Input document for TCAM committee and TCAM WG meeting on 1 December 2017
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<u>Proposal to create a temporary TCAM subgroup that will investigate how the application of the RED art 3.3 RED can contribute to an improved digital safety/security/privacy taking into account the recent developments in the ENISA product certification scheme.</u>

The Radio Equipment Directive (RED) is the regulatory framework in Europe for the placing on the market of radio equipment in the European Union. The scope of the RED concerns devices that use the radio spectrum for communication and/or radio determination purposes. Internet connected wireless devices (IOT), for example, also fall under this directive. Devices exclusively meant for national security purposes are exempted from the RED.

In document TCAM WG11 (11) the Netherlands suggested to the Commission and Member states that certain art 3.3 requirements could be activated via delegated acts to improve the digital safety/security/privacy at equipment level.

In the meantime, the commission has come up with a proposal for a "Cyber Security Act" in which ENISA will play a role in the cyber security certification of products (and services). The use by manufacturers of these certification schemes is voluntary unless specified otherwise in sectoral EU legislation.
'Cyber Security Act' p. 11. .". .Recourse to European cybersecurity certification should therefore remain voluntary, unless otherwise provided in Union legislation laying down security requirements of ICT products and services…"

In addition, the RED offers the possibility to make certain cyber security requirements compulsory for manufacturers of radio equipment for certain categories of radio devices.

The Netherlands proposes to create a temporary TCAM subgroup that will investigate how the application of RED art 3.3 requirements can contribute to an improved digital safety/security/privacy and, as a next step, investigate how this interacts with product certification schemes (transparancy). The following questions should be answered:

1) Which minimum requirements are needed to ensure cyber security/privacy by design for radio equipment?
2) Are any relevant requirements in this respect currently not covered by the RED?
3) Which minimum RED requirements should apply to which catagories of radio equipment?
4) How could such measures be effectively complemented by product certification schemes, taking into account the foreseen ENISA product certification scheme?