

Brussels, XXX  
[...] (2025) XXX draft

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of XXX**

**supplementing Regulation (EU) 2024/2847 of the European Parliament and of the Council with regard to an exclusion from the application of that Regulation for certain products with digital elements falling within the scope of Regulation 168/2013 of the European Parliament and of the Council**

*This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.*

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) 2024/2847 of the European Parliament and of the Council<sup>1</sup> (the ‘Cyber Resilience Act’) empowers the Commission to limit or exclude the application of the Cyber Resilience Act to products with digital elements that are covered by other Union rules laying down requirements that address all or some of the risks covered by the essential cybersecurity requirements of the Cyber Resilience Act.

UN regulation No 155 on Cyber Security and Cyber Security Management System<sup>2</sup> introduces cybersecurity requirements for wheeled vehicles and its application is made mandatory under Regulation (EU) 2019/214<sup>3</sup>. For this reason, products with digital elements to which Regulation (EU) 2019/2144 applies were excluded from the scope of the Cyber Resilience Act by the co-legislators.

UN regulation No 155 has now been updated<sup>4</sup> to include ‘L-category vehicles’, i.e. a wide range of vehicle types with two, three and four wheels. Commission Delegated Regulation (EU) .../... of XXX amending Delegated Regulation (EU) 44/2014 to lay down technical requirements and testing procedures regarding the protection of L-category vehicles against cyberattacks, which will be adopted in parallel to this Delegated Act, makes the application of UN regulation No 155 mandatory for the type approval of new vehicles as of 11 December 2027, the date of application of the Cyber Resilience Act. Existing vehicle types will be subject to such requirements as of 11 June 2029.

UN Regulation No 155 is designed to address cybersecurity risks in a manner that is comparable to the Cyber Resilience Act, achieving a similar level of protection and ensuring consistency with the type-approval framework applying to L-category vehicles. Therefore, in order to avoid overlapping requirements, this Delegated Act supplements the Cyber Resilience Act by excluding from its application products with digital elements to which Regulation (EU) 168/2013 of the European Parliament and of the Council<sup>5</sup> applies.

Products with digital elements that are cycles designed to pedal belonging to the category L1e as set out in Annex I of Regulation (EU) 168/2013 should remain subject to the Cyber

<sup>1</sup> Regulation (EU) 2024/2847 of the European Parliament and of the Council of 23 October 2024 on horizontal cybersecurity requirements for products with digital elements and amending Regulations (EU) No 168/2013 and (EU) No 2019/1020 and Directive (EU) 2020/1828 (Cyber Resilience Act) (OJ L, 20.11.2024, ELI: <http://data.europa.eu/eli/reg/2024/2847/oj>).

<sup>2</sup> Regulation No 155 of the Economic Commission for Europe of the United Nations (UNECE) — Uniform provisions concerning the approval of vehicles with regards to Cybersecurity & Cybersecurity Management System [2021/387] (OJ L 82, 9.3.2021, p. 30–59).

<sup>3</sup> Regulation (EU) 2019/2144 of the European Parliament and of the Council on type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users, amending Regulation (EU) 2018/858 of the European Parliament and of the Council and repealing Regulations (EC) No 78/2009, (EC) No 79/2009 and (EC) No 661/2009 of the European Parliament and of the Council and Commission Regulations (EC) No 631/2009, (EU) No 406/2010, (EU) No 672/2010, (EU) No 1003/2010, (EU) No 1005/2010, (EU) No 1008/2010, (EU) No 1009/2010, (EU) No 19/2011, (EU) No 109/2011, (EU) No 458/2011, (EU) No 65/2012, (EU) No 130/2012, (EU) No 347/2012, (EU) No 351/2012, (EU) No 1230/2012 and (EU) 2015/166 (OJ L 325 16.12.2019, p. 1).

<sup>4</sup> Proposal for Supplement 3 to UN Regulation No. 155 (Cyber Security and Cyber Security Management System) as adopted in June by the World Forum for Harmonization of Vehicle Regulations (WP.29).

<sup>5</sup> Regulation (EU) No 168/2013 of the European Parliament and of the Council on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (OJ L 60, 2.3.2013, p. 52).

Resilience Act, as Commission Delegated Regulation (EU) .../... of XXX amending Delegated Regulation (EU) 44/2014 to lay down technical requirements and testing procedures regarding the protection of L-category vehicles against cyberattacks does not make UN regulation No 155 applicable for such products.

## **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

To prepare this act, the Commission carried out appropriate consultations with the relevant experts and stakeholders. The draft act was also made available for public consultation. [CRA Expert Group to be consulted]

## **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

The empowerment to adopt delegated acts is provided for under Article 2(5) of the Cyber Resilience Act.

