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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act) (**first reading**)

- Adoption of the legislative act
- Statements

Statement by the United Kingdom

The United Kingdom wishes to record its support for the Regulation on ENISA, the “EU Cybersecurity Agency”, and repealing Regulation (EU) 526/2013, and on Information and Communication Technology cybersecurity Certification. The UK is committed to promoting security and stability in cyberspace through enhanced international cooperation.

The United Kingdom however wishes to record its view that it does not recognise the term ‘public core’ (of the open internet) as referenced in Article 5(3) and Recital 23. As it is a network of networks, the UK does not recognise the internet as having a ‘core’. The UK considers this language could be used to promote fragmentation of the internet, which would be harmful to positions taken by the EU and Member States who seek to avoid this. The term ‘public’ can be interpreted as meaning government responsibility for the Internet, which is contrary to the multi-stakeholder model of internet governance which the EU and its Member States support. The UK considers that further discussions are needed to define how we talk about the core functions that underpin the normal operation of the internet.

The United Kingdom continues to believe that the multi-stakeholder approach is the best way to manage the complexities of governing the internet and it will continue to look to work with its international partners to safeguard the long-term future of a free, open, peaceful and secure cyberspace.

Statement by Croatia

The Republic of Croatia would like to express its support for the Regulation of the European Parliament and of the Council on ENISA (the European Agency for Cybersecurity) and on information and communication technology cybersecurity certification and repealing Regulation (EU) 526/2013 (Cybersecurity Act).

However, the Republic of Croatia wishes to record its discontent with the current Croatian version of the Regulation, i.e. with the Croatian equivalent of the English term “cyber” and its derivatives into the Croatian language, an issue that we have raised on several levels within the Council. The Republic of Croatia is seriously concerned that the current Croatian version of the Regulation may lead to legal uncertainty.

The Republic of Croatia considers that the terminology used by the EU institutions should be aligned with already existing national legal terminology to ensure legal certainty.

The Republic of Croatia remains committed to promoting open, free, stable and secure cyberspace and supports all efforts to enhance European cybersecurity capacities and resilience.

Therefore, the Republic of Croatia will abstain when it comes to the voting and the adoption of the Cybersecurity Act.
