



2022/0272(COD)

4.5.2023

AMENDMENTS

405 - 546

Draft report
Nicola Danti
(PE745.538v01-00)

Horizontal cybersecurity requirements for products with digital elements and amending Regulation (EU) 2019/1020

Proposal for a regulation
(COM(2022)0454 – C9-0308/2022 – 2022/0272(COD))

Amendment 405

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 41 a (new)

Text proposed by the Commission

Amendment

Article 41a

Expert group on technical matters

1. The Commission shall establish an expert group in order to provide technical advice to the Commission and competent authorities on matters related to in the implementation and enforcement of this Regulation. In particular, the expert group shall provide non-binding evaluations of products with digital elements upon request by a market surveillance authority that is conducting an investigation under Article 43 and guidance on the application of relevant concepts of the New-Legislative Framework to software, in particular free and open source software.

2. The expert group shall consist of independent experts appointed for a renewable three-year term by the Commission on the basis of their scientific or technical expertise in the field. The Commission shall appoint a number of experts which is deemed sufficient to fulfil the foreseen needs, ensuring that their professional background and affiliations result in a balanced representation of stakeholder interests, in particular open source organisations, national accreditation bodies, conformity assessment bodies pursuant to Regulation (EC) No 765/2008 of the European Parliament and of the Council, data protection authorities, as well as academia and consumer organisations.

3. The Commission shall take the necessary measures to manage and

prevent any conflicts of interest. The Declarations of interests of the members of the expert group shall be made publicly available.

4. The appointed experts shall perform their tasks with the highest level of professionalism, independence, impartiality and objectivity.

5. When adopting positions, views and reports, the expert group shall attempt to reach consensus. If consensus cannot be reached, decisions shall be taken by a qualified majority of the group members.

Or. en

Amendment 406
Marc Botenga

Proposal for a regulation
Article 41 a (new)

Text proposed by the Commission

Amendment

Article 41a

Civil society participation in market surveillance activities

The active participation of the relevant actors of the civil society (consumers' organizations, the scientific community, trade unions, etc.) in market surveillance activities, shall be ensured by market surveillance authorities in the Member States and at EU level, in order to create mechanisms to facilitate the voluntary reporting of vulnerabilities, incidents, and cyber threats.

Or. en

Amendment 407
Bart Groothuis

Proposal for a regulation

Article 43 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Where the market surveillance authority of a Member State has sufficient reasons to consider that a product with digital elements, including its vulnerability handling, presents a significant cybersecurity risk, it shall carry out an evaluation of the product with digital elements concerned in respect of its compliance with all the requirements laid down in this Regulation. The relevant economic operators shall cooperate as necessary with the market surveillance authority.

Amendment

Where the market surveillance authority of a Member State has sufficient reasons to consider that a product with digital elements, including its vulnerability handling, presents a significant cybersecurity **or strategic** risk, it shall carry out an evaluation of the product with digital elements concerned in respect of its compliance with all the requirements laid down in this Regulation, **including non-technical risk factors**. The relevant economic operators shall cooperate as necessary with the market surveillance authority.

Or. en

Justification

The CRA has a missed opportunity to not address the issue of risky vendors, especially in the context of critical infrastructure. While there have been positive developments towards non-binding toolboxes to address specific supply chain security issues related 5G (toolbox) the European Court of Auditors concluded that since the 5G toolbox was adopted, progress has been made to reinforce the security of 5G networks with a majority of Member States applying or in the process of applying restrictions on high-risk vendors, but that none of the measures put forward are legally binding, meaning that implementation across the Union is inconsistent at best, and that the Commission has no power to enforce those rules. This should be addressed in the Cyber Resilience Act.

Amendment 408

Evžen Tošenovský

Proposal for a regulation

Article 43 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Where the market surveillance authority of a Member State has sufficient reasons to consider that a product with digital elements, including its vulnerability handling, presents a significant cybersecurity risk, it shall carry out an evaluation of the product with digital

Amendment

Where the market surveillance authority of a Member State has sufficient reasons to consider that a product with digital elements, including its vulnerability handling, presents a significant cybersecurity risk, it shall carry out, **where appropriate in cooperation with CSIRT,**

elements concerned in respect of its compliance with all the requirements laid down in this Regulation. The relevant economic operators shall cooperate as necessary with the market surveillance authority.

an evaluation of the product with digital elements concerned in respect of its compliance with all the requirements laid down in this Regulation. The relevant economic operators shall cooperate as necessary with the market surveillance authority.

Or. en

Amendment 409
Marc Botenga

Proposal for a regulation
Article 43 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Where the market surveillance authority of a Member State has sufficient reasons to consider that a product with digital elements, including its vulnerability handling, presents a significant cybersecurity risk, it shall carry out an evaluation of the product with digital elements concerned in respect of its compliance with all the requirements laid down in this Regulation. The relevant economic operators shall cooperate as necessary with the market surveillance authority.

Amendment

Where the market surveillance authority of a Member State has sufficient reasons to consider that a product with digital elements, including its vulnerability handling, presents a significant cybersecurity risk, it shall carry out ***without undue delay*** an evaluation of the product with digital elements concerned in respect of its compliance with all the requirements laid down in this Regulation. The relevant economic operators shall cooperate as necessary with the market surveillance authority.

Or. en

Amendment 410
Marc Botenga

Proposal for a regulation
Article 43 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where, in the course of that evaluation, the market surveillance authority finds that the product with digital elements does not comply with the requirements laid down in

Amendment

Where, in the course of that evaluation, the market surveillance authority finds that the product with digital elements does not comply with the requirements laid down in

this Regulation, it shall without delay require the relevant operator to take all appropriate corrective actions to bring the product into compliance with those requirements, to withdraw it from the market, or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe.

this Regulation, it shall without delay, **and within a maximum of five working days**, require the relevant **economic** operator to take all appropriate corrective actions to bring the product into compliance with those requirements, to withdraw it from the market, or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe.

Or. en

Amendment 411
Evžen Tošenovský

Proposal for a regulation
Article 43 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where, in the course of that evaluation, the market surveillance authority finds that the product with digital elements does not comply with the requirements laid down in this Regulation, it shall without delay require the relevant operator to take all appropriate corrective actions to bring the product into compliance with those requirements, to withdraw it from the market, or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe.

Amendment

Where, in the course of that evaluation, the market surveillance authority finds that the product with digital elements does not comply with the requirements laid down in this Regulation **or present threat to national security**, it shall without delay require the relevant operator to take all appropriate corrective actions to bring the product into compliance with those requirements, to withdraw it from the market, or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe.

Or. en

Amendment 412
Ignazio Corrao
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 43 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where, in the course of that evaluation, the

Amendment

Where, in the course of that evaluation, the

market surveillance authority finds that the product with digital elements does not comply with the requirements laid down in this Regulation, it shall without delay require the relevant operator to take all appropriate corrective actions to bring the product into compliance with those requirements, to withdraw it from the market, or to recall it within *a reasonable* period, commensurate with the nature of the risk, *as it may prescribe*.

market surveillance authority finds that the product with digital elements does not comply with the requirements laid down in this Regulation, it shall without delay require the relevant *economic* operator to take all appropriate corrective actions to bring the product into compliance with those requirements, to withdraw it from the market, or to recall it within *an adequate* period, commensurate with the nature of the risk.

Or. en

Amendment 413
Evžen Tošenovský

Proposal for a regulation
Article 43 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Where the manufacturer of a product with digital elements does not take adequate corrective action within the period referred to in paragraph 1, second subparagraph, the market surveillance authority shall take all appropriate provisional measures to prohibit or restrict that product being made available on its national market, to withdraw it from that market or to recall it.

Amendment

Where the manufacturer of a product with digital elements does not take adequate corrective action within the period referred to in paragraph 1, second subparagraph, *or where the relevant Member State authority consider product to present threat to national security*, the market surveillance authority shall take all appropriate provisional measures to prohibit or restrict that product being made available on its national market, to withdraw it from that market or to recall it.

Or. en

Amendment 414
Evžen Tošenovský

Proposal for a regulation
Article 43 – paragraph 5 – point b

Text proposed by the Commission

(b) shortcomings in the harmonised

Amendment

(b) shortcomings in the harmonised

standards, cybersecurity certification schemes, or common specifications, referred to in Article 18.

standards, cybersecurity certification schemes, or ***international standards*** common specifications, referred to in Article 18.

Or. en

Amendment 415
Evžen Tošenovský

Proposal for a regulation
Article 43 – paragraph 7

Text proposed by the Commission

7. Where, within three months of receipt of the information referred to in paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified. This is without prejudice to the procedural rights of the operator concerned in accordance with Article 18 of Regulation (EU) 2019/1020.

Amendment

7. Where, within three months of receipt of the information referred to in paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified. ***The decision referred to in paragraph 1 of this Article, concerning threat to national security, shall always be deemed justified.*** This is without prejudice to the procedural rights of the operator concerned in accordance with Article 18 of Regulation (EU) 2019/1020.

Or. en

Amendment 416
Evžen Tošenovský

Proposal for a regulation
Article 44 – paragraph 5

Text proposed by the Commission

5. ***Where the national measure is considered justified and the non-compliance of the product with digital elements is attributed to shortcomings in common specifications as referred to in Article 19, the Commission shall consider***

Amendment

deleted

whether to amend or repeal the implementing act referred to in Article 19 setting out those common specifications.

