

Cyber Resilience Act

Overview of Articles 35-71

Navigating the horizontal cybersecurity requirements for products with digital elements in the European Union market.



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European Union



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Designation of Authorities

**Handling Non-Compliance and
Risks**

Designation of Authorities

Designation of Authorities



**Notifying
Authorities**

**Notified bodies
(CABs)**

**Market Surveillance
Authorities (MSA)**

Handling Non-Compliance and Risks

Handling Non-Compliance and Risks



National procedure

EU level procedure

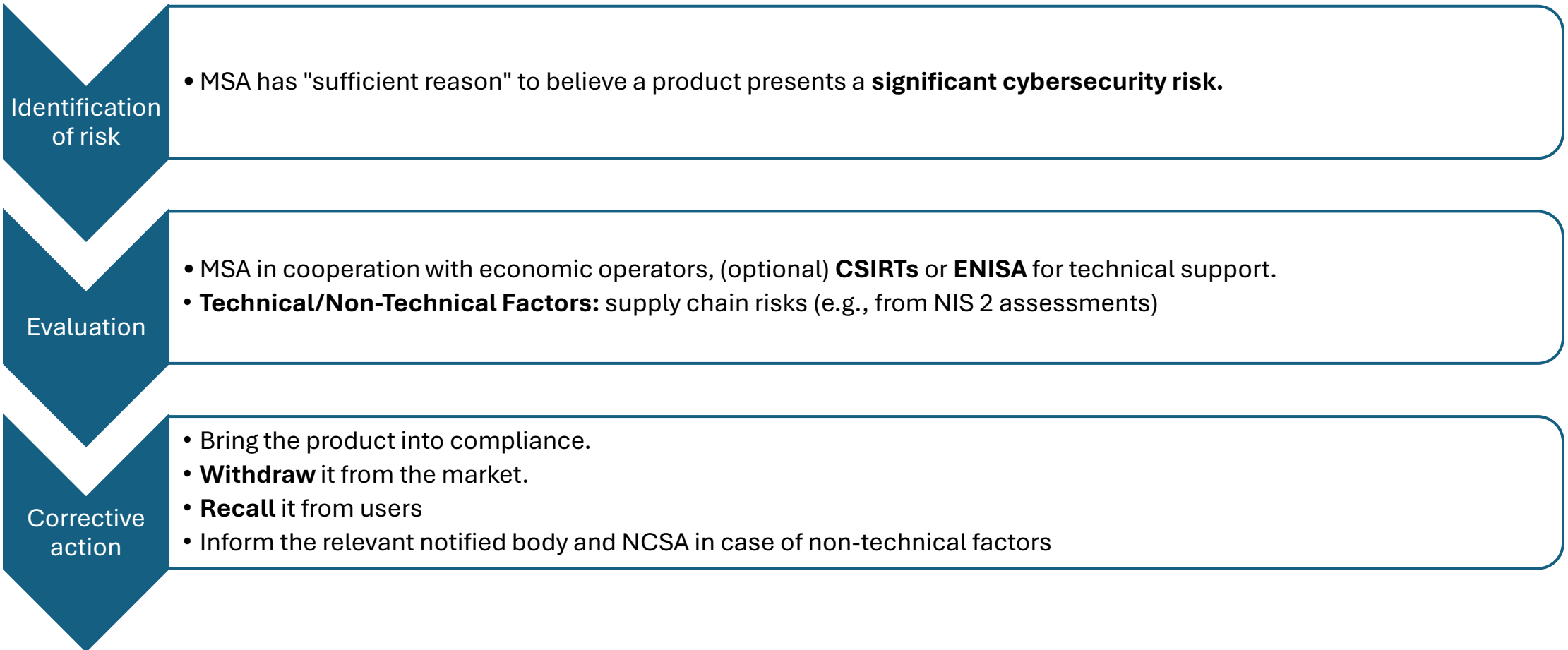
Compliant products which present
a significant cybersecurity risk

Formal non-compliance

Joint activities of market
surveillance authorities

Sweeps

Handling Non-Compliance and Risks (National procedure)



Handling Non-Compliance and Risks (National procedure)



Provisional measures

- Prohibit or restrict the product in its national market
- Withdraw it from that market
- Recall
- Notify the Commission and the other MS, without delay, of those measures.

Notification to Commission & MS

- Data for the identification and origin of the non-compliant product
- Nature of the alleged non-compliance and the risk involved
- Nature and duration of the national measures
- Arguments put forward by the relevant economic operator.

