Cybersecurity Standardization Conference 2021

Proposal for a realistic way to implement a "Cybersecurity regulation in Europe"

Prof. Dr. Dieter Wegener

DKE Vicepresident

Chair of DIN Presidential Committee FOCUS.ICT

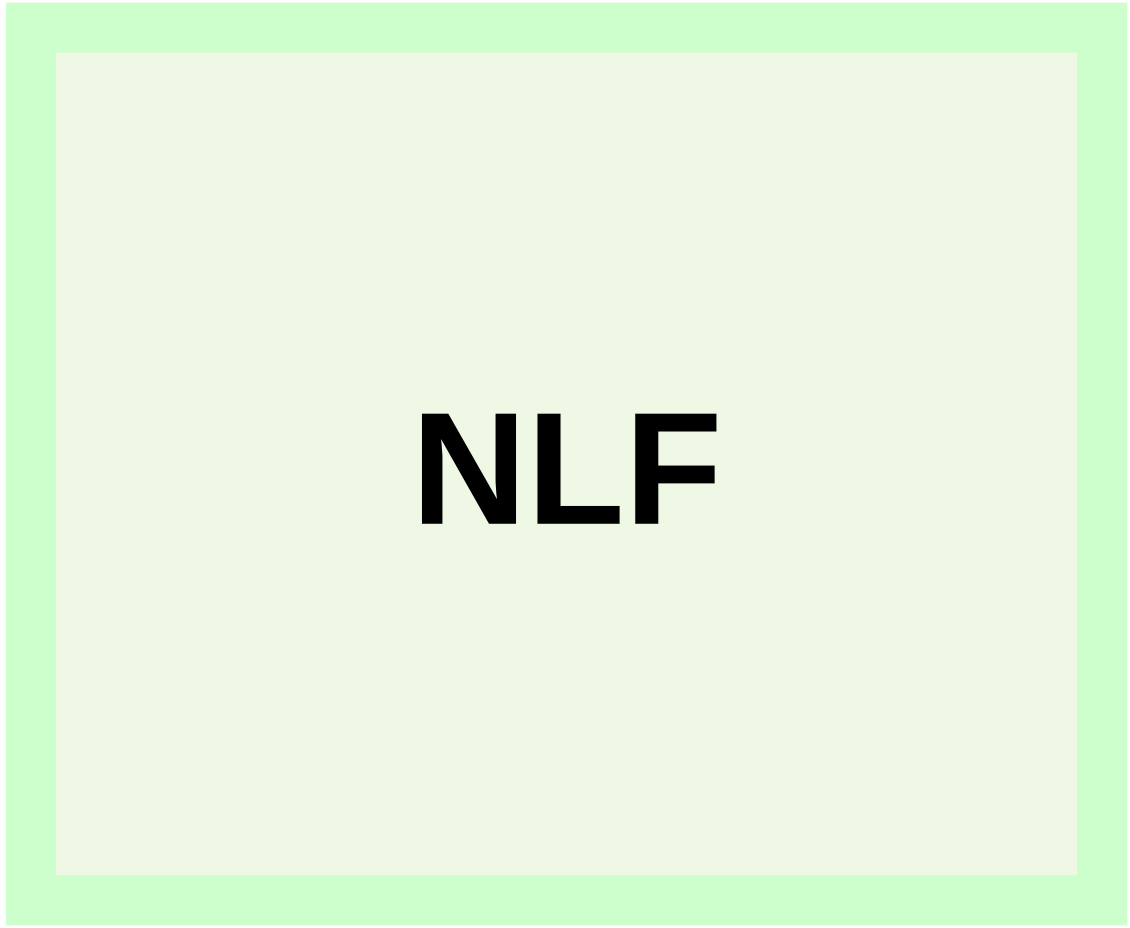
02.02.2021

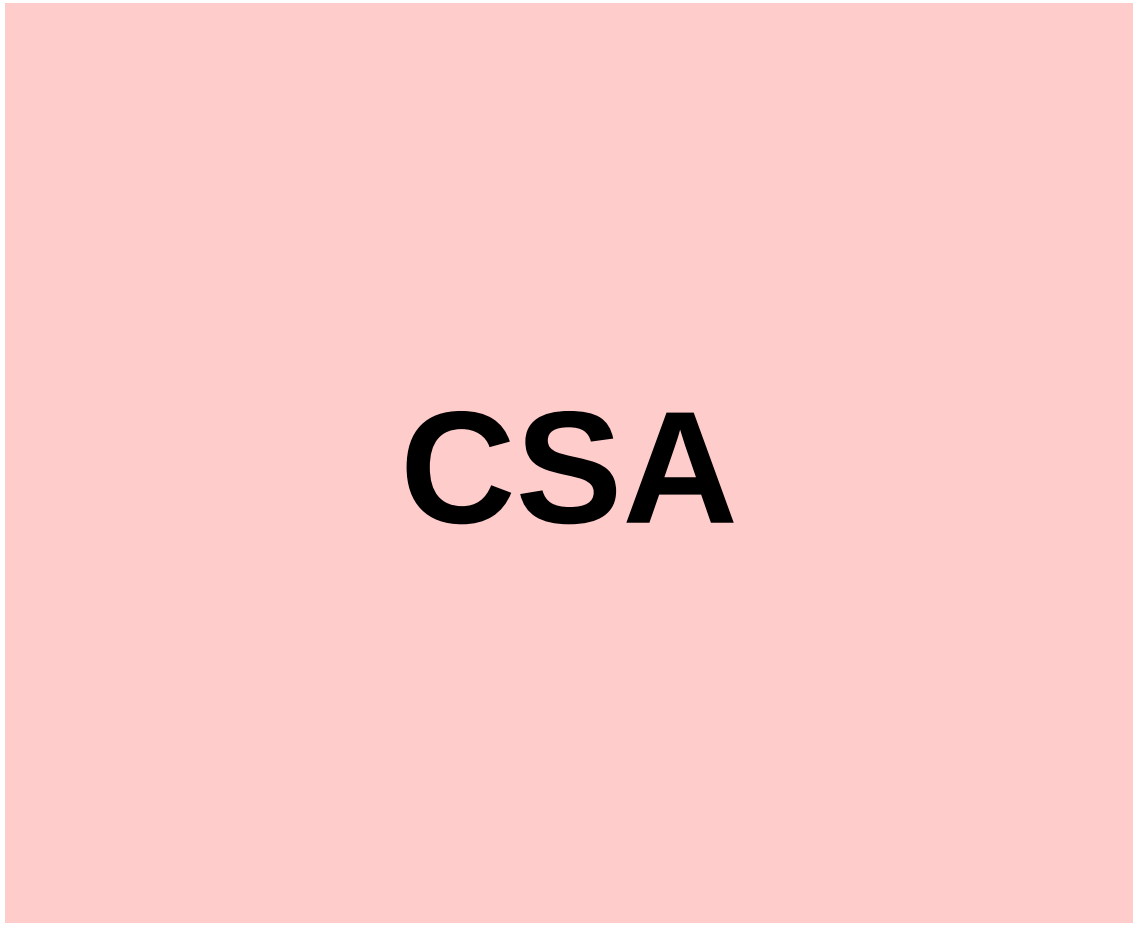
Industry view:

