



Brussels, 7 June 2018

RE: EU Cybersecurity Act – BSA | The Software Alliance welcomes Council General Approach

Dear Ministers of Transport, Telecommunications and Energy,

BSA | The Software Alliance (“BSA”)ⁱ, the leading advocate for the global software industry, wishes to congratulate Member States on the expected adoption of a General Approach on the draft EU Cybersecurity Act Regulation (“EU Cyber Act”), during the upcoming EU Telecommunications Council (“TTE Council”) meeting in Luxembourg on 8 June. Cybersecurity is among our members’ highest priorities and is a cornerstone for the wide range of products and services they provide to customers across the EU and around the world. Consequently, we appreciate the effectiveness and efficiency of technical deliberations that Member States pursued under the Bulgarian Presidency.

As a result, we welcome the work of Member States on the scope of future certification schemes, the introduction of clear references to a risk-assessment for certification, as well as the optional ability for schemes to allow manufacturers and providers of low-risk, low-complexity products, services or processes to declare conformity through self-assessment. We encourage Member States to pursue these issues during the upcoming trilogue negotiations with the European Parliament and European Commission.

However, there are some elements in the Council’s General Approach that would benefit from further re-evaluation. Unfortunately, we believe that the position agreed by Member States does not sufficiently address the lack of clarity surrounding EU-wide recognition of future certification schemes along with the displacement of existing national schemes. Also, it is still not clear how the possibility of defining a European scheme according to national standards would work in practice. Additionally, we continue to express our concern surrounding the Council’s amendments which preserve the specific technical requirements that must be contained in schemes as objectives to be achieved by each scheme. This approach is neither technology neutral nor sufficiently future proof as the technical standard setting process is an evolving environment that cannot be laid down in static legislation.

For these reasons, we would encourage Member States to show flexibility on some of the above issues during the upcoming negotiations with the European Commission and European Parliament. We stand ready to provide the European Council with any further details to ensure an effective outcome of this crucial piece of EU legislation. We hope that the Council will take into account these important concerns, and we very much look forward to continuing working with you as the legislative process continues.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas Boué', with a long horizontal stroke extending to the right.

Thomas Boué

Director General, Policy – EMEA

ⁱ BSA | The Software Alliance (www.bsa.org) is the leading advocate for the global software industry before governments and in the international marketplace. Its members are among the world's most innovative companies, creating software solutions that spark the economy and improve modern life. With offices in Brussels, and operations in more than 60 countries, BSA pioneers compliance programs that promote legal software use and advocates for public policies that foster technology innovation and drive growth in the digital economy. BSA's members include: Adobe, ANSYS, Apple, Autodesk, Bentley Systems, Box, CA Technologies, CNC/Mastercam, DataStax, DocuSign, IBM, Informatica, Intel, Intuit, Microsoft, Okta, Oracle, salesforce.com, SAS Institute, Siemens PLM Software, Splunk, Symantec, The MathWorks, Trend Micro, Trimble Solutions Corporation, and Workday.