



**SOG-IS Recognition Agreement
Management Committee
Policies and Procedures**

Document ID: SOG-IS Policy on Article 49

Subject: Interpretation of EUCC Implementing Regulation article 49 for phasing out SOG-IS schemes

Scope and working

- 1 This policy paper contains harmonized interpretations of Article 49 in the EUCC Implementing Regulation [IR].
- 2 SOG-IS participants are expected to follow these interpretations for the operations of their schemes after the entry into force of the EUCC (27 February 2024).
- 3 In particular:
 - SOG-IS participants are not expected to adopt more loose interpretations than stated in this policy;
 - SOG-IS participants may adopt more strict interpretations than stated in this policy paper, in order to reduce their operational and legal risks.
- 4 This policy is limited to activities that are covered by the SOG-IS MRA.

Text from Article 49, Implementing Regulation

- 5 Art. 49 of [IR], as reported below, defines the transition process from the current National CC Certification Schemes to the EUCC scheme:

Article 49

National schemes covered by the EUCC

1.

In accordance with Article 57(1) of Regulation (EU) 2019/881 and without prejudice to Article 57(3) of that Regulation, all national cybersecurity certification schemes and the related procedures for ICT products and ICT processes that are covered by the EUCC shall **cease to produce effects** from 12 months after the entry into force of this Regulation.

2.

By derogation from Article 50, a **certification process** may be **initiated** under a national cybersecurity certification scheme within 12 months from the entry into

force of this Regulation provided that the certification process is **finalised** not later than 24 months after entry into force of this Regulation.

3.

Certificates issued under national cybersecurity certification schemes may be subject to review. **New certificates replacing the reviewed certificates** shall be issued in accordance with this Regulation.

- 6 This policy gives interpretations for the highlighted terms in **bold and italic characters**.

Harmonized interpretations

To produce effects

- 7 The following activities shall be considered to fall under the term 'to produce effects':
- to issue a new certificate (e.g. up to date evaluation activities, full validity period...)
 - to change the scope except in case of functional scope reduction
 - to extend the validity period of a certificate (e.g. as a result of re-assessment or re-evaluation as defined in [AC])
 - to approve/license ITSEFs, including renewal of approval/licensing
- 8 Note: For national schemes covered by the EUCC, these activities shall be ceased 12 months after entry into force of the EUCC (i.e. from 27 February 2025)
- 9 The following activities are not considered to fall under the term 'to produce effects':
- to issue a maintenance addendum to an existing certificate (as defined in [AC]) where the original certificate is not replaced, and scope and/or validity period are not changed
 - to suspend or revoke a certificate
 - to suspend or revoke approval/licensing of ITSEFs
 - to monitor and handle vulnerabilities (not resulting in extending the validity period of a certificate)
 - to maintain a public record of certificates and status
 - to perform other activities related to fulfilment of contractual and/or accreditation obligations
- 10 Note: For national schemes covered by the EUCC, these activities may be continued following 12 months after entry into force of the EUCC (i.e. also after 27 February 2025)

Certification process ... initiated

- 11 The moment that a certification process is 'initiated' shall be clearly defined by the scheme as a transparent and objectively verifiable moment and communicated to CB and stakeholders.
- 12 For example, a scheme could define this
- as the moment when the certification agreement has been finalised by the CB, the Sponsor and the ITSEF,
 - as the date of approval or official beginning of a new evaluation as officially communicated by the CB to the ITSEF and the Sponsor following an application,
 - or at the receipt date of the application form signed by both the ITSEF and Sponsor sent to the CB.
- 13 Note: certification processes initiated within 12 months after entry into force of the EUCC (i.e. from 27 February 2024 up to and including 26 February 2025) must be finalised not later than 24 months after entry into force of the EUCC (i.e. before 27 February 2026)
- 14 Note: scope reduction processes must be finalised not later than 24 months after entry into force of the EUCC (i.e. before 27 February 2026). Date of initialization is not relevant as it is considered to be included in the initial certification process.

Finalised

- 15 Having resulted in the issuance of a certificate, where the issuance date indicates the moment of finalizing.

New certificates replacing the reviewed certificates

- 16 This should be understood as new certificates that extend the validity period of the reviewed certificate.

References

[AC] Joint Implementation Library - Assurance Continuity, Current version: 1.2, March 2024

[IR] COMMISSION IMPLEMENTING REGULATION (EU) 2024/482 of 31 January 2024, published in the Official Journal of the European Union, dated 7.2.2024