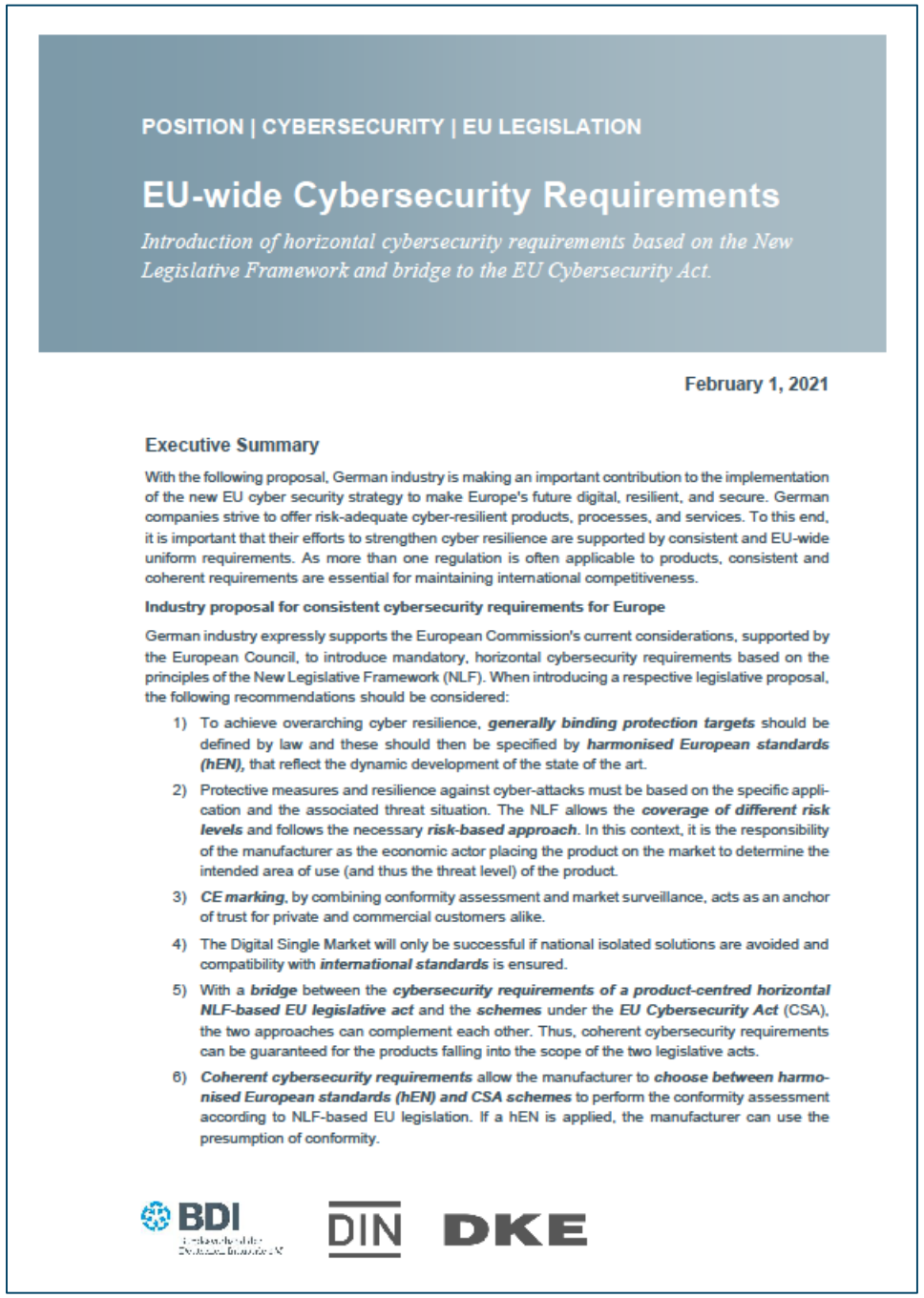
FOCUS.ICT

Cybersecurity is a MUST !

NLF and CSA - Two parallel approaches for regulation







POSITION | CYBERSECURITY | EU LEGISLATION

EU-wide Cybersecurity Requirements

Introduction of horizontal cybersecurity requirements based on the New Legislative Framework and bridge to the EU Cybersecurity Act.

February 1, 2021

Executive Summary

With the following proposal, German industry is making an important contribution to the implementation of the new EU cyber security strategy to make Europe's future digital, resilient, and secure. German companies strive to offer risk-adequate cyber-resilient products, processes, and services. To this end, it is important that their efforts to strengthen cyber resilience are supported by consistent and EU-wide uniform requirements. As more than one regulation is often applicable to products, consistent and coherent requirements are essential for maintaining international competitiveness.

Industry proposal for consistent cybersecurity requirements for Europe

German industry expressly supports the European Commission's current considerations, supported by the European Council, to introduce mandatory, horizontal cybersecurity requirements based on the principles of the New Legislative Framework (NLF). When introducing a respective legislative proposal, the following recommendations should be considered:

