

# EU to become more cyber-proof as Council backs deal on common certification and beefed-up agency

EU cybersecurity certification will help you make informed choices.

**EU-wide cybersecurity certification** will soon be available for Internet-connected devices, enabling consumers to make more informed choices and making it easier for companies to market their smart products across Europe. Today, member states' ambassadors **approved the proposed Cybersecurity Act**, which will also upgrade the current European Agency for Network and Information Security (ENISA) into a **permanent EU Agency for Cybersecurity**. A provisional agreement on the new law was reached between the presidency and the European Parliament on 10 December.

## **Common cybersecurity certification**

The draft regulation creates a mechanism for setting up European cybersecurity certification schemes for specific **ICT processes, products, and services**. Certificates issued under the schemes will be **valid in all EU countries**, making it easier for users to gain trust in these technologies, and for companies to carry out their business across borders. Possible uses for such certificates are extremely varied, ranging from connected toys and smart wearables to industrial automation control systems and smart energy grids.

The actual certification schemes will be built on what already exists at international, European and national level. The schemes will be adopted by the Commission, and implemented and supervised by national cybersecurity certification authorities.

Certification will be **voluntary** unless otherwise specified in EU law or member states' law. The Commission will regularly monitor the impact of certification schemes and assess their level of use by manufacturers and service providers.

There will be three different assurance levels, based on the level of risk associated with the intended use of the product. For the most basic level, it will be possible for manufacturers or service providers to carry out the conformity assessment themselves.

## **EU cybersecurity agency**

Greek-based ENISA has been contributing to the EU's network and information security since it was set up in 2004. The new rules will grant the agency a **permanent** mandate and clarify its role as the EU agency for cybersecurity. ENISA's current mandate was due to expire in June 2020.

ENISA will be given **new tasks** in supporting member states, EU institutions and other stakeholders on cyber issues. It will support EU policy on cybersecurity certification e.g. by playing a central role in the preparation of certification schemes. It will promote the uptake of the new certification system for example by setting up a website providing information on certificates.

The agency will also organise regular EU-level cybersecurity exercises, including a large-scale comprehensive exercise once every two years.

A national liaison officers network will be part of the mandate facilitating information sharing between ENISA and the member states.

The first EU legal act on cybersecurity, the 2016 directive on the security of network and information systems (NIS), already allocated ENISA a key role in supporting the implementation of the directive. For example, ENISA provides the secretariat for the network of computer security incident response teams (CSIRTs) set up under the NIS directive and actively supports the cooperation among the CSIRTs.

## **Procedure and next steps**

The provisional agreement on the proposal was endorsed by the meeting of ambassadors in the Council's Permanent Representatives Committee (Coreper).

The agreed text will now undergo legal and linguistic finalisation. It must then be formally adopted, first by the Parliament and then by the Council. Following adoption, the regulation will be published in the EU's Official Journal. It will enter into force 20 days after publication.

The rules will start to apply the same day, except for certain provisions related to cybersecurity certification which require member states to designate certain authorities. To give member states the time needed to adapt their national structures, these provisions will become applicable two years after the regulation has been published.

**The agreed text will be made available here.**

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## **[EU tackles plastic and other waste ending up in the sea: Council approves agreement on port reception facilities](#)**

The EU is combating the dumping into the sea of plastic, derelict fishing

gear and other rubbish from ships by **providing incentives for ships to discharge their waste in ports**. Member states' ambassadors today endorsed a reform which will also ensure the provision of **adequate waste reception facilities in ports** and clarify the rules to make sure member states interpret them in a more uniform manner. The presidency reached a provisional agreement with the European Parliament on the reform on 12 December.

This reform is crucial for ensuring cleaner seas. We are putting an end to any financial advantage ships may have had in dumping their waste into the sea.

*Norbert Hofer, Minister for Transport, Innovation and Technology of Austria, President of the Council*

Under the new rules, ships will have to pay an **indirect fee**, which will give them the right to deliver their waste to a port, and which will have to be paid regardless of whether or not they deliver any waste. This fee will also apply to fishing vessels and recreational craft, which means that it will also help prevent end-of-life fishing nets and passively fished waste going directly into the sea. The fee will be based on the principle of cost recovery.

In certain cases, however, if a ship delivers an exceptional amount of waste, an additional direct fee may be charged to ensure that the costs related to receiving such waste do not create a disproportionate burden for a port's cost recovery system.

In contrast, a reduced waste fee will be applied for short sea shipping and for 'green ships', meaning vessels that can demonstrate reduced quantities of waste and sustainable on-board waste management.

In addition, the new directive will improve the efficiency of maritime operations in port by cutting red tape for industry and other stakeholders. Its provisions will also be more consistent with EU waste legislation, for example by stipulating that ports must have waste reception and handling plans. Finally, the new directive will align EU legislation with the International Convention for the Prevention of Pollution from Ships (MARPOL), which has been amended since the current directive was adopted in 2000.

Landlocked member states which do not have ports or ships flying their flag will not be obliged to transpose the directive or certain parts of it.

