**ILNAS/ANCC/F003**

**Statement for Certificate Holders and EU Statement of Conformity Holders**

Modifications: periodic review

1, avenue du Swing

L-4367 Belvaux

Tél.: (+352) 247 743 55

[confiance-numerique@ilnas.etat.lu](mailto:confiance-numerique@ilnas.etat.lu)

<https://portail-qualite.public.lu>

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# Abbreviations

ILNAS Luxembourg Institute for standardisation, accreditation, safety, and quality of goods and services (French: Institut Luxembourgeois de la Normalisation, de l’Accréditation, de la Sécurité et qualité des produits et services)

CSA Cybersecurity Act

ICT Information and communication technologies

NCCA National Cybersecurity Certification Authority

ANCC National Cybersecurity Certification Authority (French: autorité nationale de certification de cybersécurité)

# Introduction

ILNAS has been designated as the NCCA for the Grand Duchy of Luxembourg according to Article 58 of the Cybersecurity Act[[1]](#footnote-1) that is responsible for supervision tasks. The unit *Service de supervision de cybersécurité* of the Digital Trust Department of ILNAS has been created for carrying out these supervision tasks. The unit supervises the activities of certified and self-assessed manufacturers and providers of ICT products, ICT services and ICT processes, and of conformity assessment bodies that are established in the Grand Duchy of Luxembourg.

In the following, we use the acronym NCCA to refer to the unit *Service de supervision de cybersécurité* of the Digital Trust Department of ILNAS.

This document describes the commitments of certificate holders and EU statement of conformity holders with respect to the supervision of the NCCA in the context of the Cybersecurity Act.

This document shall be completed, dated and signed and returned to the NCCA for each notification of a certificate or an EU statement of conformity via the notification form ILNAS/ANCC/F001. The general supervision procedure of the NCCA is described in the procedure ILNAS/ANCC/Pr001.

# Declaration

I wish to have my organisation, which holds a certificate or an EU statement of conformity for the ICT products, ICT services and ICT processes indicated in the notification form F001, supervised in the context of the Cybersecurity Act.

**In the frame of this supervision:**

* I declare to comply with current legislation, in particular on the subject of rights of establishment;
* I declare to know and to respect the supervision system and the functioning of NCCA according to the documents available on its website

<https://portail-qualite.public.lu/fr.html>;

* I declare to agree to the supervision and to a cooperation with the NCCA in terms of verifying the conformity of the certified products, services, and processes of my organisation with the requirements of the Cybersecurity Act and related certification schemes. This cooperation includes, among other items, the following:
  + I declare to provide a copy of the certificate and a copy of the conformity assessment report to the NCCA;
  + In case of an EU statement of conformity, I declare to provide a copy of the EU statement of conformity and the final self-assessment report to the NCCA;
  + I declare to provide the dates of the conformity assessment or, in case of an EU statement of conformity, the dates of the self-assessment;
  + I declare to provide all other information, documents and records necessary to the assessment and supervision to maintain the certificate and/or the EU statement of conformity;
  + I declare to adhere to the supervision program;
  + I declare to facilitate the cooperation and to share related information with the Market surveillance authority (“Département de la surveillance du marché) of ILNAS in accordance with Article 58 7) (a) of the Cybersecurity Act;
  + I declare to facilitate the cooperation with the NCCA regarding the supervision of the certified ICT products, ICT services or ICT processes.
  + If all of the activities of the certificate holder or the EU statement of conformity holder that are under supervision are carried out in Luxembourg:
    - I declare to guarantee to the NCCA and organisations performing activities on their behalf access to our subcontractors’ premises as part of checks conducted for the supervision program;
    - I declare to authorise supervision visits outside of NCCA’s supervision program undertaken as a result of a complaint. Such visits may not occur within five working days after being notified of this type of visit by the NCCA;
  + If some activities of the certificate holder or the EU statement of conformity holder that are under supervision are carried out in another EU Member state:
    - I declare to guarantee the supervision teams of the NCCA in the respective Member state access to our subcontractors’ premises located in that EU Member state as part of the checks conducted in the context of the supervision program, in accordance with Article 58 7) (h) of the Cybersecurity Act;
    - I declare to authorise supervision visits by the NCCA of that EU Member state in accordance with Article 58 7) (h) of the Cybersecurity Act;
  + I declare to settle application fees and assessment fees, including travel and lodging fees, regardless of assessment results and settle fees for subsequent visits by the NCCA.

# In relation with third parties

* I agree not to use my supervision in a manner detrimental to the reputation of the NCCA, nor to make statements relating to the supervision that could reasonably be considered misleading or that could mislead a third party;
* I agree to conform not only to the directives contained in this document but also to any ethical rules that apply in a particular area of activity;
* I agree to immediately desist from using my supervision status on its expiration date and to halt all type of advertising that refers to the supervision and certification in any manner whatsoever. The expiration date of the supervision status is equal to the expiration date of the certificate or the EU statement of conformity.

# Changes, events, incidents, vulnerabilities or complaints

I agree to inform the NCCA immediately of all changes, events, incidents, vulnerabilities, irregularities or complaints relating to my supervision and certification, in particular regarding:

* Legal, commercial, ownership or organisational status;
* Structure, management and staff in key positions;
* Policy changes;
* Major changes in the documentation;
* Infrastructure;
* Changes impacting the security of the certified ICT products, ICT services or ICT processes;
* Detected vulnerabilities and irregularities concerning the security of the relevant ICT product, ICT service or ICT process;
* Resources and premises;
* Scope of the certification or EU statement of conformity and, consequently, the scope of the supervision;
* Security breaches or security incidents impacting the certified ICT products, ICT services or ICT processes;
* Complaints by third parties;
* Intention to cease one or more ICT products, ICT services or ICT processes within the scope of the certification or the EU statement of conformity;
* Expected or unexpected termination of an ICT product; ICT service or ICT process within the scope of the certification or the EU statement of conformity;
* Any other area that may affect the ability of my organisation to meet the supervision and certification requirements.

Signature

Full name:

Function:

Date:

Signature – read and approved before signing  :

Returning the signed document

Thank you for returning this signed document to the following address:

**ILNAS**

**Digital Trust Department / NCCA**

**1, avenue du Swing**

**L-4367 Belvaux**

Alternatively, the notification form can be sent electronically, in a secure way, to the NCCA. The NCCA (supervision-cybersecurite@ilnas.etat.lu) must be contacted prior to sending the form and the related supporting documents to discuss the transmission modalities.

1. Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 [↑](#footnote-ref-1)