the national certification supervisory authority's request.	4. A national certification supervisory authority may submit to the Commission a request to remove a conformity assessment body notified by that Member State from the list referred to in paragraph 2 of this Article. The Commission shall publish in the Official Journal of the European Union the corresponding amendments to the list within one month from the date of receipt of the national certification supervisory authority's request.	4. A national cybersecurity certification supervisory -authority may submit to the Commission a request to remove a conformity assessment body notified by that Member State from the list referred to in paragraph 2 of this Article. The Commission shall publish in the Official Journal of the European Union the corresponding amendments to the list within one month from the date of receipt of the national cybersecurity certification supervisory -authority's request.	

<p>5. The Commission may, by means of implementing acts, define the circumstances, formats and procedures of notifications referred to in paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 55(2).</p>	<p>5. The Commission may, by means of implementing delegated acts, define the circumstances, formats and procedures of notifications referred to in paragraph 1 of this Article. Those implementing delegated acts shall be adopted in accordance with the examination procedure referred to in Article 55(2). [Am. 232]</p>	<p>5. The Commission may, by means of implementing acts, define the circumstances, formats and procedures of notifications referred to in paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 55(2).</p>	
<p>Article 53 European Cybersecurity Certification Group</p>	<p><i>Article 53</i> European Cybersecurity Member States Certification Group [Am. 233]</p>	<p>Article 53 European Cybersecurity Certification Group</p>	
<p>1. The European Cybersecurity Certification Group (the 'Group') shall be established.</p>	<p>1. The European Cybersecurity Member States Certification Group (the 'Group') shall be established. [Am. 234]</p>	<p>1. The European Cybersecurity Certification Group (the 'Group') shall be established.</p>	

<p>2. The Group shall be composed of national certification supervisory authorities. The authorities shall be represented by the heads or by other high level representatives of national certification supervisory authorities.</p>	<p>2. The <i>Member States Certification</i> Group shall be composed of national certification supervisory authorities (<i>NCSAs</i>) from each Member States. The authorities shall be represented by the heads or by other high level representatives of national certification supervisory authorities. <i>Members of the Stakeholders Certification Group may be invited to meetings of the Group and to participate in its work.</i> [Am. 235]</p>	<p>2. The Group shall be composed of representatives of national cybersecurity certification supervisory authorities or representatives of other relevant national authorities. The authorities shall be represented by the heads or by other high level representatives of national cybersecurity certification supervisory authorities. Any member of the Group may represent not more than one other Member State.</p>	
<p>3. The Group shall have the following tasks:</p>	<p>3. The <i>Member States Certification</i> Group shall have the following tasks: [Am. 236]</p>	<p>3. The Group shall have the following tasks:</p>	
<p>(a) to advise and assist the Commission in its work to ensure a consistent implementation and application of the present Title, in particular regarding cybersecurity certification policy issues, coordination of policy approaches, and the preparation of European cybersecurity certification schemes;</p>	<p>(a) to advise and assist the Commission in its work to ensure a consistent implementation and application of the present Title, in particular regarding cybersecurity certification policy issues, coordination of policy approaches, and the preparation of European cybersecurity certification schemes;</p>	<p>(a) to advise and assist the Commission in its work to ensure a consistent implementation and application of the present Title, in particular regarding cybersecurity certification policy issues, coordination of policy approaches, and the preparation of European cybersecurity certification schemes;</p>	

(b) to assist, advise and cooperate with ENISA in relation to the preparation of a candidate scheme in accordance with Article 44 of this Regulation;	(b) to assist, advise and cooperate with ENISA <i>the Agency</i> in relation to the preparation of a candidate scheme in accordance with Article 44 of this Regulation; [Am. 237]	(b) to assist, advise and cooperate with ENISA in relation to the preparation of a candidate scheme in accordance with Article 44 of this Regulation;	
		(ba) to adopt an opinion on the candidate scheme pursuant to Article 44 of this Regulation;	
(c) to propose to the Commission that it requests the Agency to prepare a candidate European cybersecurity certification scheme in accordance with Article 44 of this Regulation;	(c) to propose to the Commission that it requests the Agency to prepare a candidate European cybersecurity certification scheme in accordance with Article 44 of this Regulation;	(c) to propose to the Commission that it requests request the Agency to prepare a candidate European cybersecurity certification scheme in accordance with Article 44 of this Regulation;	
		(ca) to develop and adopt guidelines on criteria for assessment of proposals for the preparation of a candidate scheme submitted to the Commission or the Group pursuant to Article 44(1a);	
(d) to adopt opinions addressed to the Commission relating to the maintenance and review of existing European cybersecurity certifications schemes;	(d) to adopt opinions addressed to the Commission relating to the maintenance and review of existing European cybersecurity certifications schemes;	(d) to adopt opinions addressed to the Commission relating to the maintenance and review of existing European cybersecurity certifications schemes;	

