



Cyber Resilience Act

ESMIG position paper on the compromise amendments adopted in ITRE

In the context of the ongoing discussions on the proposal for a Cyber Resilience Act (CRA) in the European Parliament's Committee on Industry, Research and Energy (ITRE), ESMIG, the European association of smart energy solution providers, would like to share its view on the compromise amendments adopted in ITRE on 19 July 2023.

- **Recital 15 and 39**

Given that the CRA will cover all products covered by the Radio Equipment Directive (RED) and smart meters covered by the Measurement Instruments Directive (MID), and that its essential requirements go beyond those contained in both directives, the CRA itself under Chapter VIII should repeal the RED delegated act and establish a transition period where compliance with the CRA would automatically provide presumption of conformity with the security requirements from both the RED and MID.

This avoids manufacturers needing to perform multiple assessments for overlapping security requirements. The smart metering industry's aim is for one definition of security requirements for its products and one assessment process to prove compliance with these requirements. National assessment processes for products before they are put on the market should cease to exist, leading to a single market and the ending of the current fragmentation of security assessment methodologies in Europe. As stated in Directives such as the RED, Member States can still apply a national or regional assessment when products are put in use and connected to national infrastructure.

We fully support the rapporteur's proposal to amend recital 15, however, not only the RED but also the MID should be mentioned, since they both contain essential security requirements in this Recital, as well as in Recital 39.

- **Recital 69 and Article 57**

As regards the transition periods (Recital 69 and Art. 57), ESMIG welcomes the proposal to delay the application of the Regulation to 36 months from its entry into force. Concerning the reporting obligations on actively exploitable vulnerabilities and incidents, ESMIG proposes a further time extension of at least an additional 12 months to allow adaption to the new requirements. Rushing into implementation of security changes can have critical impacts on the entire energy sector, causing uncontrolled or unplanned outages in electricity distribution across Europe. Any changes to existing development and manufacturing processes of products and services in the energy sector must be adequately tested to ensure that there will be no impact on energy distribution.

- **Article 3**

ESMIG regrets that the proposal to delete point (26) is not included in the final ITRE report, as such a concept creates legal unclarity to the detriment of manufacturers and consumers alike.

Additionally, the concept of misuse is neither addressed nor additionally explained or referenced anywhere in the CRA.

- **Article 6**

ESMIG fully supports the proposal to add in the first paragraph that *“The integration of a product of higher class of criticality does not change the level of criticality for the product is integrated into.”*

Indeed, companies supplying components (as well as the components themselves) are subject to validation processes and approved by means of certification standards or schemes, such as Regulation (EU) 2019/881. For essential entities (as defined by NIS and NIS 2) and entities certified by international security standards (e.g., ISO 27001, NIST CSF etc.) supplier risk management processes must be established and regularly audited, meaning that all components are subjected to several cycles of validation, before being approved as compliant. If a valid, compliant and/or Regulation (EU) 2019/881 certified component is later integrated into product, it should not affect its original criticality level as all the security procedures will have been implemented and/or conducted before the integration.

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About ESMIG

ESMIG is the European voice of the providers of smart energy solutions. Our members provide products, information technology and services for multi-commodity metering, display and management of energy consumption and production at consumer premises.

Our activities are focused on systems for smart metering, consumer energy management and safe and secure data transfer.

We work closely with EU policy makers and other EU associations to make Europe’s energy and water systems cleaner, reliable, more efficient and the European consumer informed, empowered and engaged.