Or. en

Amendment 417
Evžen Tošenovský

Proposal for a regulation
Article 45 – paragraph 1

Text proposed by the Commission

1. Where the Commission has sufficient reasons to consider, including based on information provided by ENISA, that a product with digital elements that presents a significant cybersecurity risk is non-compliant with the requirements laid down in this Regulation, it may request the relevant market surveillance authorities to carry out an evaluation of compliance and follow the procedures referred to in Article 43.

Amendment

1. Where the Commission has sufficient reasons to consider, including based on information provided by *the competent authorities of Member States, CSIRTs designated in accordance with Directive (EU) 2022/2555 or* ENISA, that a product with digital elements that presents a significant cybersecurity risk is non-compliant with the requirements laid down in this Regulation, it may request the relevant market surveillance authorities to carry out an evaluation of compliance and follow the procedures referred to in Article 43.

Or. en

Amendment 418
Bart Groothuis

Proposal for a regulation
Article 45 – paragraph 1

Text proposed by the Commission

1. Where the Commission has sufficient reasons to consider, including based on information provided by ENISA, that a product with digital elements that presents a significant cybersecurity risk is non-compliant with the requirements laid down in this Regulation, it may request the

Amendment

1. Where the Commission has sufficient reasons to consider, including based on information provided by ENISA *or non-technical risk factors*, that a product with digital elements that presents a significant cybersecurity risk is non-compliant with the requirements laid down

relevant market surveillance authorities to carry out an evaluation of compliance and follow the procedures referred to in Article 43.

in this Regulation, it may request the relevant market surveillance authorities to carry out an evaluation of compliance and follow the procedures referred to in Article 43.

Or. en

Justification

The CRA has a missed opportunity to not address the issue of risky vendors, especially in the context of critical infrastructure. While there have been positive developments towards non-binding toolboxes to address specific supply chain security issues related 5G (toolbox) the European Court of Auditors concluded that since the 5G toolbox was adopted, progress has been made to reinforce the security of 5G networks with a majority of Member States applying or in the process of applying restrictions on high-risk vendors, but that none of the measures put forward are legally binding, meaning that implementation across the Union is inconsistent at best, and that the Commission has no power to enforce those rules. This should be addressed in the Cyber Resilience Act.

Amendment 419

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 45 – paragraph 1

Text proposed by the Commission

1. Where the Commission has sufficient reasons to consider, including based on information provided by ENISA, that a product with digital elements that presents a significant cybersecurity risk is non-compliant with the requirements laid down in this Regulation, it **may** request the relevant market surveillance authorities to carry out an evaluation of compliance and follow the procedures referred to in Article 43.

Amendment

1. Where the Commission has sufficient reasons to consider, including based on information provided by ENISA, that a product with digital elements that presents a significant cybersecurity risk is non-compliant with the requirements laid down in this Regulation, it **shall** request the relevant market surveillance authorities to carry out an evaluation of compliance and follow the procedures referred to in Article 43.

Or. en

Amendment 420

Bart Groothuis

Proposal for a regulation
Article 45 – paragraph 2

Text proposed by the Commission

2. In exceptional circumstances which justify an immediate intervention to preserve the good functioning of the internal market and where the Commission has sufficient reasons to consider that the product referred to in paragraph 1 remains non-compliant with the requirements laid down in this Regulation and no effective measures have been taken by the relevant market surveillance authorities, the Commission may request ENISA to carry out an evaluation of compliance. The Commission shall inform the relevant market surveillance authorities accordingly. The relevant economic operators shall cooperate as necessary with ENISA.

Amendment

2. In exceptional circumstances which justify an immediate intervention to preserve the good functioning of the internal market and where the Commission has sufficient reasons to consider that the product referred to in paragraph 1 remains non-compliant with the requirements laid down in this Regulation, ***including on the basis of non-technical risk factors***, and no effective measures have been taken by the relevant market surveillance authorities, the Commission may request ENISA to carry out an evaluation of compliance. The Commission shall inform the relevant market surveillance authorities accordingly. The relevant economic operators shall cooperate as necessary with ENISA.

Or. en

Justification

The CRA has a missed opportunity to not address the issue of risky vendors, especially in the context of critical infrastructure. While there have been positive developments towards non-binding toolboxes to address specific supply chain security issues related 5G (toolbox) the European Court of Auditors concluded that since the 5G toolbox was adopted, progress has been made to reinforce the security of 5G networks with a majority of Member States applying or in the process of applying restrictions on high-risk vendors, but that none of the measures put forward are legally binding, meaning that implementation across the Union is inconsistent at best, and that the Commission has no power to enforce those rules. This should be addressed in the Cyber Resilience Act.

Amendment 421
Evžen Tošenovský

Proposal for a regulation
Article 45 – paragraph 2

Text proposed by the Commission

2. In exceptional circumstances which justify an immediate intervention to

Amendment

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preserve the good functioning of the internal market and where the Commission has sufficient reasons to consider that the product referred to in paragraph 1 remains non-compliant with the requirements laid down in this Regulation and no effective measures have been taken by the relevant market surveillance authorities, the Commission may request ENISA to carry out an evaluation of compliance. The Commission shall inform the relevant market surveillance authorities accordingly. ***The relevant economic operators shall cooperate as necessary with ENISA.***

preserve the good functioning of the internal market and where the Commission has sufficient reasons, ***substantiated by relevant data***, to consider that the product referred to in paragraph 1 remains non-compliant with the requirements laid down in this Regulation and no effective measures have been taken by the relevant market surveillance authorities, the Commission may request ***the relevant Member State authority*** ENISA to carry out an evaluation of compliance. The Commission shall inform the relevant market surveillance authorities ***and ENISA*** accordingly.

Or. en

Amendment 422

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 45 – paragraph 2

Text proposed by the Commission

2. In ***exceptional*** circumstances which justify an immediate intervention to preserve the good functioning of the internal market and where the Commission has ***sufficient*** reasons to consider that the product referred to in paragraph 1 remains non-compliant with the requirements laid down in this Regulation and no effective measures have been taken by the relevant market surveillance authorities, the Commission ***may*** request ENISA to carry out an evaluation of compliance. The Commission shall inform the relevant market surveillance authorities accordingly. The relevant economic operators shall cooperate as necessary with ENISA.

Amendment

2. In circumstances which justify an immediate intervention to preserve the good functioning of the internal market and where the Commission has reasons to consider that the product referred to in paragraph 1 remains non-compliant with the requirements laid down in this Regulation and no effective measures have been taken by the relevant market surveillance authorities, the Commission ***shall*** request ENISA to carry out an evaluation of compliance. The Commission shall inform the relevant market surveillance authorities accordingly. The relevant economic operators shall cooperate as necessary with ENISA.

Or. en

Amendment 423
Evžen Tošenovský

Proposal for a regulation
Article 45 – paragraph 3

Text proposed by the Commission

3. Based on *ENISA*'s evaluation, the Commission may decide that a corrective or restrictive measure is necessary at Union level. To this end, it shall without delay consult the Member States concerned and the relevant economic operator or operators.

Amendment

3. Based on *Member State's authority* evaluation *and recommendation*, the Commission may decide that a corrective or restrictive measure is necessary at Union level. To this end, it shall without delay consult the Member States concerned and the relevant economic operator or operators.

Or. en

Amendment 424
Ignazio Corrao
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 46 – paragraph 1

Text proposed by the Commission

1. Where, having performed an evaluation under Article 43, the market surveillance authority of a Member State finds that although a product with digital elements and the processes put in place by the manufacturer are in compliance with this Regulation, they present a significant cybersecurity risk and, in addition, they pose a risk to the health or safety of persons, to the compliance with obligations under Union or national law intended to protect fundamental rights, the availability authenticity, integrity or confidentiality of services offered using an electronic information system by essential entities of the type referred to in [Annex I to Directive XXX / XXXX (NIS2)] or to other aspects of public interest protection, it shall require the relevant operator to take all appropriate measures to ensure that the

Amendment

1. Where, having performed an evaluation under Article 43, the market surveillance authority of a Member State finds that although a product with digital elements and the processes put in place by the manufacturer are in compliance with this Regulation, they present a significant cybersecurity risk and, in addition, they pose a risk to the health or safety of persons, to the compliance with obligations under Union or national law intended to protect fundamental rights, the availability authenticity, integrity or confidentiality of services offered using an electronic information system by essential entities of the type referred to in [Annex I to Directive XXX / XXXX (NIS2)] or to other aspects of public interest protection, it shall require the relevant *economic* operator to take all appropriate measures to

product with digital elements and the processes put in place by the manufacturer concerned, when placed on the market, no longer present that risk, to withdraw the product with digital elements from the market or to recall it within *a reasonable* period, commensurate with the nature of the risk.

ensure that the product with digital elements and the processes put in place by the manufacturer concerned, when placed on the market, no longer present that risk, to withdraw the product with digital elements from the market or to recall it within *an adequate* period, commensurate with the nature of the risk.

Or. en

Amendment 425

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 46 – paragraph 2

Text proposed by the Commission

2. The manufacturer or other relevant operators shall ensure that corrective action is taken in respect of the products with digital elements concerned that they have made available on the market throughout the Union within the timeline established by the market surveillance authority of the Member State referred to in paragraph 1.