	<i>(d a) to adopt recommendations determining the intervals at which national certification supervisory authorities are to carry out verifications of certificates and self-assessment of conformity, and the criteria, scale and scope of those verifications and to adopt common rules and standards for reporting, in accordance with Article 50(6) [Am. 238]</i>		
(e) to examine the relevant developments in the field of cybersecurity certification and exchange good practices on cybersecurity certification schemes;	(e) to examine the relevant developments in the field of cybersecurity certification and exchange information and good practices on cybersecurity certification schemes; [Am. 239]	(e) to examine the relevant developments in the field of cybersecurity certification and exchange good practices on cybersecurity certification schemes;	
(f) to facilitate the cooperation between national certification supervisory authorities under this Title through the exchange of information, in particular by establishing methods for the efficient exchange of information relating to all issues concerning cybersecurity certification.	(f) to facilitate the cooperation between national certification supervisory authorities under this Title through the exchange of information, in particular by establishing methods for the efficient exchange of information relating to all issues concerning cybersecurity certification.	(f) to facilitate the cooperation between national cybersecurity certification supervisory authorities under this Title through capacity building , the exchange of information, in particular by establishing methods for the efficient exchange of information relating to all issues concerning cybersecurity certification;	

	<i>(f a) to facilitate the alignment of European cybersecurity schemes with internationally recognised standards, including by reviewing existing European cybersecurity schemes and, where appropriate, making recommendations to the Agency to engage with relevant international standardisation organisations to address insufficiencies or gaps in available internationally recognised standards; [Am. 240]</i>	(fa) to provide support to the implementation of the peer review mechanism in accordance with the rules established in a European cybersecurity certification scheme pursuant to Article 47(1)(md) of this Regulation.	
	<i>(f b) to establish a peer review process. This process shall have regard in particular to the required technical expertise of NCSAs in the fulfilment of their tasks, as referred in Articles 48 and 50, and include when necessary the development of guidance and best practice documents to improve the compliance of the NCSAs with this Regulation; [Am. 241]</i>		
	<i>(f c) to supervise the monitoring and maintenance of certificates; [Am. 242]</i>		

	<i>(f d) to take into account the results of stakeholder consultation conducted in the preparation of a candidate scheme, in accordance with Article 44.</i> [Am. 243]		
4. The Commission shall chair the Group and provide the secretariat to it, with the assistance of ENISA as provided for in Article 8(a).	4. The Commission shall chair the Member States Certification Group and provide the secretariat to it, with the assistance of ENISA the Agency as provided for in Article 8(a). [Am. 244]	4. The Commission shall chair the Group in the capacity of a moderator and provide the secretariat to it, with the assistance of ENISA as provided for in Article 8(a).	
	<i>Article 53a</i> <i>Right to an effective judicial remedy against a supervisory authority or conformity assessment body</i>	<i>Article 53a</i> <i>Right to lodge a complaint with national cybersecurity certification supervisory authority</i>	
	<i>1. Without prejudice to any other administrative or non-judicial remedy, each natural or legal person shall have the right to an effective judicial remedy:</i>	<i>1. Natural or legal persons shall have the right to lodge a complaint with the national cybersecurity certification authority in relation to a certificate issued by the same authority or, in accordance with Article 48(4a) by conformity assessment bodies.</i>	

	<i>(a) against a decision of a conformity assessment body or national certification supervisory authority concerning them, including, where applicable, in relation to the issuing, non-issuing or recognition of a European cybersecurity certificate which such person holds; and</i>		
	<i>(b) where a national certification supervisory authority does not deal with a complaint for which it is competent.</i>		
	<i>2. Proceedings against a conformity assessment body or national certification supervisory authority shall be brought before the courts of the Member State where the conformity assessment body or the national certification supervisory authority is established. [Am. 246]</i>	2. The national cybersecurity certification authority with which the complaint has been lodged shall inform the complainant on the progress and outcome of the complaint including the possibility of a judicial remedy pursuant to Article 53b.	
		<i>Article 53b Right of an effective judicial remedy</i>	

