

Communiqué

Euralarm comments for the upcoming delegated act for internet-connected radio equipment and wearables

1. Introduction

Euralarm, the European association of the alarm industry, welcomes the opportunity provided by the European Commission to give comments and suggestions in view of the activation of a delegated act pursuant to article 3(3) of the RED (d, e and f).

We would first and foremost like to stress that Euralarm members are still of the opinion that a horizontal Regulation covering cybersecurity requirements would be more beneficial than delegated acts by holistically addressing the risks and concerns related to cybersecurity, without creating a patchwork of requirements or transitory requirements in product specific legislation, while ensuring the necessary level of protection.

This paper will however only focus on the following three aspects which were raised at the RED Expert Group, in order to support the Commission in drafting the delegated act, namely:

- the scope of the delegated act
- the definition of “internet-connected device”
- the implementation period.

2. Comments and proposals

2.1. Scope

- **General**
As the activation of these essential requirements has been triggered by cases involving toys and other consumer devices, the Euralarm members are of the opinion that the activation should focus on the consumer devices. No example of cases where professionally installed devices are involved have been given during the discussions in the EG on Radio Equipment.

Euralarm proposal: the scope of the DA should be limited to the “consumer internetconnected devices”.

- **Article 3(3) (d)**
"Radio equipment does not harm the network or its functioning nor misuse network resources, thereby causing an unacceptable degradation of service". The intention is to protect "networks" but "network" is not defined in the RED. The scope of the RED is limited to radio communication and determination in order to protect the radio spectrum. Network is usually for instance in Art 3(2) referring to radio (communication) networks. Applying Art 3(3)(d) to internet-connected devices creates a deviating understanding of network: instead of radio communication network, it is enlarged to the "internet".

Euralarm proposal: it is sufficient to enforce Art 3(3)(e) and (f) to cover the concern triggered by the explained cases. This will also reduce the risk of inconsistent and overlapping requirements.

- **Article 3(3) (e) and (f)**
Euralarm supports the scope definition for article 3(3)(e) to include consumer internetconnected devices, toy devices and wearable devices, in so far as they are capable of processing any information or data covered by Regulation (EU) 2016/679 (GDPR) or Directive 2002/58/EC (ePrivacy). We are also supportive of the inclusion of article 3(3)(f) in the delegated act, defined as consumer internet-connected devices, in so far as they enable the holder or user to transfer money, monetary value or virtual currency. This supports the original proposal with the limitation to consumer devices.

2.2. Definition of "internet-connected device"

Euralarm believes that the initial definition is very vague and would lead to a considerable risk of legal uncertainty both for the market surveillance authorities and manufacturers. We think that a clear definition is crucial for the correct application of this Delegated Act. The concept of "directly or indirectly" is unclear and shall be avoided.

We would also like to highlight that "internet" is not used nor defined in RED. To provide certainty to the Delegated Act, we propose to re-formulate this definition to cover radio equipment connected by using any internet protocol. It is essential that the Delegated Act specifically covers those devices that could potentially present cybersecurity risks. These devices are those able to connect to the internet by means of an internet protocol.

In addition, as explained in section 2.1 above, the definition should be limited to consumer devices.

Euralarm proposal: We propose the following definition for consumer internet-connected device.

"consumer internet-connected device": any radio equipment, falling within the scope of Directive 2014/53/EU, which is capable to be connected to internet by using any internet protocol and intended to be put into service by a consumer or any other end-user.

2.3. Date of application

We would like to point out that the essential requirements of Art 3(3) are new requirements for radio equipment which need to be considered in the product planning design and production. Before this consideration can be started, applicable standards need to be published and cited in the OJEU. The availability of a harmonized standard is of primary importance as, from Article 17(4) of the RED, the manufacturer has to go through a notified body if no harmonized standard is cited. There is then a fear of unequal interpretation or over-interpretation of the essential requirements by the notified body in case of lack of technical guidance.

This means industry needs realistic time after OJEU listing. A reasonable guess is to count 2 years for the availability of a candidate hEN, 1 year to ensure its citation and 2 additional years to allow the manufacturers to finalize the design and demonstrate the compliance.

Euralarm proposal: a transition period of five years before the requirements of the delegated act become mandatory. In other words, if the intended publication of the delegated act is Q2 of 2021, the transitional period would end in Q2 of 2026.

3. Conclusion

Euralarm has put forward the following concrete proposals:

- narrowing the scope down to consumer equipment;
- considering only Articles 3(3)(e) and (f) in the delegated act and not 3(3)(d) as the former would sufficiently cover the concern;
- making the definition of internet-connected device more accurate by making reference to the use of any internet protocol;
- a transitional period of 5 years after adoption.

About Euralarm

Euralarm represents the fire safety and security industry, providing leadership and expertise for industry, market, policy makers and standards bodies. Our members make society safer and secure through systems and services for fire detection and extinguishing, intrusion detection, access control, video monitoring, alarm transmission and alarm receiving centres. Founded in 1970, Euralarm represents over 5000 companies within the fire safety and security industry valued at 67 billion Euros. Euralarm members are national associations and individual companies from across Europe.

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Note: The English version of this document is the approved Euralarm reference document.