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Committee on Technical Barriers to Trade

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**EUROPEAN UNION – COMMON CRITERIA FOR INFORMATION TECHNOLOGY SECURITY
EVALUATION (COMMON CRITERIA) CERTIFICATION IN THE EU**

STATEMENT BY THE EUROPEAN UNION TO THE COMMITTEE ON TECHNICAL BARRIERS TO TRADE
21 AND 22 MARCH 2018

The following communication, dated 16 April 2018, is being circulated at the request of the delegation of the European Union.

1. Unlike in China, in the EU commercial encryption and encryption for national security are clearly distinguished. The latter is limited to few sectors closely linked with national security matters. Neither the EU nor its Member States impose mandatory cryptography standards or conformity assessment procedures to access the EU markets. It is up to individual companies to ensure secure transmission of data over their systems and networks.

2. Currently existing European IT security certification schemes are voluntary and based on international standards for security evaluation (in particular, the Common Criteria standard ISO/IEC 15408, an international effect since 1999) and global practices, such as the Common Criteria Recognition Arrangement (CCRA – international scheme) and SOGIS-MRA (Senior Officers Group for Information Systems, Mutual Recognition Agreement – European scheme, EU MS plus EFTA countries).

3. The EU considers that these certification schemes are outside the scope of the TBT Agreement. We have asked China repeatedly to identify concrete measures, technical regulations or conformity assessment procedures, falling within the scope of the TBT Agreement.

4. The EU is of the view that regulatory approaches should not prevent authorities and IT system operators to use the best technology available, regardless of ownership of technology or location of equipment manufacturers. While in China no foreign company had ever been granted a license by OSCCA, some Chinese companies had obtained certification up to Evaluation Assurance Level (EAL) 4, which was high in the evaluation scale under the common criteria in international standards.
