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CLIENT ALERT EU CYBERSECURITY ACT PROPOSAL

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EU CYBERSECURITY ACT PROPOSAL:

Governance, Resilience, and Market Access

Executive summary

On 20 January 2026, the European Commission presented a comprehensive "*Cybersecurity Package"*, proposing a targeted revision of the "*EU Cybersecurity Act*" (originally adopted as Regulation (EU) n. 2019/881) alongside amendments to Directive (EU) n. 2022/2555 ("**NIS2 Directive**").

The original 2019 framework established a permanent mandate on the "*European Union Agency for Cybersecurity*" ("**ENISA**") as the Union's central technical authority and introduced the "*EU Common Criteria-based"* ("**EUCC**") scheme, laying the foundations of the European cybersecurity certification system.

Since then, the overall set of existing and emerging threats, has evolved considerably. Modern attacks frequently disrupt vital operations and industrial networks, revealing structural flaws in cross-border coordination.

The 2026 proposal arrives at a critical juncture where cyberattacks no longer target data alone, but increasingly jeopardise critical infrastructure, essential services, as well as global supply chains. These vulnerabilities are compounded by hybrid threats and growing geopolitical dependencies on foreign technologies.

Consequently, the proposal moves beyond mere technical standards to address systemic bottlenecks, aiming by reinforcing ENISA's mandate and restructuring the certification architecture to ensure greater uniformity across the internal market. Additionally, it establishes a formal mechanism to manage risks within ICT supply chains, including the identification of high-risk providers and the implementation of safeguards in high-priority sectors.

For businesses, cybersecurity is no longer confined to regulatory compliance. It directly affects market access, contractual stability, investment planning, and long-term competitiveness within the European digital economy.

The proposal will now follow the ordinary legislative procedure before the European Parliament and the Council of the EU, then entering a phase of interinstitutional negotiation and technical refinement. If adopted, it is likely to redefine both regulatory obligations and competitive dynamics within the European digital market.

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Regulatory standstill and outlook

The proposed reform initiative marks a shift from a predominantly technical compliance regime toward an integrated governance model anchored in institutional consolidation. At its core lies the strengthening of ENISA as the Union's central technical authority.

By formalising the Agency's role in drafting candidate schemes and providing structured technical support to national authorities, the European Commission seeks to eliminate the fragmented national practices that have historically undermined mutual recognition across the EU. This approach ensures a uniform interpretation of assurance levels (ranging from "basic" to "high") while harmonising evaluation methodologies to facilitate a truly smooth internal market.

The expansion of ENISA's mandate includes operating a central EU-wide threat repository, issuing strategic early warnings, managing a unified incident reporting platform, and coordinating large-scale cybersecurity exercises across Member States. These functions position ENISA as the European Union's definitive technical reference body, bridging the gap between high-level policy and real-time operational coordination.

In the meanwhile, the reform seeks to increase the practical relevance of EU certification schemes. Acknowledging that voluntary schemes have had limited adoption, the European Commission is refining procedures and linking certification more closely with other EU product regulations. This strategy eliminates administrative redundancies and prevents the duplication of audit requirements.

Certification development has also been modernised: new procedures incorporate proportionality principles, encourage international cooperation, and set a clear 12-month timeline for ENISA to propose new schemes. By prioritizing global interoperability, the EU intends to reduce compliance burdens for European companies while establishing its certification framework as a leading international standard.

Most significantly, the revision introduces a step change in supply chain security, treating certification as a tool for technological resilience during geopolitical instability. The creation of mechanisms to identify and monitor high-risk suppliers across eighteen critical sectors represents a decisive move against systemic risks. For the first time, the EU framework allows for the potential withdrawal of deployed products if a supplier is reclassified as high-risk, posing operational and financial implications for critical infrastructure and digital services.

Strategic imperatives and the evolution of digital governance

The proposed reform introduces a comprehensive change in how organisations must operate within the European digital setting, moving from isolated product-focused security to a holistic approach that emphasises organisational maturity.

Companies will be required to implement advanced governance through documented policies, rigorous internal processes, comprehensive control mechanisms, and risk management structures that transcend traditional technical boundaries. As the certification framework expands to encompass cloud services, 5G networks, managed security services, and overall cyber posture, technology providers will face heightened regulatory scrutiny and extended time-to-market cycles, even as their clients benefit from verified security standards.

Crucially, the introduction of high-risk supplier mechanisms necessitates a proactive approach to supply chain resilience. This forces entities to assess geopolitical dependencies and monitor interconnected infrastructure. Organizations must, therefore, prepare for the potential replacement of hardware and revise contractual frameworks to mitigate the operational shocks of supplier reclassification.