Amendment

2. The manufacturer or other relevant *economic* operators shall ensure that corrective action is taken in respect of the products with digital elements concerned that they have made available on the market throughout the Union within the timeline established by the market surveillance authority of the Member State referred to in paragraph 1.

Or. en

Amendment 426

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 46 – paragraph 6

Text proposed by the Commission

6. Where the Commission has sufficient reasons to consider, including based on information provided by ENISA, that a product with digital elements, although compliant with this Regulation,

Amendment

6. Where the Commission has sufficient reasons to consider, including based on information provided by ENISA, that a product with digital elements, although compliant with this Regulation,

presents the risks referred to in paragraph 1, it *may* request the relevant market surveillance authority or authorities to carry out an evaluation of compliance and follow the procedures referred to in Article 43 and paragraphs 1, 2 and 3 of this Article.

presents the risks referred to in paragraph 1, it *shall* request the relevant market surveillance authority or authorities to carry out an evaluation of compliance and follow the procedures referred to in Article 43 and paragraphs 1, 2 and 3 of this Article.

Or. en

Amendment 427

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 46 – paragraph 7

Text proposed by the Commission

7. In *exceptional* circumstances which justify an immediate intervention to preserve the good functioning of the internal market and where the Commission has *sufficient* reasons to consider that the product referred to in paragraph 6 continues to present the risks referred to in paragraph 1 and no effective measures have been taken by the relevant national market surveillance authorities, the Commission *may* request ENISA to carry out an evaluation of the risks presented by that product and shall inform the relevant market surveillance authorities accordingly. The relevant economic operators shall cooperate as necessary with ENISA.

Amendment

7. In circumstances which justify an immediate intervention to preserve the good functioning of the internal market and where the Commission has reasons to consider that the product referred to in paragraph 6 continues to present the risks referred to in paragraph 1 and no effective measures have been taken by the relevant national market surveillance authorities, the Commission *shall* request ENISA to carry out an evaluation of the risks presented by that product and shall inform the relevant market surveillance authorities accordingly. The relevant economic operators shall cooperate as necessary with ENISA.

Or. en

Amendment 428

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 46 – paragraph 8

Text proposed by the Commission

8. Based on ENISA's evaluation referred to in paragraph 7, the Commission **may** establish that a corrective or restrictive measure is necessary at Union level. To this end, it shall without delay consult the Member States concerned and the relevant operator or operators.

Amendment

8. Based on ENISA's evaluation referred to in paragraph 7, the Commission **shall** establish that a corrective or restrictive measure is necessary at Union level. To this end, it shall without delay consult the Member States concerned and the relevant operator or operators.

Or. en

Amendment 429

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 48 – paragraph 2

Text proposed by the Commission

2. The Commission or ENISA **may** propose joint activities for checking compliance with this Regulation to be conducted by market surveillance authorities based on indications or information of potential non-compliance across several Member States of products falling in the scope of this Regulation with the requirements laid down by the latter.

Amendment

2. The Commission or ENISA **shall** propose joint activities for checking compliance with this Regulation to be conducted by market surveillance authorities based on indications or information of potential non-compliance across several Member States of products falling in the scope of this Regulation with the requirements laid down by the latter.

Or. en

Amendment 430

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 49 – paragraph 1

Text proposed by the Commission

1. Market surveillance authorities **may** decide to conduct simultaneous coordinated control actions (“sweeps”) of particular products with digital elements or

Amendment

1. Market surveillance authorities **shall regularly** decide to conduct simultaneous coordinated control actions (“sweeps”) of particular products with

categories thereof to check compliance with or to detect infringements to this Regulation.

digital elements or categories thereof to check compliance with or to detect infringements to this Regulation.

Or. en

Amendment 431

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 49 – paragraph 2

Text proposed by the Commission

2. Unless otherwise agreed upon by the market surveillance authorities involved, sweeps shall be coordinated by the Commission. The coordinator of the sweep **may**, where appropriate, make the aggregated results publicly available.

Amendment

2. Unless otherwise agreed upon by the market surveillance authorities involved, sweeps shall be coordinated by the Commission. The coordinator of the sweep **shall**, where appropriate, make the aggregated results publicly available.

Or. en

Amendment 432

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 49 – paragraph 3

Text proposed by the Commission

3. ENISA **may** identify, in the performance of its tasks, including based on the notifications received according to Article 11(1) and (2), categories of products for which sweeps **may** be organised. The proposal for sweeps shall be submitted to the potential coordinator referred to in paragraph 2 for the consideration of the market surveillance authorities.

Amendment

3. ENISA **shall** identify, in the performance of its tasks, including based on the notifications received according to Article 11(1) and (2), categories of products for which sweeps **shall** be organised. The proposal for sweeps shall be submitted to the potential coordinator referred to in paragraph 2 for the consideration of the market surveillance authorities.

Or. en

Amendment 433

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 49 – paragraph 4

Text proposed by the Commission

4. When conducting sweeps, the market surveillance authorities involved **may** use the investigation powers set out Articles 41 to 47 and any other powers conferred upon them by national law.

Amendment

4. When conducting sweeps, the market surveillance authorities involved **shall** use the investigation powers set out Articles 41 to 47 and any other powers conferred upon them by national law.

Or. en

Amendment 434

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 49 – paragraph 5

Text proposed by the Commission

5. Market surveillance authorities **may** invite Commission officials, and other accompanying persons authorised by the Commission, to participate in sweeps.

Amendment

5. Market surveillance authorities **shall** invite Commission officials, and other accompanying persons authorised by the Commission, to participate in sweeps.

Or. en

Amendment 435

Evžen Tošenovský, Adam Bielan

Proposal for a regulation

Article 49 a (new)

Text proposed by the Commission

Amendment

Article 49a

Cyber Resilience Regulatory Sandboxes

The Commission, ENISA and Member States shall establish a European cyber resilience regulatory sandboxes with voluntary participation of manufacturers of products with digital elements to:

(a) provide for a controlled environment that facilitates the development, testing and validation of the design, development and production of products with digital elements, before their placement on the market or putting into service pursuant to a specific plan;

(b) provide practical support to economic operators, in the first place to SME's, with particular attention paid to micro enterprises and start-ups, including via guidelines and best practices to comply with the essential requirements set out in Annex I;

(c) contribute to evidence-based regulatory learning.

Or. en

Amendment 436
Marc Botenga

Proposal for a regulation
Article 49 a (new)

Text proposed by the Commission

Amendment

Article49a

Right to compensation for damage or loss
Consumers suffering damage or loss caused by infringements of the obligations under this Regulation by the relevant economic operators, have the right to seek compensation, in accordance with Union and national law.

Or. en

Amendment 437

Beatrice Covassi, Robert Hajšel, Patrizia Toia, Lina Gálvez Muñoz, Carlos Zorrinho

**Proposal for a regulation
Article 50 – paragraph 2**

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 2(4), Article 6(2), Article 6(3), Article 6(5), Article **20(5)** and Article 23(5) shall be conferred on the Commission.

Amendment

2. The power to adopt delegated acts referred to in Article 2(4), Article 6(2), Article 6(3), Article 6(5), Article **10 (15), Article 11(5), Article 19 (1), Article 20(5)**, and Article 23(5) shall be conferred on the Commission.

Or. en

Amendment 438

Beatrice Covassi, Robert Hajšel, Patrizia Toia, Lina Gálvez Muñoz, Carlos Zorrinho

**Proposal for a regulation
Article 50 – paragraph 3**

Text proposed by the Commission

3. The delegation of power referred to in Article 2(4), Article 6(2), Article 6(3), Article 6(5), Article **20(5)** and Article 23(5) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in Article 2(4), Article 6(2), Article 6(3), Article 6(5), Article **10(15), Article 11 (5), Article 19(1), Article 20(5)**, and Article 23(5) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

Amendment 439

Evžen Tošenovský

**Proposal for a regulation
Article 50 – paragraph 4**

Text proposed by the Commission

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making.

Amendment

4. Before adopting a delegated act, the Commission shall **launch a public consultation and** consult experts designated by each Member State in accordance with principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making.

Or. en

Amendment 440

Henna Virkkunen, Sara Skytvedal, Ivan Štefanec, Tomas Tobé, Adam Jarubas

Proposal for a regulation

Article 50 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. When exercising the power of delegation, the Commission shall conduct public consultations and engage in regular dialogue with economic operators, in order to collect evidence and evaluate market implications of including or withdrawing categories of products in the scope of this Regulation.

Or. en

Justification

The adjustment of the Regulation's scope and in particular requirements by the Commission through delegated and implementing acts should follow a public consultation, through a platform where economic operators in scope of the CRA may share information with the European Commission, Market Surveillance Authorities, and ENISA on the impact or necessity of adjusting the list.

Amendment 441

Bart Groothuis

Proposal for a regulation

Article 50 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The Commission shall conduct thorough public consultations and engage in regular and structured dialogue with economic operators to gather evidence and evaluate market implications of including or withdrawing categories of products in scope.

Or. en

Justification

Industry consultations, best practices, or standards ought to be taken into consideration.

Amendment 442
Bart Groothuis

Proposal for a regulation
Article 51 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Committee shall conduct thorough public consultations and engage in regular and structured dialogue with economic operators to gather evidence and evaluate market implications of including or withdrawing categories of products in scope.

Or. en

Justification

Industry consultations, best practices, or standards ought to be taken into consideration.

