

EU regulation on ENISA and Cyber Security Certification

Information on the new Regulation of the European Parliament and of the Council on ENISA, the “EU Cybersecurity Agency”, and on Information and Communications Technology and Cyber Security Certification and repealing regulation (EU) 526/2013, (“Cybersecurity Act”).

The *EU Regulation on ENISA and Cyber Security Certification* was published in the Official Journal of the European Union on 7 June 2019 and will enter into force 20 days after this. You can read the full text of the Regulation [here](#).

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. The new EU Regulation strengthens the role of ENISA and provides it with a permanent mandate in order to give it a stronger and more central role. The Regulation clarifies ENISA’s role as the EU Agency for cyber security and makes moderate revisions to the organisation and governance to give greater consideration to the needs of wider stakeholders.

The Regulation also sets up a framework to govern voluntary European cyber security certification schemes. The purpose of this is to increase trust and security of ICT products and services and address existing certification fragmentation in the certification landscape to reduce costs and administrative burdens for companies and strengthen the digital single market. The Regulation does not introduce directly operational certification schemes, but creates a system which allows schemes to be established and recognised across the EU.

Impact Assessment

Directly applicable European Union Regulations that do not require any domestic implementation are outside the better regulation framework. As domestic implementation is not required for this Regulation there is no available impact assessment.

Call for Views on the EU Regulation on ENISA and Cyber Security Certification

The UK Government held a call for views from 20 December 2017 to 13 February 2018 on the EU proposals for a Regulation on ENISA and Cyber Security Certification. Responses to this call for views were used to inform the Governments negotiating position on the Regulation.

Timing

The Regulation comes into force 20 days after it was published in the Official Journal of the European Union on 7 June 2019. Articles 58, 60, 61, 63, 64 and 65 shall apply from 24 months after this date.

EU Exit Guidance

The Regulation does not introduce any directly operational cyber security certification schemes, so there will be no operational implications for industry that arise as a direct result of this legislation following the UK's departure from the EU.

If there are EU Certification Schemes in operation when the UK leaves the EU as a result of this framework, then the UK's future relationship with those will be considered in the context of the individual schemes. Article 54 of the Regulation requires individual certification schemes to include conditions for the mutual recognition of those schemes with third countries.