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WORKING PAPER

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From:	Czech delegation
To:	Horizontal Working Party on Cyber issues
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") - Comments from the Czech delegation on Articles 19, 20, 44, 44a, 47, 48 and 53a

Delegations will find in Annex the comments of the Czech delegation on Articles 19, 20, 44, 44a, 47, 48 and 53a of the above mentioned proposal.

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Article 19 para 5

We do not consider this para specific enough, as *should be kept to a minimum* and *should not exceed the number of staff located in Agency seat* could also mean that in local offices would be almost half of the staff of the Agency. Therefore, we propose to limit it more precisely, e.g. by percentage, as proposed by Greek delegation.

Article 20 para 5a with regard to Article 44 para 2

According to the Article 20 para 5a, the Permanent Stakeholders' Group shall advise the Agency on the preparation of candidate certification schemes. It is our view that the powers of the Permanent Stakeholders' Group may overlap with the powers of the European Cybersecurity Certification Group (art. 44 para 2). The Permanent Stakeholders' Group may be considered a relevant stakeholder within the meaning of art. 44, albeit a privileged one. If not deleting para 5a as redundant, it would be desirable to clarify the relationship between the two groups and clearly limit the PSG advisory role that should not go beyond the submission of opinion by the Certification Group to ENISA under article 44(2).

Article 44 para. 2 and 3

We appreciate that Group will adopt an opinion on the scheme before its submission to the Commission. Nevertheless, we deem appropriate that Group would have to approve at least the technical level of the candidate scheme before its submission to the Commission. The representatives of the MS in the Group and during the comitology process can vary, so to let the MS oppose the scheme in the comitology stage would be too late.

Article 44a para 3

We would like to ask the PRES to specify the process of the adopting updates and amendments for particular certification schemes. A reference to the process set out in art. 44(2) and (3) does not imply the procedure for adoption of updates. Will comitology process and implementing acts be used as in adoption of new schemes?

Article 47 para 1 letter ma) in conjunction with Article 48 para 6

We again suggest to partially delete this letter – delete “if applicable” as it could mean, with the provisions in Article 48 para 6, that some of the certificates could be issued without the maximum period of validity. That, in our view, is highly undesirable.

Article 47 para 1 letter mc)

We suggest to better clarify (maybe in recitals) the procedure for mutual recognition of certification schemes with regard to SOG-IS, CCRA etc.

Article 47 para 1 letter md)

We do support this clause and we put forward for consideration introducing a similar mechanism also for conformity assessment bodies.

Article 48 para 5a

We do support this provision, but we would like to connect the procedure with article 50 para 6 and 7 to ensure that national certification authorities would be able to act accordingly (to suspend the validity of certificate, impose obligations etc.).

Article 53a

We suggest to better clarify this article (possible duplicity with art. 50 para 6 letter c)), as we wonder why the right to lodge a complaint has been narrowed down only to certificates issued by the national cybersecurity certification authority. What about certificates issued by other authorities?