

**ANEC comments on Proposal for a Regulation revising ENISA Regulation (No 526/2013) and laying down a European ICT security certification and labelling framework** (Inception impact assessment, Ares(2017)3436811)

ANEC supports the preliminary policy option 3 'Propose an ICT security legislation based on the 2008 New Legislative Framework ('New Approach legislation') as a coherent regulatory framework across the EU with clear requirements would ensure that products and services are designed with cybersecurity in mind before being put on the market, meeting consumers expectations.

However we need to stress that the outcome of any certification system based upon compliance with a standard is only as good as the standard it is based on. A standard with weak or poor requirements will result in a certification process (with or without label) that does not provide a high level of consumer protection. This of course is further justification for consumer participation being deemed essential in ensuring that standards and conformance systems ensure a high level of consumer protection. Certification marks and labels are intended to be a source of information for consumers and must be reliable.

The proposed legislation should address issues such as 'cyber diligence check' for connected products taking into account the different parties involved in the putting on the market and use of products. We think that the proposed legislation (and standards) should follow the principle of security & privacy by design centered on consumer needs. Security by design emphasizes technical design embedding consumer protection and control rather than human dependent risk mitigation actions. For example, security updates have to be made regularly. However recent cyberattacks show that consumers are sometimes not very reactive for reasons such as the complexity of the update process. Simplified user controls by design could be helpful.

And in order to effectively protect children, security by design should be by default. By default, the settings of any connected product must be set to the highest level of privacy & security protection from the outset, preventing attacks and intrusions.

It will be also important to assess the links between lack of security and product safety. Existing product safety legislation and standards cover the safety of individual devices but may not be fit to properly protect consumers from the security risks of connected devices. To ensure the safety of the system as a whole additional provisions and standards will need to be adopted when the device is controlled and operated as part of a connected system.

In the European regulatory framework (NLF), non-compliance tends to be addressed through public market surveillance which is a post-market measure. Moreover, as market surveillance is a responsibility of Member States under subsidiarity, it is defined and enforced differently in different Member States.

Although the legislation requires Member States to commit adequate resources to market surveillance, ANEC believes that only harmonised market surveillance across Europe will be effective.

ENDS.

### About ANEC

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ANEC is the European consumer voice in standardisation, defending consumer interests in the processes of technical standardisation and conformity assessment, as well as related legislation and public policies. ANEC was established in 1995 as an international non-profit association under Belgian law and is open to the representation of national consumer organisations in 34 countries.

ANEC is funded by the European Union and EFTA, with national consumer organisations contributing in kind. Its Secretariat is based in Brussels.



***Raising standards for consumers***

**European association for the coordination of consumer representation in standardisation  
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