Amendment 443
Ignazio Corrao
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 52 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) intellectual property rights, **and confidential business information** or trade secrets **of a natural or legal person, including source code, except the cases referred to in Article 5 of** Directive 2016/943 of the European Parliament and of the Council³⁶;

(a) intellectual property rights or trade secrets **in line with** Directive 2016/943 of the European Parliament and of the Council³⁶;

³⁶ Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1).

³⁶ Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p. 1).

Or. en

Amendment 444

Henna Virkkunen, Sara Skytvedal, Ivan Štefanec, Tomas Tobé, Adam Jarubas

Proposal for a regulation

Article 53 – paragraph 1

Text proposed by the Commission

1. Member States shall lay down the rules on penalties applicable to infringements by economic operators of this Regulation and shall take all measures necessary to ensure that they are enforced. The penalties provided for shall be effective, proportionate and dissuasive.

Amendment

1. Member States shall lay down the rules on penalties applicable to infringements by economic operators of this Regulation and shall take all measures necessary to ensure that they are enforced. The penalties provided for shall be effective, proportionate and dissuasive. ***These rules shall take into account the financial capabilities of micro, small and medium-sized enterprises.***

Or. en

Amendment 445

Zdzisław Krasnodebski, Adam Bielan, Kosma Złotowski

Proposal for a regulation

Article 53 – paragraph 6 – point a (new)

Text proposed by the Commission

Amendment

(aa) the type of manufactured product and whether entity qualifies as microenterprise for the specific compliance regime outlined in the Article 10(-1) of this Regulation.

Or. en

Amendment 446
Evžen Tošenovský

Proposal for a regulation
Article 53 – paragraph 6 – point b a (new)

Text proposed by the Commission

Amendment

(ba) whether the manufacturer is SME, with particular attention payed to micro enterprises and start-ups, and whether adequate advice and/or financial support has been provided to them to ensure their compliance with this Regulation;

Or. en

Amendment 447
Ignazio Corrao
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 53 – paragraph 6 – point c

Text proposed by the Commission

Amendment

(c) the size and market share of the operator committing the infringement.

(c) the size and market share of the operator committing the infringement, ***taking into account the scale of risks, consequences and financial specificities of micro, small and medium-sized enterprises.***

Or. en

Amendment 448

Beatrice Covassi, Robert Hajšel, Patrizia Toia, Lina Gálvez Muñoz, Carlos Zorrinho

Proposal for a regulation

Article 53 a (new)

Text proposed by the Commission

Amendment

Article 53a

Allocation of penalties

Member States shall determine the use of revenues generated from the payments of penalties. At least 50% of the revenues generated from the payments of penalties referred to in Article 53 (1) should be earmarked for one or more of the following:

(i) increasing the number of skilled professionals in the field of cybersecurity, notably of women;

(ii) capacity-building for micro, small and medium sized enterprises in order to facilitate their compliance with this Regulation;

(iii) improving public awareness of cyber threats, with particular regard to their prevention and management;

Or. en

Amendment 449

Bart Groothuis

Proposal for a regulation

Article 55 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Products with digital elements included in Annex III when placed on the market may meet the conformity assessment requirements under Chapter III by applying the procedure of Article 24 paragraph 1 for a period of 24 months after the date of application of this Regulation as defined in Article 57.

Justification

Transition period whereby all products introduced in the market can benefit from self-assessment before moving to full conformity assessment depending on class under Annex 3. If not, 24 months after the CRA enters into force (perhaps in 2025), the conformity requirements become mandatory (so in 2027). This means that by then we should either have harmonised standards, or there should be ample auditing capacity by notified bodies. Right now, it appears plausible we'll have neither at that time. This essentially means it is entirely possible that new products with digital elements can no longer be introduced into the EU single market at that point. An alternative approach could be to say that Chapter II, III, V and VII shall apply no earlier than 48 months after the date of entry into force of this Regulation as far as products and highly critical products with digital elements are concerned. As far as critical products with digital elements are concerned, Chapter II, III, V and VII shall apply no earlier than 24 months after the date of publication of the harmonized standards developed under the standardization request for the purpose of this Regulation.

Amendment 450
Bart Groothuis

Proposal for a regulation
Article 55 – paragraph 3

Text proposed by the Commission

3. By way of derogation from paragraph 2, the obligations laid down in Article 11 shall apply to all products with digital elements within the scope of this Regulation that have been placed on the market *before* [date of *application* of this Regulation *referred to in Article 57*].

Amendment

3. By way of derogation from paragraph 2, the obligations laid down in Article 11 shall apply to all products with digital elements within the scope of this Regulation that have been placed on the market **24 months after the date of entry into force** of this Regulation.

Or. en

Justification

The reporting obligations should apply 24 months after entry into force for all products so as to give enough time for the system to be prepared also in the context of the implementation of the NIS2 and the regulation laying down measures for a high common level of cybersecurity at the EUIBAs.

Amendment 451
Matteo Gazzini, Paolo Borchia, Isabella Tovaglieri, Elena Lizzi, Matteo Adinolfi,
Markus Buchheit, Marie Dauchy

Proposal for a regulation
Article 55 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. 4 (new) By way of derogation, for products with digital elements falling in scope of Regulation (Machinery Regulation proposal) or Regulation (EU) 167/2013 of the European Parliament and of the Council, the application date referred to art. 57 is extended by (36 months).

Or. en

Amendment 452

Matteo Gazzini, Paolo Borchia, Isabella Tovaglieri, Elena Lizzi, Matteo Adinolfi, Markus Buchheit, Marie Dauchy

Proposal for a regulation
Article 55 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. By way of derogation for products with digital elements falling in scope of Regulation (Machinery Regulation proposal) or Regulation 2013/167, where the annual new sales in the EU of each type are fewer than (1000) units, the application date referred to art. 57 is extended by (60 months).

Or. en

Amendment 453

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 57 – paragraph 2

Text proposed by the Commission

Amendment

It shall apply from [24 months after the

It shall apply from [12 months after the

date of entry into force of this Regulation]. However Article 11 shall apply from [12 months after the date of entry into force of this Regulation].

date of entry into force of this Regulation].

Or. en

Amendment 454
Bart Groothuis

Proposal for a regulation
Article 57 – paragraph 2

Text proposed by the Commission

Amendment

It shall apply from [24 months after the date of entry into force of this Regulation].
However Article 11 shall apply from [12 months after the date of entry into force of this Regulation].

It shall apply from [36 months after the date of entry into force of this Regulation].

Or. en

Justification

Proposing 3 year sunrise period to offer time to develop harmonised and industry standards and to develop sufficient auditing capacity.

Amendment 455
Evžen Tošenovský

Proposal for a regulation
Article 57 – paragraph 2

Text proposed by the Commission

Amendment

It shall apply from [24 months after the date of entry into force of this Regulation].
However Article 11 shall apply from [12 months after the date of entry into force of this Regulation].

It shall apply from [60 months after the date of entry into force of this Regulation]. However, Articles 10a and 11 shall apply from [24 months after the date of entry into force of this Regulation].

Or. en

Amendment 456

Matteo Gazzini, Paolo Borchia, Isabella Tovaglieri, Elena Lizzi, Matteo Adinolfi, Markus Buchheit, Marie Dauchy

Proposal for a regulation

Article 57 – paragraph 2

Text proposed by the Commission

It shall apply from [24 months after the date of entry into force of this Regulation]. However Article 11 shall apply from [12 months after the date of entry into force of this Regulation].

Amendment

It shall apply from [48 months after the date of entry into force of this Regulation]. However Article 11 shall apply from [24 months after the date of entry into force of this Regulation].

Or. en

Amendment 457

Beatrice Covassi, Robert Hajšel, Patrizia Toia

Proposal for a regulation

Article 57 – paragraph 2

Text proposed by the Commission

It shall apply from [24 months after the date of entry into force of this Regulation]. However Article 11 shall apply from [12 months after the date of entry into force of this Regulation].

Amendment

It shall apply from [30 months after the date of entry into force of this Regulation]. However Article 11 shall apply from [12 months after the date of entry into force of this Regulation].

Or. en

Amendment 458

Henna Virkkunen, Sara Skytvedal, Ivan Štefanec, Tomas Tobé, Adam Jarubas

Proposal for a regulation

Article 57 – paragraph 2

Text proposed by the Commission

It shall apply from [24 months after the date of entry into force of this Regulation]. However Article 11 shall apply from [12 months after the date of entry into force of this Regulation].

Amendment

It shall apply from [32 months after the date of entry into force of this Regulation]. However Article 11 shall apply from [22 months after the date of entry into force of this Regulation].

Justification

The implementation period of this Regulation should be extended to 32 months in order to give economic operators, notified bodies and enforcement authorities sufficient time to adapt to new methodologies introduced by the Regulation.

Amendment 459
Massimiliano Salini

Proposal for a regulation
Article 57 – paragraph 2

Text proposed by the Commission

It shall apply from [24 months after the date of entry into force of this Regulation]. However Article 11 shall apply from [12 months after the date of entry into force of this Regulation].

Amendment

It shall apply from [48 months after the date of entry into force of this Regulation]. However Article 11 shall apply from [24 months after the date of entry into force of this Regulation].

Justification

The time period for the application of this Regulation should be extended in order to ensure enough time to the operators to increase the cybersecurity level of products with digital elements.

