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CYBERSECURITY CERTIFICATION UNDER THE REGULATION (EU) 2019/881

Network and information systems as well as communication networks and services hold at present an increasingly central place in all key sectors of activity in human society, becoming the 'backbone of economic growth' [1]. Consequently, the widespread use of these networks and information systems, mainly characterized by digitalization and connectivity, brings up to date complex challenges and needs related to cybersecurity and cyber resilience.

Cybersecurity involves a set of activities necessary to protect the networks and information systems, the users of such systems and other people affected by increasingly various cyber threats. Thus, it can be said that cybersecurity richly and harmoniously combines education (promoting 'cyber hygiene'[1]), policies and procedures in this field, physical security and technology.

For cybersecurity, strategies have been adopted both at European level and at Member State level. In Romania, at the end of last year it was approved the "Cybersecurity Strategy for 2022-2027", which updated and completed the previous document from 2013.

European Union adopted several Strategic Documents for Cybersecurity (in 2013, 2021) to guide policies to respond to cyber threats and cybersecurity risks. The first document of the EU legislation in the field of cybersecurity was the Directive EU 2016/1148 of the Parliament and of the Council [2], establishing the first requirements regarding the national capabilities in the field, creating mechanisms to enhance cooperation and introducing obligations on security measures and incident notifications in sectors such as energy, transport, supply and distribution of drinking water, banks, financial market infrastructures, healthcare, digital infrastructures and suppliers of essential digital services (search engines, cloud computing services and online marketplaces).

In 2019 was adopted the Regulation (EU) 2019/881 (CyberSecurity Act) of the European Parliament and of the Council on ENISA (EU Agency for Cybersecurity) and on the certification of cybersecurity for information and communication technology, strengthening the role of this European Agency and establishing the framework for the certification of ICT products and ICT services.

Cybersecurity certification is included in one of ENISA's strategic objectives as formulated in the Agency's Strategy of June 2020 [3]. The Objective 6 "High level trust in secure digital solution" aims to achieve a safe digital cyber environment in the EU where citizens can trust ICT products, ICT services and ICT processes by implementing certification schemes in key technology areas.

With the entry into force of the CyberSecurity Act, cybersecurity certification becomes a determining factor for both business success for providers of the wide range of TIC products (e.g. internet of things, artificial intelligence, 5G components of software and hardware, web applications, etc.), or ICT services (e.g. cloud computing, online marketplace, etc.) or ICT processes (e.g. manufacturing, development of application, chain sourcing, etc.), as well as for the protection of the users.



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Starting from the need for high-quality, affordable and interoperable cybersecurity products and solutions, which have been formulated since 2016 in the Commission Communication "Strengthening Europe's cyber resilience system and fostering a competitive and innovative cybersecurity sector" and reiterated in the Communication in the following year, a new priority it was shaped i.e. to lay down rules on how to organize the certification of cybersecurity of the ICT in the EU within the European cybersecurity framework.

The European cybersecurity certification framework sets out the main horizontal requirements for the established European cybersecurity certification schemes and allows for the recognition and use of European cybersecurity certificates and EU declarations of compliance for ICT products, ICT services or ICT processes in all Member States.

An example of a developed certification scheme, which is a candidate to be implemented at European level, concerns cloud computing services [5].

At Member State level, cybersecurity certification schemes were developed or are being under development, involving close cooperation between specialists from the most diverse fields.

To develop such schemes, the cybersecurity certification authorities and the national accreditation bodies are actively collaborating on the development of a national cybersecurity certification scheme to include a comprehensive set of rules, technical requirements, standards and procedures to be applied to the certification or conformity assessment of ICT products, ICT services and ICT processes falling within the scope. Under this system, conformity assessment bodies shall meet the requirements of the relevant standards and shall be accredited by the national accreditation bodies pursuant to Regulation (EU) 765/2005 [6].

References

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), J.Of. L151/7.06.2019, p.15-69;
2. 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;
3. A TRUSTED AND CYBER SECURE EUROPE, ENISA Strategy, June 2020, [ENISA Strategy - A Trusted and Cyber Secure Europe — ENISA \(europa.eu\)](#)
4. Strengthening Europe's Cyber Resilience System and Fostering a Competitive and Innovative Cybersecurity Industry, 2016, [EC Communication: Strengthening Europe's Cyber Resilience System and Fostering a Competitive and Innovative Cybersecurity Industry | CYBERWISER.eu](#)
5. EUCS – CLOUD SERVICES SCHEME EUCS, a candidate cybersecurity certification scheme for cloud services, December 2020;
6. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93;
7. [Projects: RENAR](#)