		<p>1. Natural or legal persons shall have the right of an effective judicial remedy against a legally binding decision of a national cybersecurity certification authority concerning them.</p> <p>2. Natural or legal persons shall have the right of an effective judicial remedy where the national cybersecurity certification authority does not handle a complaint.</p> <p>3. Proceedings against a national cybersecurity certification authority shall be brought before the courts of the Member State where the authority is established.</p>	
Article 54 Penalties	Article 54 Penalties	Article 54 Penalties	

<p>Member States shall lay down the rules on penalties applicable to infringements of this Title and European cybersecurity certification schemes, and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall [by .../without delay] notify the Commission of those rules and of those measures and shall notify it of any subsequent amendment affecting them.</p>	<p>Member States shall lay down the rules on penalties applicable to infringements of this Title and European cybersecurity certification schemes, and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall [by .../without delay] notify the Commission of those rules and of those measures and shall notify it of any subsequent amendment affecting them.</p>	<p>Member States shall lay down the rules on penalties applicable to infringements of this Title and European cybersecurity certification schemes, and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall [by .../without delay] notify the Commission of those rules and of those measures and shall notify it of any subsequent amendment affecting them.</p>	
<p>TITLE IV FINAL PROVISIONS</p>	<p>TITLE IV FINAL PROVISIONS</p>	<p>TITLE IV FINAL PROVISIONS</p>	
<p>Article 55 Committee procedure</p>	<p>Article 55 Committee procedure</p>	<p>Article 55 Committee procedure</p>	

<p>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</p> <p>2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.</p>	<p>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</p> <p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p>	<p>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</p> <p>2. Where reference is made to this paragraph, Article 5(4)(b) of Regulation (EU) No 182/2011 shall apply.</p>	
	<p><i>2 a. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. [Am. 246]</i></p>		
	<p><i>Article 55 a</i></p> <p><i>Exercise of the delegation</i></p>		
	<p><i>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</i></p>		

	<p><i>2. The power to adopt delegated acts referred to in Articles 44 and 48a shall be conferred on the Commission for an indeterminate period of time from ... [date of entry into force of the basic legislative act].</i></p>		
	<p><i>3. The delegation of power referred to in Articles 44 and 48a may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</i></p>		
	<p><i>4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.</i></p>		

	<i>5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</i>		
	<i>6. A delegated act adopted pursuant to Articles 44 and 48a shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council. [Am. 247]</i>		
Article 56 Evaluation and review	Article 56 Evaluation and review	Article 56 Evaluation and review	

<p>1. Not later than five years after the date referred to in Article 58, and every five years thereafter, the Commission shall assess the impact, effectiveness and efficiency of the Agency and its working practices and the possible need to modify the mandate of the Agency and the financial implications of any such modification. The evaluation shall take into account any feedback made to the Agency in response to its activities. Where the Commission considers that the continuation of the Agency is no longer justified with regard to its assigned objectives, mandate and tasks, it may propose that this Regulation be amended with regard to the provisions related to the Agency.</p>	<p>1. Not later than fivetwo years after the date referred to in Article 58, and every fivetwo years thereafter, the Commission shall assess the impact, effectiveness and efficiency of the Agency and its working practices and the possible need to modify the mandate of the Agency and the financial implications of any such modification. The evaluation shall take into account any feedback made to the Agency in response to its activities. Where the Commission considers that the continuation of the Agency is no longer justified with regard to its assigned objectives, mandate and tasks, it may propose that this Regulation be amended with regard to the provisions related to the Agency. [Am. 248]</p>	<p>1. Not later than five years after the date referred to in Article 58, and every five years thereafter, the Commission shall assess the impact, effectiveness and efficiency of the Agency and its working practices and the possible need to modify the mandate of the Agency and the financial implications of any such modification. The evaluation shall take into account any feedback made to the Agency in response to its activities. Where the Commission considers that the continuation of the Agency is no longer justified with regard to its assigned objectives, mandate and tasks, it may propose that this Regulation be amended with regard to the provisions related to the Agency.</p>	
<p>2. The evaluation shall also assess the impact, effectiveness and efficiency of the provisions of Title III with regard to the objectives of ensuring an adequate level of cybersecurity of ICT products and services in the Union and improving the functioning of the internal market.</p>	<p>2. The evaluation shall also assess the impact, effectiveness and efficiency of the provisions of Title III with regard to the objectives of ensuring an adequate level of cybersecurity of ICT products, <i>processes</i> and services in the Union and improving the functioning of the internal market. [Am. 249]</p>	<p>2. The evaluation shall also assess the impact, effectiveness and efficiency of the provisions of Title III with regard to the objectives of ensuring an adequate level of cybersecurity of ICT products and services in the Union and improving the functioning of the internal market.</p>	