Amendment 460
Patrizia Toia

Proposal for a regulation
Article 57 – paragraph 2 a (new)

*Text proposed by the Commission**Amendment*

By way of derogation, for products with digital elements falling in scope of Regulation [Machinery Regulation] or Regulation 2013/167, the application date referred to in paragraph 2 is extended by [36 months] or, if annual new sales of each product model in the EU are fewer than 1000 units by [60 months]

Amendment 461

Bart Groothuis

Proposal for a regulation

Annex I – Part 1 – point 2

Text proposed by the Commission

Amendment

(2) Products with digital elements shall be delivered without any known exploitable vulnerabilities; **deleted**

Or. en

Justification

It can be interpreted that from the moment you report a vulnerability in a product or piece of software, it must immediately be taken offline and off the shelves. This means that no major piece of software could ever be delivered. The main point here is already reflected in the remainder of Annex I.

Amendment 462

Evžen Tošenovský

Proposal for a regulation

Annex I – Part 1 – point 2

Text proposed by the Commission

Amendment

(2) Products with digital elements shall be delivered without any known exploitable vulnerabilities; **deleted**

Or. en

Amendment 463

Henna Virkkunen, Sara Skyttedal, Ivan Štefanec, Tomas Tobé, Angelika Niebler

Proposal for a regulation

Annex I – Part 1 – point 2

Text proposed by the Commission

Amendment

(2) Products with digital elements shall be delivered without any known exploitable vulnerabilities;

(2) Products with digital elements shall be delivered without any known exploitable vulnerabilities ***which the manufacturer knows of, unless a manufacturer ensures that there are updates available which remedy this vulnerability and these are run automatically at the first time of use of the product,***

Or. en

Amendment 464

Matteo Gazzini, Paolo Borchia, Isabella Tovaglieri, Elena Lizzi, Matteo Adinolfi, Markus Buchheit, Marie Dauchy

Proposal for a regulation

Annex I – Part 1 – point 3 – introductory part

Text proposed by the Commission

Amendment

(3) On the basis of the risk assessment referred to in Article 10(2) and where applicable, products with digital elements shall:

(3) On the basis of the ***cybersecurity*** risk assessment referred to in Article 10(2) and where applicable, products with digital elements shall:

Or. en

Amendment 465

Evžen Tošenovský

Proposal for a regulation

Annex I – Part 1 – point 3 – point a

Text proposed by the Commission

Amendment

(a) ***be delivered*** with a secure by default configuration, including the possibility to reset the product to its ***original state***;

(a) ***consumer products with digital elements shall be placed on the market*** with a secure by default configuration, including the possibility to reset the product to its ***default security configuration***; ***where the above described configuration is not possible in case of business-to-business products with digital elements, they may be configured on the basis of individual contractual***

arrangements;

Or. en

Amendment 466

Beatrice Covassi, Robert Hajšel, Patrizia Toia, Lina Gálvez Muñoz, Carlos Zorrinho

Proposal for a regulation

Annex I – Part 1 – point 3 – point a

Text proposed by the Commission

(a) be delivered with a secure by default configuration, including the possibility to reset the product to its original state;

Amendment

(a) be delivered with a secure by default configuration, including the possibility to reset the product to its original state, ***while safeguarding its security;***

Or. en

Amendment 467

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex I – Part 1 – point 3 – point a a (new)

Text proposed by the Commission

Amendment

(aa) be placed on the market with functional separation of security updates from functionality updates, to allow automatic installation of security updates, with a clear and easy-to-use opt-out mechanism, and preserve user choice on functionalities unless technically unfeasible.

Or. en

Amendment 468

Evžen Tošenovský

Proposal for a regulation

Annex I – Part 1 – point 3 – point a a (new)

Text proposed by the Commission

Amendment

(aa) (-a) be placed on the market without any known exploitable vulnerabilities described in the European vulnerability database referred to in Article 12(2) of Directive 2022/2555;

Or. en

Amendment 469

Matteo Gazzini, Paolo Borchia, Isabella Tovaglieri, Elena Lizzi, Matteo Adinolfi, Markus Buchheit, Marie Dauchy

Proposal for a regulation

Annex I – Part 1 – point 3 – point a a (new)

Text proposed by the Commission

Amendment

(aa) be placed on the market without any known exploitable vulnerabilities towards an external device or network.

Or. en

Amendment 470

Bart Groothuis

Proposal for a regulation

Annex I – Part 1 – point 3 – point b

Text proposed by the Commission

Amendment

(b) ensure protection from unauthorised access by appropriate control mechanisms, including but not limited to authentication, identity or access management systems;

(b) ensure protection from unauthorised access by appropriate control mechanisms, including but not limited to authentication, identity or access management systems, ***but also by taking into consideration non-technical risk factors, such as third-country legislation that is applicable in the headquarter of the manufacturer obliging arbitrary government access to any kind of company data without legislative or***

**democratic checks and balances or
meaningful oversight mechanisms;**

Or. en

Justification

The CRA has a missed opportunity to not address the issue of risky vendors, especially in the context of critical infrastructure. While there have been positive developments towards non-binding toolboxes to address specific supply chain security issues related 5G (toolbox) the European Court of Auditors concluded that since the 5G toolbox was adopted, progress has been made to reinforce the security of 5G networks with a majority of Member States applying or in the process of applying restrictions on high-risk vendors, but that none of the measures put forward are legally binding, meaning that implementation across the Union is inconsistent at best, and that the Commission has no power to enforce those rules. This should be addressed in the Cyber Resilience Act.

Amendment 471

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex I – Part 1 – point 3 – point c

Text proposed by the Commission

(c) protect the confidentiality of stored, transmitted or otherwise processed data, personal or other, **such as by** encrypting relevant data at rest or in transit by state of the art mechanisms;

Amendment

(c) protect the confidentiality of stored, transmitted or otherwise processed data, personal or other, encrypting relevant data at rest or in transit by state of the art mechanisms, **and by using other technical means;**

Or. en

Amendment 472

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex I – Part 1 – point 3 – point d

Text proposed by the Commission

(d) protect the integrity of stored, transmitted or otherwise processed data,

Amendment

(d) protect the integrity of stored, transmitted or otherwise processed data,

personal or other, commands, programs and configuration against any manipulation or modification not authorised by the user, as well as report on corruptions;

personal or other, commands, programs and configuration against any manipulation or modification not authorised by the user, as well as report on corruptions ***or possible unauthorised access***;

Or. en

Amendment 473
Bart Groothuis

Proposal for a regulation
Annex I – Part 1 – point 3 – point f

Text proposed by the Commission

(f) protect the availability of essential functions, including the resilience ***against*** and mitigation ***of*** denial of service attacks;

Amendment

(f) protect the availability of essential functions, ***also after an incident***, including ***with backup management, and*** the resilience and mitigation ***measures against*** denial of service attacks;

Or. en

Justification

The first part of the amendment brings it in line with NIS Article 21(2)(c). The second stipulates that while some measures can be taken to reduce the risk of DDoS attacks, it is mathematically impossible to require software to withstand (unspecified) denial of service attacks.

Amendment 474
Ignazio Corrao
on behalf of the Verts/ALE Group

Proposal for a regulation
Annex I – Part 1 – point 3 – point f

Text proposed by the Commission

(f) protect the availability of essential functions, including the resilience against and mitigation of denial of service attacks;

Amendment

(f) protect the availability of essential ***and basic*** functions, including the resilience against and mitigation of denial of service attacks;

Or. en

Amendment 475

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex I – Part 1 – point 3 – point j

Text proposed by the Commission

(j) provide security related information by recording and/or monitoring relevant internal activity, including the access to or modification of data, services or functions;

Amendment

(j) provide security related information by ***providing at user request*** recording and/or monitoring ***capabilities, locally and at device level for*** relevant internal activity, including the access to or modification of data, services or functions;

Or. en

Amendment 476

Evžen Tošenovský

Proposal for a regulation

Annex I – Part 1 – point 3 – point k

Text proposed by the Commission

(k) ***ensure that*** vulnerabilities can be addressed through security updates, including, where applicable, through automatic updates ***and*** the notification of available updates to users.

Amendment

(k) vulnerabilities ***in consumer products with digital elements*** can be addressed through security updates, including, where applicable, through automatic updates ***by default, with optional opt-out, and, where applicable, through*** the notification of available updates to users ***with optional postponement; where the above described is not possible in case of business-to-business products with digital elements, the mechanism of handling of vulnerabilities may be set in the individual contractual arrangements.***

Or. en

Amendment 477

Ignazio Corrao
on behalf of the Verts/ALE Group

Proposal for a regulation
Annex I – Part 1 – point 3 – point k

Text proposed by the Commission

(k) ensure that vulnerabilities can be addressed through security *updates, including, where applicable, through automatic* updates and the notification of available updates to users.

Amendment

(k) ensure that vulnerabilities can be addressed through *dedicated* security updates and the notification of available updates to users.

Or. en

Amendment 478
Ignazio Corrao
on behalf of the Verts/ALE Group

Proposal for a regulation
Annex I – Part 1 – point 3 – point k a (new)

Text proposed by the Commission

(ka) be designed, developed and produced in order to allow for its secure discontinuation and potential recycling when reaching the end of the life cycle, including by allowing users to securely withdraw and remove all data on a permanent basis.