1) To achieve overarching cyber resilience, ***generally binding protection targets*** should be defined by law and these should then be specified by ***harmonised European standards (hEN),*** that reflect the dynamic development of the state of the art.
2) Protective measures and resilience against cyber-attacks must be based on the specific application and the associated threat situation. The NLF allows the ***coverage of different risk levels*** and follows the necessary ***risk-based approach***. In this context, it is the responsibility of the manufacturer as the economic actor placing the product on the market to determine the intended area of use (and thus the threat level) of the product.
3) ***CE marking***, by combining conformity assessment and market surveillance, acts as an anchor of trust for private and commercial customers alike.
4) The Digital Single Market will only be successful if national isolated solutions are avoided and compatibility with ***international standards*** is ensured.
5) With a ***bridge*** between the ***cybersecurity requirements of a product-centred horizontal NLF-based EU legislative act*** and the ***schemes*** under the ***EU Cybersecurity Act*** (CSA), the two approaches can complement each other. Thus, coherent cybersecurity requirements can be guaranteed for the products falling into the scope of the two legislative acts.
6) ***Coherent cybersecurity requirements*** allow the manufacturer to ***choose between harmonised European standards (hEN) and CSA schemes*** to perform the conformity assessment according to NLF-based EU legislation. If a hEN is applied, the manufacturer can use the presumption of conformity.

BDI DIN DKE

FOCUS.ICT

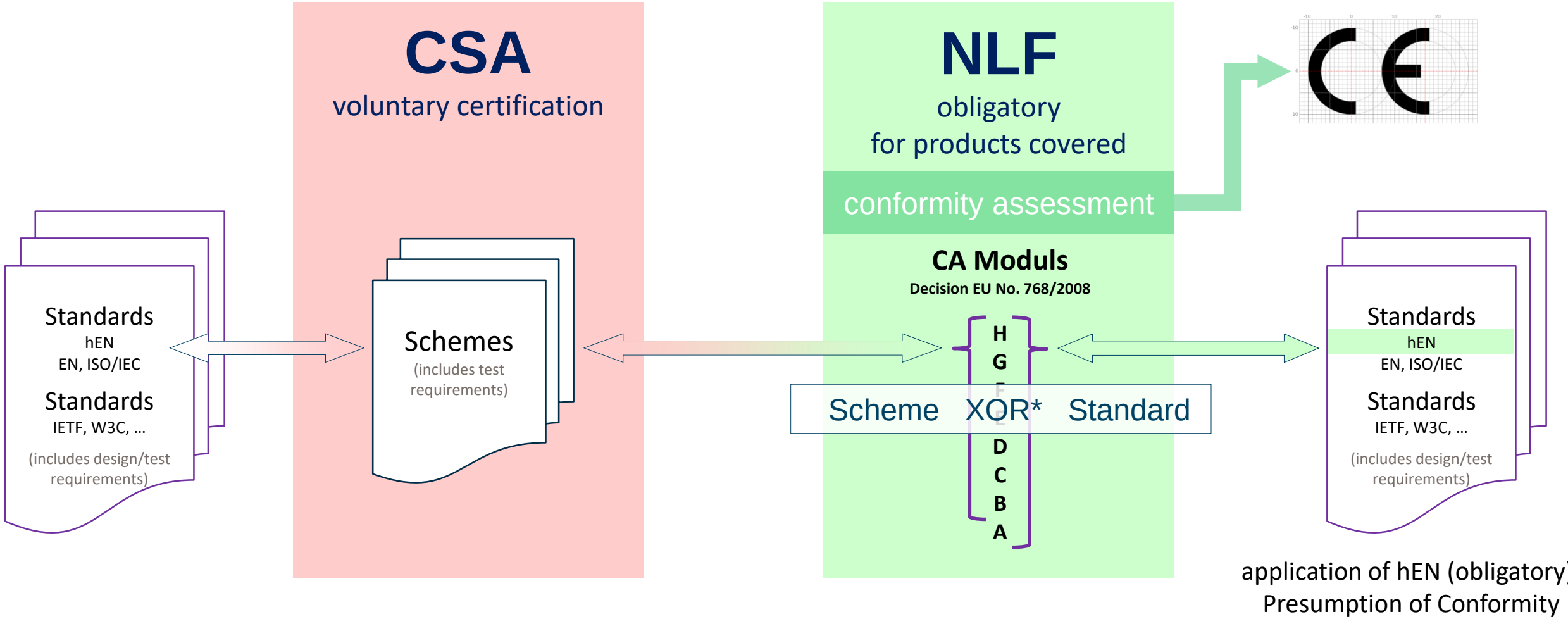
EU-wide Cybersecurity Requirements

Introduction of horizontal cybersecurity requirements based on the New Legislative Framework and bridge to the EU Cybersecurity Act.

