



EUROPEAN COMMISSION

Directorate-General for Communication Networks, Content and Technologies

Directorate H – Digital Society, Trust and Cybersecurity

Unit H1 – Cybersecurity Technologies and Capacity Building

STAKEHOLDER CYBERSECURITY CERTIFICATION GROUP

TERMS OF REFERENCE

Article 1

Subject matter

The Stakeholder Cybersecurity Certification Group ('the group') is set up by the Cybersecurity Act¹.

Directorate-General for Communication Networks, Content and Technologies ("DG CNECT") shall apply by analogy the Commission Decision C(2016)3031 establishing horizontal rules on the creation and operation of Commission expert groups ('the horizontal rules')² to the functioning of the group and the selection of its members.

Article 2

Tasks

In accordance with Recital 62 and Article 22 of the Cybersecurity Act ('the Act'), in order to help the Commission and the European Union Agency for Cybersecurity (ENISA) facilitate consultation with relevant stakeholders, the group shall:

- a) advise the Commission on strategic issues regarding the European cybersecurity certification framework;
- b) upon request, advise ENISA on general and strategic matters concerning the ENISA's tasks relating to market, cybersecurity certification, and standardisation;
- c) assist the Commission in the preparation of the Union rolling work programme referred to in Article 47 of the Act;
- d) issue an opinion on the Union rolling work programme pursuant to Article 47(4); and
- e) in urgent cases, provide advice to the Commission and the European Cybersecurity Certification Group (ECCG) on the need for additional certification schemes not included in the Union rolling work programme, as outlined in Articles 47 and 48 of the Act.

Article 3

Membership

1. The group shall be composed of up to 50 members.
2. Members of the group shall be:
 - a. Organisations in the broad sense of the word, including in particular academic institutions, consumer organisations, conformity assessment bodies, standard developing organisations, companies and trade associations or other membership organisations active in Europe with an interest in cybersecurity certification.

¹ Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act).

² Commission Decision establishing horizontal rules on the creation and operation of Commission expert groups (C(2016) 3301 final).

- b. The European Standardisation Organisations (CEN— European Committee for Standardisation, Cenelec— European Committee for Electrotechnical Standardisation, ETSI— European Telecommunications Standards Institute) and International Standardisation Bodies (International Organisation for Standardisation (ISO), the International Electrotechnical Commission (IEC) and the International Telecommunication Union (ITU)).
 - c. The European co-operation for Accreditation (EA).
 - d. The European Data Protection Board (EDPB).
3. Members who are no longer capable of contributing effectively to the expert group's deliberations, who, in the opinion of the Commission department concerned, do not comply with the conditions set out in Article 339 of the Treaty on the Functioning of the European Union or who resign, shall no longer be invited to participate in any meetings of the group and may be replaced for the remainder of their term of office.

Article 4

Selection process

1. For organisations listed in Article 3.2 a), the selection of the group's members shall be carried out *via* a public call for applications, to be published on a dedicated website. The call for applications shall clearly outline the selection criteria, including the required expertise in relation to the work to be performed. The minimum deadline for applications shall be eight weeks.
2. For organisations listed in Article 3.2 a), priority will be given to trade associations or other membership organisations over companies, with a view on ensuring a representation of a maximum number of stakeholders.
3. The organisations listed in Article 3.2 a) will propose a representative. This person will be the permanent representative in the group. On an ad hoc basis, depending on the meeting agenda of the group, another representative can replace the permanent representative.
4. The organisations listed in Article 3.2 a) shall be selected and appointed by the Director General of DG CNECT from organisations with competence in the areas referred to in Article 2 and who have responded to the call for applications.
5. Registration in the Transparency Register is required in order to appoint organisations listed in Article 3.2 a).
6. The organisations and authorities mentioned in Article 3(2)(b), (c) and (d) are not subject to the call for applications and shall be appointed directly by the Director General of DG CNECT.
7. Members shall be appointed for three years. They shall remain in office until the end of their term of office or until they are replaced. Their term of office may be renewed.
8. For organisations listed in Article 3(2)(a), DG CNECT shall establish a reserve list of suitable candidates that may be used to appoint members' replacements. DG CNECT shall ask applicants for their consent before including their names on the reserve list.