Amendment

Or. en

Amendment 479
Massimiliano Salini

Proposal for a regulation
Annex I – Part 2 – paragraph 1 – introductory part

Text proposed by the Commission

Manufacturers of the products with digital elements shall:

Amendment

Unless already covered by relevant EU and sectoral legislations that apply, manufacturers of the products with digital

elements shall:

Or. en

Justification

The risk analysis to conduct should refer to the relevant applicable legislation, in order to do not duplicate any already existing document.

Amendment 480
Massimiliano Salini

Proposal for a regulation
Annex I – Part 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) identify and document vulnerabilities and components contained in the product, ***including*** by drawing up a software bill of materials in a commonly used and machine-readable format covering at the very least the top-level dependencies of the product;

Amendment

(1) identify and document vulnerabilities and components contained in the product, ***possibly*** by drawing up a software bill of materials in a commonly used and machine-readable format covering at the very least the top-level dependencies of the product;

Or. en

Justification

The preparation of a software bill of materials should be voluntary, since it is a tool at initial stage of development.

Amendment 481
Evžen Tošenovský

Proposal for a regulation
Annex I – Part 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) identify and document ***vulnerabilities and*** components contained in the product, including by drawing up a software bill of materials in a commonly used and machine-readable format covering at the very least the top-level

Amendment

(1) identify and document components contained in the product, including by drawing up a software bill of materials in a commonly used and machine-readable format covering at the very least the top-level dependencies of the product;

dependencies of the product;

Or. en

Amendment 482
Evžen Tošenovský

Proposal for a regulation
Annex I – Part 2 – paragraph 1 – point 2

Text proposed by the Commission

(2) in relation to the risks posed to the products with digital elements, address and remediate vulnerabilities without delay, including by providing security updates;

Amendment

(2) in relation to the risks posed to the products with digital elements, address and remediate vulnerabilities without delay, including by providing security updates; ***where the above described is not possible in case of business-to-business products with digital elements, the procedure for handling of vulnerabilities may be set in the individual contractual arrangements;***

Or. en

Amendment 483
Bart Groothuis

Proposal for a regulation
Annex I – Part 2 – paragraph 1 – point 2

Text proposed by the Commission

(2) in relation to the risks posed to the products with digital elements, address and remediate vulnerabilities ***without delay***, including by providing security updates;

Amendment

(2) in relation to the risks posed to the products with digital elements, address and remediate vulnerabilities ***within an agreed timeline***, including by providing security updates;

Or. en

Justification

To bring it in line with Coordinated Vulnerability Disclosure. In some cases, it can be justified to delay updates on the basis of security grounds.

Amendment 484
Bart Groothuis

Proposal for a regulation
Annex I – Part 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) once a security update has been made available, publically disclose information about fixed vulnerabilities, including ***a description of the vulnerabilities***, information allowing users to identify the product with digital elements affected, the impacts of the vulnerabilities, their severity and information helping users to remediate the vulnerabilities;

Amendment

(4) once a security update has been made available, ***share and*** publically disclose information about fixed vulnerabilities, ***in accordance with a coordinated vulnerability disclosure process***, including information allowing users to identify the product with digital elements affected, the impacts of the vulnerabilities, their severity and information helping users to remediate the vulnerabilities. ***Detailed information about the vulnerabilities should only be shared and disclosed in a controlled way through coordinated disclosure procedures;***

Or. en

Justification

For complex products with digital elements, the actual implementation and timing of a patch that fixes the known vulnerability in the deployed and in-use complex system/network including critical infrastructure differs significantly from operator to operator. The recommendation is to ensure that information about such fixes and vulnerabilities is shared and disclosed in a controlled way respecting principles of “harm reduction” through coordinated disclosure of vulnerabilities to the actors who can act to mitigate the vulnerability, and that the related information is not made public/widely available to avoid the risk of inadvertently informing potential attackers.

Amendment 485
Ignazio Corrao
on behalf of the Verts/ALE Group

Proposal for a regulation
Annex I – Part 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) once a security update has been made available, publically disclose information about fixed vulnerabilities,

Amendment

(4) once a security update has been made available, publically disclose information about fixed vulnerabilities,

including a description of the vulnerabilities, information allowing users to identify the product with digital elements affected, the impacts of the vulnerabilities, their severity and information helping users to remediate the vulnerabilities;

including a description of the vulnerabilities, information allowing users to identify the product with digital elements affected, the impacts of the vulnerabilities, their severity and ***clear and accessible*** information helping users to remediate the vulnerabilities;

Or. en

Amendment 486

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex I – Part 2 – paragraph 1 – point 7

Text proposed by the Commission

(7) provide for mechanisms to securely distribute updates for products with digital elements to ensure that exploitable vulnerabilities are fixed or mitigated in a timely manner;

Amendment

(7) provide for mechanisms to securely distribute ***security*** updates for products with digital elements to ensure that exploitable vulnerabilities are fixed or mitigated in a timely manner;

Or. en

Amendment 487

Evžen Tošenovský

Proposal for a regulation

Annex I – Part 2 – paragraph 1 – point 8

Text proposed by the Commission

(8) ensure that, where security patches or updates are available to address identified security issues, they are disseminated without delay and free of charge, accompanied by advisory messages providing users with the relevant information, including on potential action to be taken.

Amendment

(8) ensure that, where security patches or updates are available to address identified security issues, they are disseminated without delay and ***for consumer products with digital elements*** free of charge, accompanied by advisory messages providing users with the relevant information, including on potential action to be taken; ***in case of business-to-business products with digital elements the procedures for patching and updating***

may be set in the individual contractual arrangements.

Or. en

Amendment 488
Massimiliano Salini

Proposal for a regulation
Annex I – Part 2 – paragraph 1 – point 8

Text proposed by the Commission

(8) ensure that, where security patches or updates are available to address identified security issues, they are disseminated without delay and free of charge, accompanied by advisory messages providing users with the relevant information, including on potential action to be taken.

Amendment

(8) ensure that, where security patches or updates are available to address identified security issues, they are disseminated without delay and, ***unless otherwise agreed between the parties***, free of charge, accompanied by advisory messages providing users with the relevant information, including on potential action to be taken.

Or. en

Justification

It is essential to take into consideration what the parties have agreed in the contract when ensuring free of charges security updates.

Amendment 489
Evžen Tošenovský

Proposal for a regulation
Annex II – paragraph 1 – point 1

Text proposed by the Commission

1. the name, registered trade name or registered trade mark of the manufacturer, ***and*** the postal address ***and*** the email address at which the manufacturer can be contacted, on the product or, where that is not possible, on its packaging or in a document accompanying the product;

Amendment

1. the name, registered trade name or registered trade mark of the manufacturer, the postal address, the email address ***and website*** at which the manufacturer can be contacted, on the product or, where that is not possible, on its packaging or in a document accompanying the product;

Amendment 490

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex II – paragraph 1 – point 2

Text proposed by the Commission

2. the point of contact where information about cybersecurity vulnerabilities of the product can be reported and received;

Amendment

2. the *single* point of contact where information about cybersecurity vulnerabilities of the product can be reported and received;

Amendment 491

Evžen Tošenovský

Proposal for a regulation

Annex II – paragraph 1 – point 5

Text proposed by the Commission

5. *any known or foreseeable circumstance, related to the use of the product with digital elements in accordance with its intended purpose or under conditions of reasonably foreseeable misuse, which may lead to significant cybersecurity risks;*

Amendment

deleted

Amendment 492

Evžen Tošenovský

Proposal for a regulation

Annex II – paragraph 1 – point 6

Text proposed by the Commission

Amendment

6. *if and, where applicable, where the software bill of materials can be accessed;*

deleted

Or. en

Amendment 493
Bart Groothuis

Proposal for a regulation
Annex II – paragraph 1 – point 6

Text proposed by the Commission

6. if and, where applicable, where the software bill of materials can be accessed;

Amendment

6. if and, where applicable, where the software bill of materials can be accessed ***but are not to be made publicly accessible. If the software bill of materials are made available to notified bodies and market surveillance authorities for the exercise of their tasks, it must happen under the strict non-disclosure conditions set out in Article 52.***

Or. en

Amendment 494
Ignazio Corrao
on behalf of the Verts/ALE Group

Proposal for a regulation
Annex II – paragraph 1 – point 6

Text proposed by the Commission

6. if and, where applicable, where the software bill of materials can be accessed;

Amendment

6. if and, where applicable, where the software bill of materials can be accessed ***by the competent authorities;***

Or. en

Amendment 495
Francesca Donato

Proposal for a regulation

Annex II – paragraph 1 – point 8

Text proposed by the Commission

8. the type of technical security support ***offered*** by the manufacturer and until when it will be provided, at the very least until when users can expect to receive security updates;

Amendment

8. the type of technical security support ***guaranteed*** by the manufacturer and until when it will be provided, at the very least until when users can expect to receive security updates;

Or. it

Amendment 496

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex II – paragraph 1 – point 9 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the expected product lifetime and until when the manufacturer ensures the effective handling of vulnerabilities and provision of security updates.

Or. en

Amendment 497

Jens Geier, René Repasi

Proposal for a regulation

Annex III – Part I – point 3

Text proposed by the Commission

Amendment

3. ***Password managers;***

3. ***Authentication tools;***

Or. en

Amendment 498

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation
Annex III – Part I – point 3 a (new)

Text proposed by the Commission

Amendment

3a. Authentication, Authorization and Accounting (AAA) platforms.