DRAFT

COMMISSION DELEGATED REGULATION (EU) .../...

of **XXX**

**supplementing Regulation (EU) 2024/2847 of the European Parliament and of the Council with regard to an exclusion from the application of that Regulation for certain products with digital elements falling within the scope of Regulation 168/2013 of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2024/2847 of the European Parliament and of the Council of 23 October 2024 on horizontal cybersecurity requirements for products with digital elements and amending Regulations (EU) No 168/2013 and (EU) No 2019/1020 and Directive (EU) 2020/1828 (Cyber Resilience Act)<sup>1</sup>, and in particular Article 2(5), second subparagraph, thereof,

Whereas:

- (1) Pursuant to Article (2) of Regulation (EU) 2024/2847, the application of that Regulation to products with digital elements covered by other Union rules laying down requirements that address all or some of the risks covered by the essential cybersecurity requirements set out in that Regulation may be limited or excluded where such limitation or exclusion is consistent with the overall regulatory framework applying to those products and where the sectoral rules achieve at least the same level of protection as the one provided for by that Regulation.
- (2) Regulation (EU) No 168/2013 of the European Parliament and of the Council<sup>2</sup> establishes the administrative and technical requirements for the type-approval of two- or three-wheel vehicles and quadricycles as categorised in that Regulation ('L-category vehicles'). Commission Delegated Regulation (EU) 44/2014<sup>3</sup> establishes the detailed technical requirements and test procedures regarding vehicle construction and general requirements for the approval of L-category vehicles and the systems, components and separate technical units intended for such vehicles in accordance with Regulation (EU) No 168/2013 and sets out a list of UNECE regulations and amendments thereto. Pursuant to Article 2(1) of Delegated Regulation (EU) 44/2014, the UNECE regulations and amendments thereto set out in Annex I to that Delegated Regulation are to apply to type approval of L-category vehicles.

<sup>1</sup> Regulation (EU) 2024/2847 of the European Parliament and of the Council of 23 October 2024 on horizontal cybersecurity requirements for products with digital elements and amending Regulations (EU) No 168/2013 and (EU) No 2019/1020 and Directive (EU) 2020/1828 (Cyber Resilience Act) (OJ L, 20.11.2024, ELI: <http://data.europa.eu/eli/reg/2024/2847/oj>).

<sup>2</sup> Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (OJ L 060 2.3.2013, p. 52, ELI: <http://data.europa.eu/eli/reg/2013/168/oj>).

<sup>3</sup> Commission Delegated Regulation (EU) No 44/2014 of 21 November 2013 supplementing Regulation (EU) No 168/2013 of the European Parliament and of the Council with regard to the vehicle construction and general requirements for the approval of two- or three-wheel vehicles and quadricycles (OJ L 025 28.1.2014, p. 1, ELI: [http://data.europa.eu/eli/reg\\_del/2014/44/oj](http://data.europa.eu/eli/reg_del/2014/44/oj)).

- (3) The scope of UN Regulation No 155<sup>4</sup> has been extended to include rules on cybersecurity for L-category vehicles. Therefore, Delegated Regulation (EU) 44/2014 has been amended by [please insert reference to Delegated Regulation .../...] to include UN Regulation No 155 in the list of UNECE regulations applying on a compulsory basis set out in Annex I to that Delegated Regulation. L1e category vehicles designed to pedal referred to in Article 3, point (94)(b), of Regulation (EU) No 168/2013 were however excluded from the compulsory application of UN Regulation No 155. [please insert reference to Delegated Regulation .../...] is to apply to new vehicle types from 11 December 2027 and to existing vehicle types from 11 June 2029.
- (4) UN Regulation No 155 introduces certain cybersecurity requirements, including on the operation of a certified cybersecurity management system, on software updates, covering organisations' policies and processes for cybersecurity risks related to the entire lifecycle of vehicles, equipment and services. It addresses cybersecurity risks in a manner that is comparable to Regulation (EU) 2024/2487 and achieves at least the same level of protection as that Regulation. In addition, UN Regulation No 155 ensures consistency with the overall type-approval framework applying to L-category vehicles. Consequently, Regulation (EU) 2024/2847 should not apply to products with digital elements falling within the scope of Regulation (EU) No 168/2013, with the exception of L1e category vehicles designed to pedal referred to in Article 3, point (94)(b), of Regulation (EU) No 168/2013.

HAS ADOPTED THIS REGULATION:

*Article 1*

The application of Regulation (EU) 2024/2847 shall be excluded for products with digital elements falling within the scope of Regulation (EU) No 168/2013.

However, that exclusion shall not apply to L1e category vehicles designed to pedal referred to in Article 3, point (94)(b), of Regulation (EU) No 168/2013.

*Article 2*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission*  
*The President*  
*Ursula von der Leyen*

—

<sup>4</sup> UN Regulation No 155 – Uniform provisions concerning the approval of vehicles with regards to cybersecurity and cybersecurity management system [2025/5] (OJ L, 2025/5, 10.1.2025, ELI: <http://data.europa.eu/eli/reg/2025/5/oj>).