For small and medium-sized enterprises, this shift creates a dual challenge. Increased reliance on certified vendors may simplify security management while simultaneously driving up procurement costs. Consequently, these firms will require a higher degree of technical due diligence to remain competitive.

On the operational side, the centralisation of reporting through ENISA's unified platform will significantly intensify obligations for "*Security Operations Centres*" ("**SOCs**"). These entities, alongside "*Computer Security Incident Response Teams"* ("**CSIRTs**"), must integrate deeply with EU-level reporting systems. While this improves situational awareness across the Union, it also introduces considerable administrative burdens.

Next steps

The proposal will follow the ordinary legislative procedure, requiring both the European Parliament and the Council to adopt their respective amendments. Afterwards, it will enter a phase of interinstitutional negotiations and technical refinement, aimed at balancing security measures with the practical needs of the market.

Conclusion

The proposed reform of the "*EU Cybersecurity Act*" signals a transition from fragmented technical standards to a unified, geopolitically aware governance model.

- The consolidation of powers around the European Union Agency for Cybersecurity reduces national divergence and centralises threat reporting and operational coordination at EU level.
- Certification is now a tool for technological resilience rather than just a quality mark. The power to exclude high-risk suppliers in critical sectors forces a fundamental reassessment of third-party dependencies and hardware lifecycles.
- Closer alignment between certification schemes and horizontal product legislation increases the regulatory weight of EU certificates in determining market access and competitive positioning.
- Cybersecurity becomes a board-level responsibility, requiring integrated risk management, structured oversight to ensure alignment with enhanced EU-wide reporting obligations.

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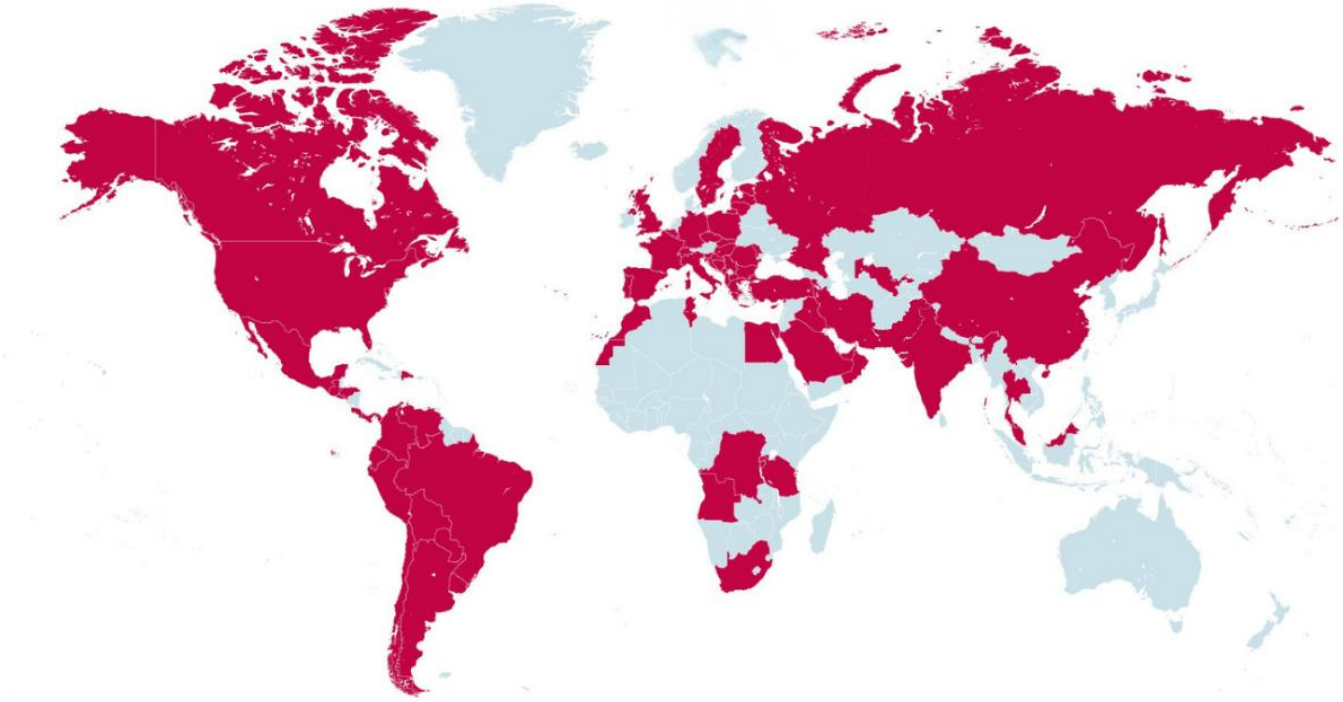

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