Or. en

Amendment 499
Bart Groothuis

Proposal for a regulation
Annex III – Part I – point 13

Text proposed by the Commission

Amendment

13. Remote **access/sharing** software;

13. Remote **access** software;

Or. en

Justification

To alleviate concerns that no standards or sufficient capacity for third-party conformity assessments will be in place by the time of adoption, the scope of this Annex is narrowed down, also with the aim to reflect the communication of the Commission that this Annex should only cover 10% of connected devices. Right now, it appears plausible we'll have neither the standards or the conformity requirements by the time the CRA enters into force. This essentially means it is entirely possible that new products with digital elements can no longer be introduced into the EU single market at that point. These categories can be added on afterwards by the Commission following the procedure described in this Regulation.

Amendment 500
Jens Geier, René Repasi

Proposal for a regulation
Annex III – Part I – point 15

Text proposed by the Commission

Amendment

15. Physical network interfaces;

15. Physical **and virtual** network interfaces;

Or. en

Amendment 501

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex III – Part I – point 15

Text proposed by the Commission

Amendment

15. Physical network interfaces;

15. Physical **and virtual** network interfaces;

Or. en

Amendment 502

Bart Groothuis

Proposal for a regulation

Annex III – Part I – point 16

Text proposed by the Commission

Amendment

16. Operating systems **not covered by class II**;

16. Operating systems **for servers, desktops and mobile devices**;

Or. en

Justification

To alleviate concerns that no standards or sufficient capacity for third-party conformity assessments will be in place by the time of adoption, the scope of this Annex is narrowed down, also with the aim to reflect the communication of the Commission that this Annex should only cover 10% of connected devices. Right now, it appears plausible we'll have neither the standards or the conformity requirements by the time the CRA enters into force. This essentially means it is entirely possible that new products with digital elements can no longer be introduced into the EU single market at that point. These categories can be added on afterwards by the Commission following the procedure described in this Regulation.

Amendment 503

Jens Geier, René Repasi

Proposal for a regulation

Annex III – Part I – point 16

Text proposed by the Commission

Amendment

16. Operating systems **not covered by class II**;

16. Operating systems;

Or. en

Amendment 504

Matteo Gazzini, Paolo Borchia, Isabella Tovaglieri, Elena Lizzi, Matteo Adinolfi, Markus Buchheit, Marie Dauchy

Proposal for a regulation

Annex III – Part I – point 17

Text proposed by the Commission

Amendment

17. Firewalls, intrusion detection and/or prevention systems not covered by class II;

17. Firewalls, **Security Gateways**, intrusion detection and/or prevention systems not covered by class II;

Or. en

Amendment 505

Jens Geier, René Repasi

Proposal for a regulation

Annex III – Part I – point 17

Text proposed by the Commission

Amendment

17. Firewalls, intrusion detection and/or prevention systems **not covered by class II**;

17. Firewalls, intrusion detection and/or prevention systems;

Or. en

Amendment 506

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex III – Part I – point 18

Text proposed by the Commission

Amendment

18. Routers, modems intended for the connection to the internet, and switches, not covered by class II; **deleted**

Or. en

Amendment 507

Bart Groothuis

Proposal for a regulation

Annex III – Part I – point 18

Text proposed by the Commission

Amendment

18. Routers, modems intended for the connection to the internet, and switches, not covered by class II; **deleted**

Or. en

Justification

To alleviate concerns that no standards or sufficient capacity for third-party conformity assessments will be in place by the time of adoption, the scope of this Annex is narrowed down, also with the aim to reflect the communication of the Commission that this Annex should only cover 10% of connected devices. Right now, it appears plausible we'll have neither the standards or the conformity requirements by the time the CRA enters into force. This essentially means it is entirely possible that new products with digital elements can no longer be introduced into the EU single market at that point. These categories can be added on afterwards by the Commission following the procedure described in this Regulation.

Amendment 508

Matteo Gazzini, Paolo Borchia, Isabella Tovaglieri, Elena Lizzi, Matteo Adinolfi, Markus Buchheit, Marie Dauchy

Proposal for a regulation

Annex III – Part I – point 18

Text proposed by the Commission

Amendment

18. Routers, modems intended for the connection to the internet, **and** switches, not covered by class II;

18. Routers, modems intended for the connection to the internet, switches, **and other network nodes that are necessary for the provision of the connectivity**

service, not covered by class II;

Or. en

Amendment 509
Jens Geier, René Repasi

Proposal for a regulation
Annex III – Part I – point 18

Text proposed by the Commission

Amendment

18. Routers, modems intended for the connection to the internet, and switches, ***not covered by class II***;

18. Routers, modems intended for the connection to the internet, and switches;

Or. en

Amendment 510
Bart Groothuis

Proposal for a regulation
Annex III – Part I – point 19

Text proposed by the Commission

Amendment

19. *Microprocessors not covered by class II*;

deleted

Or. en

Justification

To alleviate concerns that no standards or sufficient capacity for third-party conformity assessments will be in place by the time of adoption, the scope of this Annex is narrowed down, also with the aim to reflect the communication of the Commission that this Annex should only cover 10% of connected devices. Right now, it appears plausible we'll have neither the standards or the conformity requirements by the time the CRA enters into force. This essentially means it is entirely possible that new products with digital elements can no longer be introduced into the EU single market at that point. These categories can be added on afterwards by the Commission following the procedure described in this Regulation.

Amendment 511
Jens Geier, René Repasi

Proposal for a regulation
Annex III – Part I – point 19

Text proposed by the Commission

Amendment

19. Microprocessors **not covered by class II**;

19. Microprocessors;

Or. en

Amendment 512
Bart Groothuis

Proposal for a regulation
Annex III – Part I – point 20

Text proposed by the Commission

Amendment

20. **Microcontrollers;**

deleted

Or. en

Justification

To alleviate concerns that no standards or sufficient capacity for third-party conformity assessments will be in place by the time of adoption, the scope of this Annex is narrowed down, also with the aim to reflect the communication of the Commission that this Annex should only cover 10% of connected devices. Right now, it appears plausible we'll have neither the standards or the conformity requirements by the time the CRA enters into force. This essentially means it is entirely possible that new products with digital elements can no longer be introduced into the EU single market at that point. These categories can be added on afterwards by the Commission following the procedure described in this Regulation.

Amendment 513
Jens Geier, René Repasi

Proposal for a regulation
Annex III – Part I – point 22

Text proposed by the Commission

Amendment

22. Industrial Automation & Control Systems (IACS) **not covered by class II**, such as programmable logic controllers (PLC), distributed control systems (DCS), computerised numeric controllers for

22. Industrial Automation & Control Systems (IACS), such as programmable logic controllers (PLC), distributed control systems (DCS), computerised numeric controllers for machine tools (CNC) and

machine tools (CNC) and supervisory control and data acquisition systems (SCADA);

supervisory control and data acquisition systems (SCADA);

Or. en

Amendment 514

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex III – Part I – point 23

Text proposed by the Commission

23. Industrial Internet of Things not covered by class II.

Amendment

23. Industrial *products with digital elements that can be referred as part of* Internet of Things not covered by class II.

Or. en

Amendment 515

Jens Geier, René Repasi

Proposal for a regulation

Annex III – Part I – point 23

Text proposed by the Commission

23. Industrial Internet of Things *not covered by class II.*

Amendment

23. Industrial Internet of Things.

Or. en

Amendment 516

Matteo Gazzini, Paolo Borchia, Isabella Tovaglieri, Elena Lizzi, Matteo Adinolfi, Markus Buchheit, Marie Dauchy

Proposal for a regulation

Annex III – Part I – point 23 a (new)

Text proposed by the Commission

Amendment

23a. Authentication, Authorisation and

Amendment 517
Jens Geier, René Repasi

Proposal for a regulation
Annex III – Part I – point 23 a (new)

Text proposed by the Commission

Amendment

23a. Operating systems for servers, desktops, and mobile devices;

Amendment 518
Jens Geier, René Repasi

Proposal for a regulation
Annex III – Part I – point 23 b (new)

Text proposed by the Commission

Amendment

23b. Hypervisors and container runtime systems that support virtualised execution of operating systems and similar environments;

Amendment 519
Jens Geier, René Repasi

Proposal for a regulation
Annex III – Part I – point 23 c (new)

Text proposed by the Commission

Amendment

23c. Public key infrastructure and digital certificate issuers;

Amendment 520
Jens Geier, René Repasi

Proposal for a regulation
Annex III – Part I – point 23 d (new)

Text proposed by the Commission

Amendment

23d. Secure elements;

Or. en

Amendment 521
Jens Geier, René Repasi

Proposal for a regulation
Annex III – Part I – point 23 e (new)

Text proposed by the Commission

Amendment

23e. Hardware Security Modules (HSMs);

Or. en

Amendment 522
Jens Geier, René Repasi

Proposal for a regulation
Annex III – Part I – point 23 f (new)

Text proposed by the Commission

Amendment

23f. Secure crypto processors;

Or. en

Amendment 523
Jens Geier, René Repasi

Proposal for a regulation
Annex III – Part I – point 23 g (new)

Text proposed by the Commission

Amendment

**23g. Smartcards, smartcard readers
and tokens;**

Or. en

Amendment 524

Jens Geier, René Repasi

Proposal for a regulation

Annex III – Part I – point 23 h (new)