Objections by other MS

- If yes ➡ Union safeguard procedure
- If no ➡ The measure shall be deemed justified.

Handling Non-Compliance and Risks

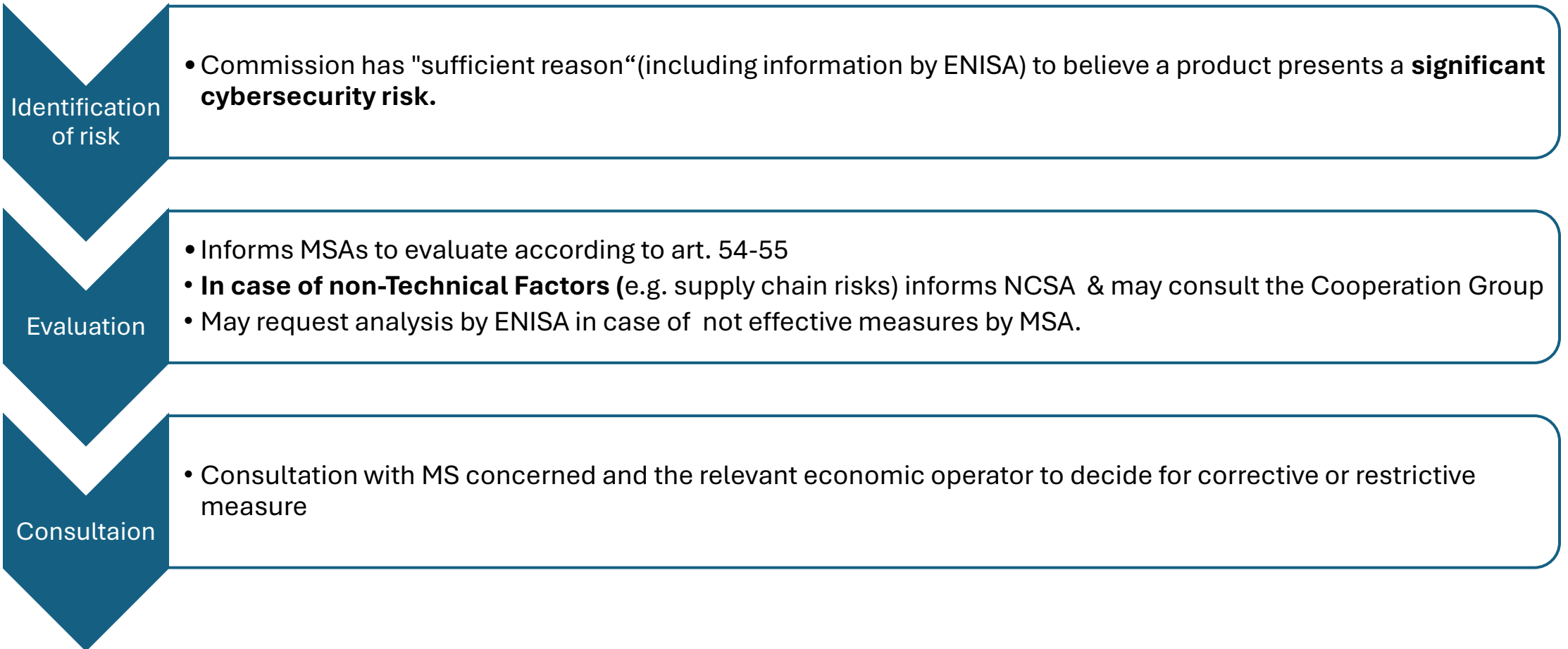
(Union safeguard procedure)