The proposal was presented by the Commission in January 2018 as part of the 'circular economy package'.

## **Procedure and next steps**

The provisional agreement was endorsed by the meeting of ambassadors in the Council's Permanent Representatives Committee.

The agreed text will now undergo legal and linguistic finalisation. It must then be formally adopted, first by the Parliament and then by the Council. Following adoption, the regulation will be published in the EU's Official Journal. It will enter into force 20 days after publication. After that, member states will have two years to adopt national provisions to comply with the directive.

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## [Joint statement by First Vice-President Timmermans and Commissioner Jourová welcoming the agreement on a new approach to business insolvency in Europe](#)

First Vice-President Frans **Timmermans** and Commissioner for Justice, Consumers and Gender Equality, Věra **Jourová** welcomed the political agreement reached by the European Parliament and EU Member States on a set of European rules on business insolvency, which is particularly timely following the European Council and the Euro Summit last week:

*"Today's agreement on our proposal on insolvency is good news for companies, entrepreneurs and ultimately for investment and growth. Every year 200,000 companies go bankrupt throughout the EU, resulting in 1.7 million jobs lost. The introduction of common rules at EU level will make insolvency, restructuring and discharge procedures more efficient, building on those systems that already work well in Member States. It will encourage businesses to restructure early so that value can be better preserved and more jobs saved. It will also give honest entrepreneurs a second chance to start a new business instead of being penalised for failing in their first business attempt. With these new rules, we are also removing barriers for cross-border investment and contributing to building a Capital Markets Union. We want to thank the European Parliament and the Member States for the good cooperation which made it possible to reach an agreement today. "*

### **Next steps**

The text must now be formally adopted by the European Parliament and the Council of the EU. Following final adoption, the Directive will be published in the EU's Official Journal and enter into force 20 days later.

### **Background**

This initiative is a key building block of the [EU Single Market](#) and the [Capital Markets Union](#) and is an essential step towards the completion of the [Banking Union](#). This agreement comes following the European Council and the Euro Summit, where progress was made on the deepening of Europe's Economic and Monetary Union.

The Directive in the area of restructuring, insolvency and discharge of debt focuses on **three key elements**:

- Common principles on preventive restructuring frameworks, which will help viable companies in financial difficulties negotiate a restructuring plan with their creditors, continue their activity and preserve jobs.
- Rules to allow honest insolvent entrepreneurs to benefit from a second chance, as they will be fully discharged of their debt after a maximum period of 3 years, with justified exemptions in order to prevent abuse. Currently, half of Europeans say they would not start a business because of fear of failure.
- Targeted measures for Member States to increase the efficiency of insolvency, restructuring and discharge procedures. This will reduce the excessive length and costs of procedures in many Member States, which results in legal uncertainty for creditors and investors and low recovery rates of unpaid debts.

#### **For More Information**

[Insolvency proceedings](#)

[Banking Union](#)

[Capital Markets Union](#)

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## **[Press release – ESMA consults on measures to promote sustainability in EU capital markets](#)**

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# Alignment of environmental reporting obligations: Presidency reaches provisional deal with Parliament

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The Austrian presidency of the Council today reached a provisional agreement with the European Parliament on improving the reporting requirements across a range of environmental legislation. The new regulation will ensure a more coherent and consistent approach to environmental reporting. By simplifying the existing reporting obligations, it will help reduce administrative costs, improve the quality of available data for future evaluations and increase transparency.

Today we are making it easier for national administrations to collect environmental information and easier for everyone to access this information. This is about saving costs, reducing bureaucracy and increasing transparency. But it also helps us improve the way we use data to address environmental concerns.

*Elisabeth Köstinger, Austrian federal minister of sustainability and tourism*

The regulation groups together in one proposal amendments which will apply to ten legislative acts:

- the sewage sludge directive 86/278/EEC;
- the noise directive 2002/49/EC;
- the infrastructure for spatial information in the European Community (INSPIRE) directive 2007/2/EC;
- the birds' directive 2009/147/EC;
- the European pollutant release and transfer register (E-PRTR) regulation (EC) No 166/2006;
- the animal testing directive 2010/63/EC;
- the EU timber regulation (EU) No 995/2010;
- the forest law enforcement, governance and trade (FLEGT) regulation (EC) No 2173/2005;
- the convention on the international trade in endangered species of wild fauna and flora (CITES) regulation (EC) 338/97;

- the environmental liability directive 2004/35/EC.

The presidency will submit the outcome of today's talks for approval by member states at the Council's Permanent Representatives Committee.

## **Background**

The regulation was presented by the European Commission on 31 May 2018. It is based on the findings of the Fitness Check evaluation on the reporting and monitoring of EU environment policy which the Commission finalized in June 2017. The Council reached its position on the draft regulation on 7 November. The European Parliament adopted its position on 23 October.

Negotiations between the Austrian Presidency and the European Parliament started on 15 November and ended in the provisional agreement today. If this agreement is confirmed by EU ambassadors of member states, the regulation can be submitted for approval to the European Parliament and then back to the Council for final adoption.

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