Text proposed by the Commission

Amendment

**23h. Industrial Internet of Things
devices intended for the use by essential
entities of the type referred to in [Annex I
to the Directive XXX/XXXX (NIS2)];**

Or. en

Amendment 525

Jens Geier, René Repasi

Proposal for a regulation

Annex III – Part I – point 23 i (new)

Text proposed by the Commission

Amendment

**23i. Robot sensing and actuator
components and robot controllers;**

Or. en

Amendment 526

Jens Geier, René Repasi

Proposal for a regulation

Annex III – Part I – point 23 j (new)

Text proposed by the Commission

Amendment

23j. Smart meters;

Amendment 527
Jens Geier, René Repasi

Proposal for a regulation
Annex III – Part I – point 23 k (new)

Text proposed by the Commission

Amendment

23k. 26. Smart home products, including smart home servers and virtual assistants;

Or. en

Amendment 528
Jens Geier, René Repasi

Proposal for a regulation
Annex III – Part I – point 23 l (new)

Text proposed by the Commission

Amendment

23l. Smart security devices, including smart door locks, cameras and alarm systems;

Or. en

Amendment 529
Jens Geier, René Repasi

Proposal for a regulation
Annex III – Part I – point 23 m (new)

Text proposed by the Commission

Amendment

23m. Smart toys and similar devices likely to interact with children;

Or. en

Amendment 530
Jens Geier, René Repasi

Proposal for a regulation
Annex III – Part I – point 23 n (new)

Text proposed by the Commission

Amendment

23n. Personal health appliances and wearables.

Or. en

Amendment 531
Jens Geier, René Repasi

Proposal for a regulation
Annex III – Part II

Text proposed by the Commission

Amendment

- II** **1. Operating systems for servers, desktops, and mobile devices;** **deleted**
- 2. Hypervisors and container runtime systems that support virtualised execution of operating systems and similar environments;**
- 3. Public key infrastructure and digital certificate issuers;**
- 4. Firewalls, intrusion detection and/or prevention systems intended for industrial use;**
- 5. General purpose microprocessors;**
- 6. Microprocessors intended for integration in programmable logic controllers and secure elements;**
- 7. Routers, modems intended for the connection to the internet, and switches, intended for industrial use;**
- 8. Secure elements;**
- 9. Hardware Security Modules (HSMs);**
- 10. Secure cryptoprocessors;**
- 11. Smartcards, smartcard readers and**

tokens;

12. Industrial Automation & Control Systems (IACS) intended for the use by essential entities of the type referred to in [Annex I to the Directive XXX/XXXX (NIS2)], such as programmable logic controllers (PLC), distributed control systems (DCS), computerised numeric controllers for machine tools (CNC) and supervisory control and data acquisition systems (SCADA);

13. Industrial Internet of Things devices intended for the use by essential entities of the type referred to in [Annex I to the Directive XXX/XXXX (NIS2)];

14. Robot sensing and actuator components and robot controllers;

15. Smart meters.

Or. en

Justification

Justification: Following the proposed amendments to articles 6 and 24 of this proposal, the present amendment converts Annex III into one single list of critical products, operating the merger of class I and class II, based on the criteria proposed in Article 6(1). This amendment also introduces key clarifications to ensure products with a higher cybersecurity risk are clearly included in the scope of the Annex III (e.g. Firewalls or internet router). Moreover, the lack of consumer devices in the list of critical products is also addressed, with the introduction in Annex III of consumer devices of sensitive nature such as smart home devices, security devices, health appliances and wearables, connected toys or similar devices that interact with children.

**Amendment 532
Bart Groothuis**

**Proposal for a regulation
Annex III – Part II – point 1**

Text proposed by the Commission

Amendment

1. Operating systems for servers, desktops, and mobile devices;

deleted

Or. en

Justification

Moved to Class I.

Amendment 533

Matteo Gazzini, Paolo Borchia, Isabella Tovaglieri, Elena Lizzi, Matteo Adinolfi, Markus Buchheit, Marie Dauchy

Proposal for a regulation

Annex III – Part II – point 4

Text proposed by the Commission

4. Firewalls, intrusion detection and/or prevention systems intended for industrial use;

Amendment

4. Firewalls, **Security Gateways**, intrusion detection and/or prevention systems intended for industrial use;

Or. en

Amendment 534

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex III – Part II – point 4

Text proposed by the Commission

4. Firewalls, intrusion detection and/or prevention systems intended for industrial use;

Amendment

4. Firewalls, **security gateways**, intrusion detection and/or prevention systems intended for industrial use;

Or. en

Amendment 535

Bart Groothuis

Proposal for a regulation

Annex III – Part II – point 5

Text proposed by the Commission

5. **General purpose microprocessors;**

Amendment

deleted

Justification

To alleviate concerns that no standards or sufficient capacity for third-party conformity assessments will be in place by the time of adoption, the scope of this Annex is narrowed down, also with the aim to reflect the communication of the Commission that this Annex should only cover 10% of connected devices. Right now, it appears plausible we'll have neither the standards or the conformity requirements by the time the CRA enters into force. This essentially means it is entirely possible that new products with digital elements can no longer be introduced into the EU single market at that point. These categories can be added on afterwards by the Commission following the procedure described in this Regulation.

Amendment 536**Bart Groothuis****Proposal for a regulation****Annex III – Part II – point 6***Text proposed by the Commission**Amendment*

6. Microprocessors intended for integration in programmable logic controllers and secure elements; **deleted**

Justification

To alleviate concerns that no standards or sufficient capacity for third-party conformity assessments will be in place by the time of adoption, the scope of this Annex is narrowed down, also with the aim to reflect the communication of the Commission that this Annex should only cover 10% of connected devices. Right now, it appears plausible we'll have neither the standards or the conformity requirements by the time the CRA enters into force. This essentially means it is entirely possible that new products with digital elements can no longer be introduced into the EU single market at that point. These categories can be added on afterwards by the Commission following the procedure described in this Regulation.

Amendment 537**Matteo Gazzini, Paolo Borchia, Isabella Tovaglieri, Elena Lizzi, Matteo Adinolfi, Markus Buchheit, Marie Dauchy****Proposal for a regulation****Annex III – Part II – point 7***Text proposed by the Commission**Amendment*

7. Routers, modems intended for the connection to the internet, **and** switches, intended for industrial use;

7. Routers, modems intended for the connection to the internet, switches, **and other network nodes that are necessary for the provision of the connectivity service**, intended for industrial use;

Or. en

Amendment 538

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex III – Part II – point 7

Text proposed by the Commission

7. Routers, modems intended for the connection to the internet, **and** switches, **intended for industrial use**;

Amendment

7. Routers, modems intended for the connection to the internet, switches, **and other network nodes that are necessary for the provision of the connectivity service**;

Or. en

Amendment 539

Matteo Gazzini, Paolo Borchia, Isabella Tovaglieri, Elena Lizzi, Matteo Adinolfi, Markus Buchheit, Marie Dauchy

Proposal for a regulation

Annex III – Part II – point 11

Text proposed by the Commission

11. Smartcards, smartcard readers and tokens;

Amendment

11. Smartcards, smartcard readers, **biometric readers**, and tokens;

Or. en

Amendment 540

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex III – Part II – point 15 a (new)

Text proposed by the Commission

Amendment

15a. Smart home products, including smart home servers and virtual assistants;

Or. en

Amendment 541

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex III – Part II – point 15 b (new)

Text proposed by the Commission

Amendment

15b. Smart security devices, including smart door locks, cameras and alarm systems;

Or. en

Amendment 542

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex III – Part II – point 15 c (new)

Text proposed by the Commission

Amendment

15c. Smart toys and similar devices likely to interact with children;

Or. en

Amendment 543

Ignazio Corrao

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex III – Part II – point 15 d (new)

Text proposed by the Commission

Amendment

15d. Personal health appliances and wearables.

Or. en

Amendment 544
Evžen Tošenovský

Proposal for a regulation
Annex V – paragraph 1 – point 2 – point a

Text proposed by the Commission

Amendment

(a) complete information on the design and development of the product with digital elements, including, where applicable, drawings and schemes and/or a description of the system architecture explaining how software components build on or feed into each other and integrate into the overall processing;

deleted

Or. en

Amendment 545
Evžen Tošenovský

Proposal for a regulation
Annex V – paragraph 1 – point 2 – point b

Text proposed by the Commission

Amendment

(b) complete information and specifications of the vulnerability handling processes put in place by the manufacturer, including the software bill of materials, the coordinated vulnerability disclosure policy, evidence of the provision of a contact address for the reporting of the vulnerabilities and a description of the technical solutions chosen for the secure distribution of updates;

(b) complete information and specifications of the vulnerability handling processes put in place by the manufacturer *the manufacturer's* coordinated vulnerability disclosure policy, evidence of the provision of a contact address for the reporting of the vulnerabilities and a description of the technical solutions chosen for the secure distribution of updates;

Amendment 546
Evžen Tošenovský

Proposal for a regulation
Annex V – paragraph 1 – point 3

Text proposed by the Commission

3. ***an assessment*** of the cybersecurity risks against which the product with digital elements is designed, developed, produced, delivered and maintained as laid down in Article 10 of this Regulation;

Amendment

3. ***a statement*** of the cybersecurity risks against which the product with digital elements is designed, developed, produced, delivered and maintained as laid down in Article 10 of this Regulation;