	<p><i>2 a. The evaluation shall assess whether cybersecurity essential requirements for access to the internal market are necessary in order to prevent products, services and processes entering the Union market which do not meet basic cybersecurity requirements.</i> [Am. 250]</p>		
3. The Commission shall forward the evaluation report together with its conclusions to the European Parliament, the Council and the Management Board. The findings of the evaluation report shall be made public.	3. The Commission shall forward the evaluation report together with its conclusions to the European Parliament, the Council and the Management Board. The findings of the evaluation report shall be made public.	3. The Commission shall forward the evaluation report together with its conclusions to the European Parliament, the Council and the Management Board. The findings of the evaluation report shall be made public.	
Article 57 Repeal and succession	Article 57 Repeal and succession	Article 57 Repeal and succession	
1. Regulation (EC) No 526/2013 is repealed with effect from [....]. 2. References to Regulation (EC) No 526/2013 and to ENISA shall be construed as references to this Regulation and to the Agency.	1. Regulation (EC) No 526/2013 is repealed with effect from [....]. 2. References to Regulation (EC) No 526/2013 and to ENISA shall be construed as references to this Regulation and to the Agency.	1. Regulation (EC) No 526/2013 is repealed with effect from [....]. 2. References to Regulation (EC) No 526/2013 and to ENISA shall be construed as references to this Regulation and to the Agency.	

<p>3. The Agency succeeds the Agency that was established by Regulation (EC) No 526/2013 as regards all ownership, agreements, legal obligations, employment contracts, financial commitments and liabilities. All existing decisions of the Management Board and Executive Board remain valid, providing they are not in conflict with the provisions of this Regulation.</p> <p>4. The Agency shall be established for an indefinite period of time starting from [...]</p>	<p>3. The Agency succeeds the Agency that was established by Regulation (EC) No 526/2013 as regards all ownership, agreements, legal obligations, employment contracts, financial commitments and liabilities. All existing decisions of the Management Board and Executive Board remain valid, providing they are not in conflict with the provisions of this Regulation.</p> <p>4. The Agency shall be established for an indefinite period of time starting from [...]</p>	<p>3. The Agency succeeds the Agency that was established by Regulation (EC) No 526/2013 as regards all ownership, agreements, legal obligations, employment contracts, financial commitments and liabilities. All existing decisions of the Management Board and Executive Board remain valid, providing they are not in conflict with the provisions of this Regulation.</p> <p>4. The Agency shall be established for an indefinite period of time starting from [...]</p>	
<p>5. The Executive Director appointed pursuant to Article 24(4) of Regulation (EC) No 526/2013 shall be the Executive Director of the Agency for the remaining part of his term of office.</p> <p>6. The Members and their alternates of the Management Board appointed pursuant to Article 6 of Regulation (EC) No 526/2013 shall be the Members and their alternates of the Management Board of the Agency for the remaining part of their term of office.</p>	<p>5. The Executive Director appointed pursuant to Article 24(4) of Regulation (EC) No 526/2013 shall be the Executive Director of the Agency for the remaining part of his term of office.</p> <p>6. The Members and their alternates of the Management Board appointed pursuant to Article 6 of Regulation (EC) No 526/2013 shall be the Members and their alternates of the Management Board of the Agency for the remaining part of their term of office.</p>	<p>5. The Executive Director appointed pursuant to Article 24(4) of Regulation (EC) No 526/2013 shall be the Executive Director of the Agency for the remaining part of his term of office.</p> <p>6. The Members and their alternates of the Management Board appointed pursuant to Article 6 of Regulation (EC) No 526/2013 shall be the Members and their alternates of the Management Board of the Agency for the remaining part of their term of office.</p>	

Article 58	Article 58	<i>Article 58</i> <i>Entry into force</i>	
1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	
		1a. This Regulation shall apply from [...] except for the Articles 50, 51, 52, 53a, 53b and 54 which shall apply from [24 months after the date of its publication in the Official Journal of the European Union].	
2. This Regulation shall be binding in its entirety and directly applicable in all Member States. Done at Brussels,	2. This Regulation shall be binding in its entirety and directly applicable in all Member States. Done at Brussels,	2. This Regulation shall be binding in its entirety and directly applicable in all Member States.	