



21 March 2025

(25-2084)

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Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1. Notifying Member: <u>EUROPEAN UNION</u> If applicable, name of local government involved (Article 3.2 and 7.2):
2. Agency responsible: European Commission Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: European Commission, EU-TBT Enquiry Point, Fax: +(32) 2 299 80 43, E-mail: grow-eu-tbt@ec.europa.eu Website: Preventing International Trade Barriers TBT - European Commission
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [X], 5.7.1 [], 3.2 [], 7.2 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Products with digital elements (i.e. software, including standalone software, and hardware and its remote data processing, including hardware and software components) whose intended or reasonably foreseeable use includes a direct or indirect logical or physical data connection to a device or network. Specifically, this draft measure concerns those product categories listed in Annex III and IV of Regulation (EU) 2024/2847 of the European Parliament and of the Council ('Cyber Resilience Act') ICS codes include: 33.040 – Telecommunication systems; 33.050 – Telecommunication terminal equipment; 35.020 – Information technology (IT) in general; 35.030 – IT Security; 35.080 – Software
5. Title, number of pages and language(s) of the notified document: Draft Commission implementing regulation on the technical description of the categories of important and critical products with digital elements pursuant to Regulation (EU) 2024/2847 of the European Parliament and of the Council; (4 page(s), in English), (11 page(s), in English)
6. Description of content: This draft Commission implementing regulation is adopted pursuant to an obligation stemming from the main legal act (the Cyber Resilience Act). It specifies the technical description of the products listed in Annex III and IV and which are subject to more stringent conformity assessment procedures. Specifically, as foreseen by Article 32 of the Cyber Resilience Act, important products with digital elements that fall under class I as set out in Annex III will either need to follow

harmonised standards, common specifications, or European cybersecurity certification schemes, or otherwise undergo third-party conformity assessment.

Important products with digital elements that fall under class II as set out in Annex III and critical products with digital elements as set out in Annex IV will need to undergo third-party conformity assessment.

- 7. Objective and rationale, including the nature of urgent problems where applicable:** Cyber-attacks spread across borders of the internal market within minutes, and a majority of such attacks stem from the exploitation of vulnerabilities in products. The main regulation therefore tackles on the one hand, the current low level of cybersecurity of many of products with digital elements placed on the EU internal market and on the other hand, the fact that manufacturers tend not to provide updates to address vulnerabilities throughout the lifecycle of those products. The rules propose to address these two aspects by introducing mandatory horizontal cybersecurity requirements for manufacturers and an obligation to provide up to date information and instructions to customers.

The rules place responsibility on manufacturers, who must ensure conformity with security requirements of products with digital elements that are made available on the EU internal market. As a result, the rules aim to prevent deceptive practices and enhance consumer protection. They will also support business users and consumers by enhancing the transparency of the security properties and by ensuring better protection of fundamental rights, such as the right to privacy and data protection. By preventing cybersecurity incidents stemming from insecure products with digital elements, the regulation will enhance the protection of human health and safety.

The rules also aim to harmonise and streamline cybersecurity requirements for products with digital elements and avoid overlapping requirements stemming from different pieces of EU sectoral and national legislation. This would create greater legal certainty for operators and users across the Union, including non-EU operators aiming at entering the EU market.; Prevention of deceptive practices and consumer protection; Protection of human health or safety

8. Relevant documents:

The Cyber Resilience Act can be consulted in the Official Journal of the EU at the following link: [Regulation - 2024/2847 - EN - EUR-Lex](#)

The New Legislative Framework comprises the following legislations:

- Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products : <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32019R1020>
- 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: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32008R0765>
- Decision (EC) 768/2008 of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32008D0768> (this Decision provides a basis of common principles and reference provisions for future legislation)

Regulation Regulation (EU) 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32012R1025>

9. Proposed date of adoption: 3rd quarter 2025

Proposed date of entry into force: 20 days from publication in the Official Journal of the EU (The provisions shall apply from the date of entry into force)

10. Final date for comments: 60 days from notification

11. Texts available from: National enquiry point [] or address, telephone and fax numbers and email and website addresses, if available, of other body:

European Commission,
EU-TBT Enquiry Point,
Fax: + (32) 2 299 80 43,
E-mail: grow-eu-tbt@ec.europa.eu

The text is available on the EU-TBT Website : <https://technical-barriers-trade.ec.europa.eu/en/home>

https://members.wto.org/crnattachments/2025/TBT/EEC/25_02419_00_e.pdf

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