(issued 2. February 2021)

NLF-CSA-Bridge

based on: CSA art. 54, par. 3



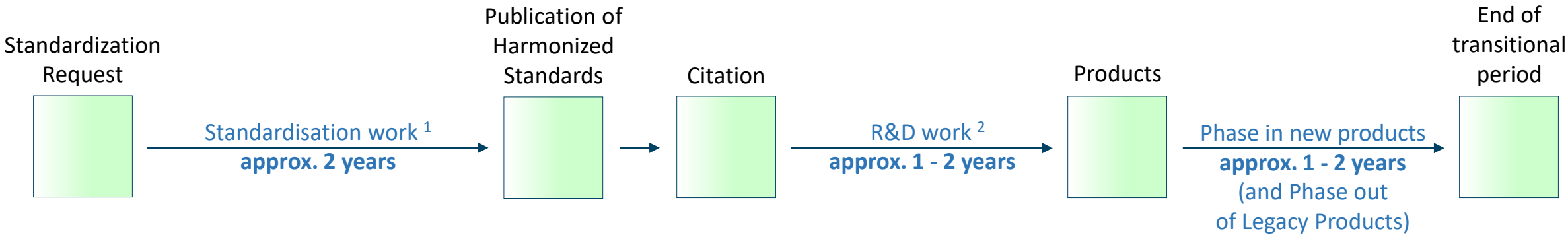
*XOR-Logic Freedom of choice for the manufacturer (only one - not twice):
The application of a CSA scheme as part of a conformity assessment procedure leads to compliance with the NLF legal act.

Implementation Strategy

2023 → **Horizontal cybersecurity regulation** adopted

2027/28 → NLF regulation-requirements mandatory after **transition period** (realistically 4 to 5 years)
→ Harmonized standards available
→ Presumption of conformity

Industry view:
NLF Transition Period needs realistically from 4 to 5 years



[1] creation of WGs, drafting and approval of standards

[2] preparation starts with stable/final standard, execution of measures with EU OJ listing

Implementation Strategy

2023 → **Horizontal cybersecurity regulation** adopted

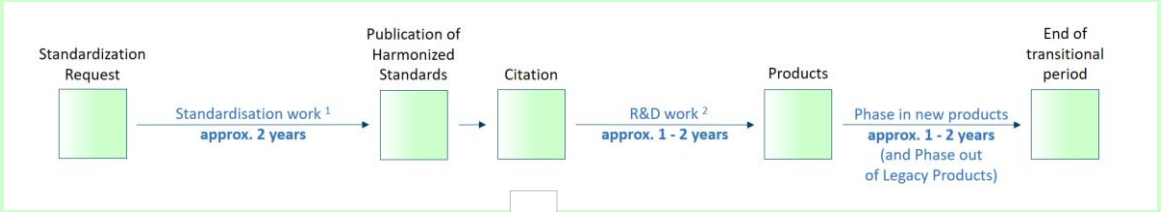
2027/28 → NLF regulation-requirements mandatory after **transition period** (realistically 4 to 5 years)
→ Harmonized standards available
→ Presumption of conformity

parallel 2021 → RED delegated act including cybersecurity standardization request should be so open, that the RED cybersecurity approach will be reusable in the horizontal cybersecurity regulation

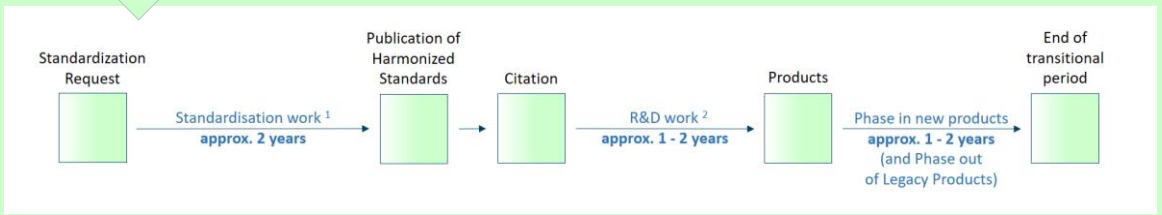
Implementation Strategy – Total View

FOCUS.ICT

NLF
RED
CS del. acts



NLF
Horizontal
CS regulation



CSA

NLF-CSA-Bridge