



EUROPEAN COMMISSION

*Brussels, 25.4.2018  
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*Mr Călin POPESCU-TĂRICEANU  
President of the Senat  
Calea 13 Septembrie nr. 1-3, sector 5  
RO – 050711 BUCHAREST*

*Dear President,*

*The Commission would like to thank the Senat for its Opinion on the proposal for a Regulation of the European Parliament and of the Council on [the European Union Agency for Network and Information Security (ENISA)], the "EU Cybersecurity Agency", and repealing Regulation (EU) 526/2013, and on Information and Communication Technology security certification ("Cybersecurity Act") – {COM(2017) 477 final}.*

*The Commission is pleased that the Senat shares the view that action at Union level is required to strengthen European capacities and cooperation in cybersecurity. It also welcomes the Senat's support for the overarching objectives of the proposal.*

*This proposal forms part of a broader package of ambitious measures designed to increase the overall cybersecurity of the Union by addressing what the Commission considers to be key priorities in this field: reinforced resilience, the creation of a single market for cybersecurity, effective European Union cyber deterrence and strengthened international cooperation.*

*The Commission's proposal for a strong, permanent and focused mandate of the European Union Cybersecurity Agency builds on the main achievements of the Agency in the field of cooperation, support to capacity building and policy development and implementation at Union level, and on the requirements of European Union law, in particular the important tasks attributed to the agency by the Directive on Security of Networks and Information Systems<sup>1</sup>. At the same time, the proposal entrusts the*

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<sup>1</sup> Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union; OJ L 194, 19.7.2016, p. 1–30.

*European Network and Information Security Agency with new responsibilities in the future European Union cybersecurity certification framework, which forms an integral part of the proposal.*

*Strengthening the users' trust in the digital single market by increasing the transparency of the security properties of Information and Communication Technology products and services is at the heart of the Commission's proposed Union-wide certification framework.*

*While the Commission is fully aware of the additional cost associated with certification, it notes that the new rules will ensure that European Union companies will have to undergo only one single certification process per product/service to obtain a cybersecurity certificate which is valid throughout the Union. Furthermore, the voluntary approach and the possibility under the framework to also establish more cost-effective certification schemes will avoid extra burdens for European Union companies and ensure the needed flexibility in such a fast-moving field as the Information and Communication Technologies.*

*The Commission also takes seriously the concerns expressed by the Senat as regards the respect of the principle of proportionality in relation to the role of Member States in the certification framework. Member States will play a fundamental role in the certification framework role via the European Cybersecurity Certification Group established in the proposal, by proposing to the Commission the preparation of the certification schemes, assisting the Cybersecurity Agency in the preparation and review of the certification schemes, and via the examination procedure on the implementing acts that will establish each scheme. In addition, while the Agency will have a role in preparing the certification schemes, the operation of the schemes, including the testing of products in laboratories, issuing certificates, monitoring and enforcement will remain the competence of Member States and will be carried out at national level.*

*The Commission remains hopeful that an agreement will be reached before the end of its mandate in 2019 and looks forward to continuing the political dialogue in the future.*

*Yours faithfully,*

*Frans Timmermans  
First Vice-President*

*Mariya Gabriel  
Member of the Commission*