NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

|  |  |
| --- | --- |
| **1.** | **Notifying Member:** EUROPEAN UNION**If applicable, name of local government involved (Article 3.2 and 7.2):**  |
| **2.** | **Agency responsible:** European Commission**Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:** European Commission,EU-TBT Enquiry Point,Fax: +(32) 2 299 80 43,E-mail: grow-eu-tbt@ec.europa.euWebsite: Preventing International Trade Barriers | TBT - European Commission |
| **3.** | **Notified under Article 2.9.2 [X], 2.10.1 [ ], 5.6.2 [X], 5.7.1 [ ], 3.2 [ ], 7.2 [ ], other:**  |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Products with digital elements (i.e. software, including standalone software, and hardware and its remote data processing, including hardware and software components) whose intended or reasonably foreseeable use includes a direct or indirect logical or physical data connection to a device or network. Specifically, this draft measure concerns products with digital elements to which Regulation 168/2013 applies, namely L-category vehicles (motor cycles and certain other types of vehicles)ICS codes include: 33.040 – Telecommunication systems; 33.050 – Telecommunication terminal equipment; 35.020 – Information technology (IT) in general; 35.030 – IT Security; 35.080 – Software; 43.140 - Motorcycles and mopeds; 43.150 - Cycles |
| **5.** | **Title, number of pages and language(s) of the notified document:** Draft Commission Delegated Regulation 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; (5 page(s), in English) |
| **6.** | **Description of content:** UN regulation No 155 on Cyber Security and Cyber Security Management System has now been updated 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 such vehicles as of 11 December 2027, the date of application of the Cyber Resilience Act.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 applies. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** Cyber-attacks spread across borders of the internal market within minutes, and a majority of such attacks stem from the exploitation of vulnerabilities in products. The main regulation therefore tackles on the one hand, the current low level of cybersecurity of many of products with digital elements placed on the EU internal market and on the other hand, the fact that manufacturers tend not to provide updates to address vulnerabilities throughout the lifecycle of those products. The rules propose to address these two aspects by introducing mandatory horizontal cybersecurity requirements for manufacturers and an obligation to provide up to date information and instructions to customers.The rules place responsibility on manufacturers, who must ensure conformity with security requirements of products with digital elements that are made available on the EU internal market. As a result, the rules aim to prevent deceptive practices and enhance consumer protection. They will also support business users and consumers by enhancing the transparency of the security properties and by ensuring better protection of fundamental rights, such as the right to privacy and data protection. By preventing cybersecurity incidents stemming from unsecure products with digital elements, the regulation will enhance the protection of human health and safety.The rules also aim to harmonise and streamline cybersecurity requirements for products with digital elements and avoid overlapping requirements stemming from different pieces of EU sectoral and national legislation. This would create greater legal certainty for operators and users across the Union, including non-EU operators aiming at entering the EU market.; Prevention of deceptive practices and consumer protection; Protection of human health or safety |
| **8.** | **Relevant documents:** The Cyber Resilience Act can be consulted in the Official Journal of the EU at the following link: [Regulation - 2024/2847 - EN - EUR-Lex](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L_202402847)The New Legislative Framework comprises the following legislations:* Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products : <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32019R1020>
* Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32008R0765>
* Decision (EC) 768/2008 of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32008D0768> (this Decision provides a basis of common principles and reference provisions for future legislation)

Regulation Regulation (EU) 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32012R1025> |
| **9.** | **Proposed date of adoption:** Q3 2025**Proposed date of entry into force:** 20 days from publication in the Official Journal of the EU (The provisions shall apply from the date of entry into force) |
| **10.** | **Final date for comments:** 60 days from notification |
| **11.** | **Texts available from: National enquiry point [ ] or address, telephone and fax numbers and email and website addresses, if available, of other body:** European Commission,EU-TBT Enquiry Point,Fax: + (32) 2 299 80 43,E-mail: grow-eu-tbt@ec.europa.euThe text is available on the EU-TBT Website : <https://technical-barriers-trade.ec.europa.eu/en/home><https://members.wto.org/crnattachments/2025/TBT/EEC/25_03452_00_e.pdf> |