Article 5

Chair

The group and its sub-groups shall be co-chaired by a representative of DG CNECT and by a representative of ENISA, as provided for in Article 22 of the Act.

Article 6

Operation

1. The group shall act at the request of DG CNECT.
2. Meetings of the group shall, in principle, be held on Commission premises.
3. ENISA shall provide secretarial services, as provided for in Article 22 of the Act. Commission officials from other departments with an interest in the proceedings may attend meetings of the group.
4. The group shall adopt its opinions, recommendations or reports by consensus. In the event of a vote, the outcome of the vote shall be decided by simple majority of the members. Members who have voted against or abstained shall have the right to have a document summarising the reasons for their position annexed to the opinions, recommendations or reports.
5. In agreement with DG CNECT, the group may, by simple majority of its members, decide that deliberations shall be public.
6. Minutes on the discussion on each point on the agenda and on the opinions delivered by the group shall be meaningful and complete. Minutes shall be drafted by the secretariat under the responsibility of the Chair.

Article 7

Sub-groups

DG CNECT may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by DG CNECT. Sub-groups shall operate in compliance with the horizontal rules and shall report to the group. They shall be dissolved as soon as their mandate is fulfilled.

Article 8

Invited experts

DG CNECT may propose that the group invites experts with specific expertise with respect to a subject matter on the agenda to take part in the work of the group or sub-groups on an ad hoc basis.

Article 9

Observers

1. Individuals, organisations and public entities may be granted an observer status by direct invitation.
2. Observers shall nominate their representatives, including in the relevant sub-group.

3. Observers and their representatives may be permitted by the Chair to take part in the discussions of the group and provide expertise. However, they shall not have voting rights and shall not participate in the formulation of recommendations or advice of the group.

Article 10

Relationship with the European Parliament and the Council

Upon request of the group, experts from the European Parliament³ and the Council may be invited to participate in group meetings.

Article 11

Rules of procedure

On a proposal by and in agreement with DG CNECT the group shall adopt its rules of procedure by simple majority of its members, on the basis of the standard rules of procedure for expert groups, in compliance with the horizontal rules.

Article 12

Professional secrecy and handling of classified information

The members of the group and their representatives, as well as invited experts and observers, are subject to the obligation of professional secrecy, which by virtue of the Treaties and the rules implementing them applies to all members of the institutions and their staff, as well as to the Commission's rules on security regarding the protection of Union classified information, laid down in Commission Decisions (EU, Euratom) 2015/443⁴ and 2015/444⁵. Should they fail to respect these obligations, the Commission may take all appropriate measures.

Article 13

Transparency⁶

1. Information about the group and its sub-groups shall be provided on a dedicated website.
2. As concerns the group composition, the following data shall be published on the website:
 - (a) the name of member organisations; the interest represented shall be disclosed;
 - (b) the name of public entities;
 - (c) the name of observers.

³ This article does not refer to Members of the European Parliament (MEPs) and their assistants.

⁴ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

⁵ Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

⁶ Individuals who do not wish to have their names disclosed may submit a request to DG CNECT for a derogation from this rule. A derogation shall be granted where justified on compelling legitimate grounds in relation to the specific situation of the individual, in particular where disclosure of the experts' name could endanger their security or integrity.

3. All relevant documents, including the agendas, the minutes and the participants' submissions, shall be made available on the dedicated website. Access to dedicated websites shall not be submitted to user registration or any other restriction. In particular, the agenda shall be published in due time ahead of the meeting, followed by timely publication of minutes. Exceptions to publication shall only be foreseen where it is deemed that disclosure of a document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) N° 1049/2001⁷.

Article 14

Meeting expenses

1. Participants in the activities of the group and sub-groups shall not be remunerated for the services they offer.
2. Travel expenses incurred by participants in the activities of the group and sub-groups shall be reimbursed by the Commission⁸, upon their request and in accordance with the provisions in force within the Commission and within the limits of the available appropriations allocated to the Commission departments under the annual procedure for the allocation of resources.

⁷ These exceptions are intended to protect public security, military affairs, international relations, financial, monetary or economic policy, privacy and integrity of the individual, commercial interests, court proceedings and legal advice, inspections/investigations/audits and the institution's decision-making process.

⁸ See Article 20 of the horizontal rules (C(2016) 3301 final).