

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 and Cyber Security Certification (“Cybersecurity Act”)

Summary

The European Commission published on 13 September a draft Regulation on ENISA (previously the European Union Agency for Network and Information Security but now referred to as “the EU Cyber Security Agency”) and on Information and Communication Technology cyber security certification.

The draft Regulation aims to reform ENISA and provide it with a permanent mandate and also proposes a framework to govern European cyber security certification schemes to address existing certification fragmentation.

The government is seeking stakeholder views on the draft Regulation to ensure that this new legislation delivers the best outcomes for all those affected by the measures. We would welcome your views and any supporting evidence on the costs and benefits of these proposals, and suggestions for how the language of the proposed legislation can be improved. We will use your views and evidence to help develop the UK’s position on these issues.

We would also welcome views on the possible impacts the legislation may have in light of the UK’s planned exit from the European Union.

This call for views is aimed at all interested parties across the technology and digital sectors including telecoms operators, IT service providers, device and software manufacturers and consumer groups.

Please send your views to the following email address: eucybersecurityregulation@culture.gov.uk

Purpose of the Regulation

ENISA’s main task is to enhance capability to prevent and respond to network and information security problems within the EU by building on national and Union efforts. ENISA has taken on specific additional roles and responsibilities in support of the implementation of Directive (EU) 2016/1148 on security of network and information systems (the NIS Directive). It now provides the secretariat to the Computer Security Incident Response Teams (CSIRTs) Network and assists the NIS Cooperation Group in the execution of its tasks and is intended to ‘assist Member States and the Commission by providing expertise and advice and by the facilitation of best practice.’

The proposed Regulation sets out a renewed set of tasks and functions for ENISA and aims to give it a stronger and more central role. Under the proposal ENISA would be granted a permanent mandate, though that mandate and its objectives

would still be subject to regular review. The proposal strengthens and seeks to clarify ENISA's role as the EU Agency for cyber security and outlines its desire for ENISA to act as the central coordination point with all relevant bodies. The proposed Regulation would make moderate revisions to the organisation and the governance of the Agency, to give greater consideration to the needs of 'wider stakeholders' in particular.

The proposal also sets out a framework which will 'govern' European cyber security certification schemes, in order to increase trust and security of ICT products and services and address the existing fragmentation in the certification landscape to reduce costs and administrative burdens for companies. It does not aim to introduce directly operational schemes but rather to create a system which will allow schemes to be established and recognised across the EU.