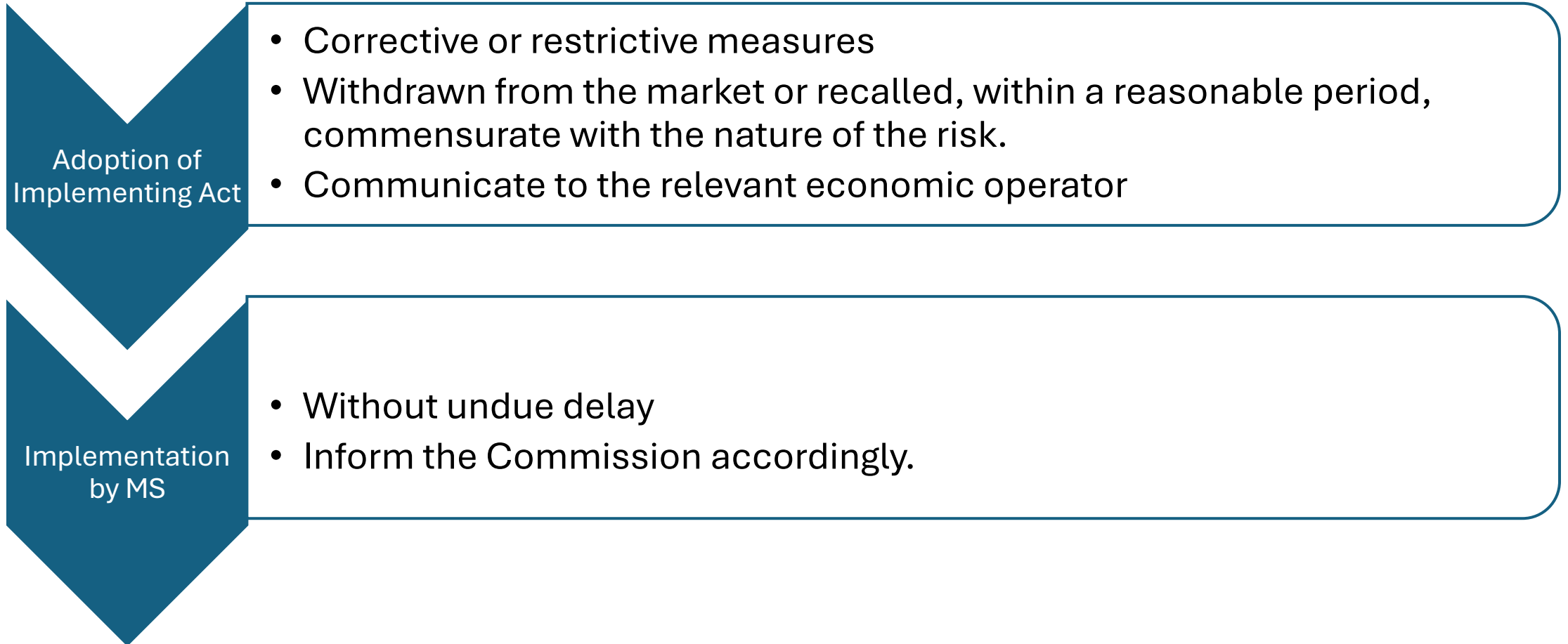
The Commission shall without delay enter into consultation with the relevant MS and the economic operator and evaluates the national measure, within 9 months from the notification.

- If justified ➡ the non-compliant product shall be withdrawn in all MS
- If not justified ➡ the measure shall be withdrawn by the MS

Handling Non-Compliance and Risks (EU level procedure)



Handling Non-Compliance and Risks (EU level procedure)



Handling Non-Compliance and Risks

(Compliant products with digital elements which present a significant cybersecurity risk)



Further requirements for products with digital elements:

- a) the health or safety of persons
- b) the compliance with obligations under Union or national law intended to protect fundamental rights
- c) the availability, authenticity, integrity or confidentiality of services offered using an electronic information system by essential entities as referred to in Article 3(1) of NIS 2
- d) other aspects of public interest protection

Handling Non-Compliance and Risks

(Formal non-compliance)



- (a) the CE marking has been affixed in violation of Articles 29 and 30;
- (b) the CE marking has not been affixed;
- (c) the EU declaration of conformity has not been drawn up;
- (d) the EU declaration of conformity has not been drawn up correctly;
- (e) the identification number of the notified body which is involved in the conformity assessment procedure, where applicable, has not been affixed;
- (f) the technical documentation is either not available or not complete

Market Surveillance and Enforcement (Penalties)



Up to **€15,000,000 or 2.5%** of the total worldwide annual turnover

Non-compliance with the **essential cybersecurity requirements** (Annex I) or vulnerability handling requirements.

Up to **€10,000,000 or 2%** of the total worldwide annual turnover.

For failing to meet administrative obligations (CE marking, drawing up technical documentation, conformity assessments)

Up to **€5,000,000 or 1%** of the total worldwide annual turnover.

(Providing **incorrect, incomplete, or misleading information** to market surveillance authorities or notified bodies)

Market Surveillance and Enforcement (Penalties)



- **Authorities possess the power to mandate immediate product recalls, market withdrawals and sales prohibitions across the EU**
- **December 2027- Full CRA Compliance Becomes Mandatory**

Why comply?

Cybersecurity is no longer an optional feature. It is a strict prerequisite for market entry

-  legal risk
- Financial penalties
- Product withdrawal
- Competitive advantage
- Reputation damage

Thank you!

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