THE MANAGER / DIRECTOR IN CONTROL

A GENERIC APPROACH

Table 1: Overview of EU Legislation in the Digital Sector

Legend	
Applicable law	Published in the Official Journal of the European Union
In negotiation	Proposal by the European Commission entered the legislative process.
Planed initiative	Mentioned by the European Commission as potential legislative initiative

Research & Innovation	Industrial Policy	Connectivity	Data & Privacy	IPR	Cybersecurity	Law Enforcement	Trust & Safety	E-commerce & Consumer Protection	Competition	Media	Finance
Digital Europe Programme Regulation, (EU) 2021/694	Recovery and Resilience Facility Regulation, (EU) 2021/241	Frequency Bands Directive, (EEC) 1987/372	General Data Protection Regulation (GDPR), (EU) 2016/679	Database Directive, (EC) 1996/9	Regulation for a Cybersecurity Act, (EU) 2019/881	Law Enforcement Directive, (EU) 2016/680	Product Liability Directive (PLD), (EEC) 1985/374, 2022/0302(COD)	Unfair Contract Terms Directive (UCTD), (EEC) 1993/13	Technology Transfer Block Exemption, (EC) 2014/316	Satellite and Cable I Directive, (EEC) 1993/83	Common VAT system, (EC) 2006/112, 2022/0407(CNS)
Horizon Europe Regulation, (EU) 2021/695, (EU) 2021/764	InvestEU Programme Regulation, (EU) 2021/523	Radio Spectrum Decision, (EC) 2002/676	Regulation to protect personal data processed by EU institutions, bodies, offices and agencies, (EU) 2018/1725	Community Design Directive, (EC) 2002/6, 2022/0391(COD)	Regulation to establish a European Cybersecurity Competence Centre, (EU) 2021/887	Directive on combating fraud and counterfeiting of non-cash means of payment, (EU) 2019/713	European Standardization Regulation, (EU) 2012/1025	E-commerce Directive, (EC) 2000/31	Company Law Directive, (EU) 2017/1132, 2023/0089(COD)	Information Society Directive, (EC) 2001/29	Payment Service Directive 2 (PSD2), (EU) 2015/2366, 2023/0209(COD)
Regulation on a pilot regime distributed ledger tech. market, (EU) 2022/858	Connecting Europe Facility Regulation, (EU) 2021/1153	Broadband Cost Reduction Directive, (EU) 2014/61, 2023/0046(COD)	Regulation on the free flow of non-personal data, (EU) 2018/1807	Enforcement Directive (IPR), (EC) 2004/48	NIS 2 Directive, (EU) 2022/2555	Regulation on terrorist content online, (EU) 2021/784	Radio Equipment Directive (RED), (EU) 2014/53	Unfair Commercial Practices Directive (UCPD), (EC) 2005/29	Market Surveillance Regulation, (EU) 2019/1020	Audio-visual Media Services Directive (AVMSD), (EU) 2010/13	Digital Operational Resilience Act (DORA Regulation), (EU) 2022/2554
	Regulation on High Performance Computing Joint Undertaking, (EU) 2021/1173	Open Internet Access Regulation, (EU) 2015/2120	Open Data Directive (PSI), (EU) 2019/1024	Directive on the protection of trade secrets, (EU) 2016/943	Information Security Regulation, 2022/0084(COD)	Temporary CSAM Regulation, (EU) 2021/1232, 2022/0155(COD)	eIDAS Regulation, (EU) 2014/910, 2021/0136(COD)	Directive on Consumer Rights (CRD), (EU) 2011/83	P2B Regulation, (EU) 2019/1150	Portability Regulation, (EU) 2017/1128	Crypto-assets Regulation (MiCA), (EU) 2023/1114
	Regulation on Joint Undertakings under Horizon Europe, (EU) 2021/2085, 2022/0033(NLE)	European Electronic Communications Code Directive (EECC), (EU) 2018/1972	Data Governance Act (DGA Regulation), (EU) 2022/868	Standard essential patents, 2023/0133(COD)	Cybersecurity Regulation, 2022/0085(COD)	E-evidence Regulation, 2018/0108(COD)	Regulation for a Single Digital Gateway, (EU) 2018/1724	e-invoicing Directive, (EU) 2014/55	Vertical Block Exemption Regulation (VBER), (EU) 2022/720	Satellite and Cable II Directive, (EU) 2019/789	Digital euro, 2023/0212 (COD)
	Decision on a path to the Digital Decade, (EU) 2022/2481	Roaming Regulation, (EU) 2022/612	ePrivacy Regulation, 2017/0003(COD)	Design Directive, 2022/0392(COD)	Cyber Resilience Act, 2022/0272(COD)	Digitalization of travel documents	General Product Safety Regulation, (EU) 2023/988	Geo-Blocking Regulation, (EU) 2018/302	Digital Market Act (DMA Regulation), (EU) 2022/1925	Copyright Directive, (EU) 2019/790	Financial Data Access Regulation, 2023/0205 (COD)
	European Chips Act (Regulation), 2022/0032(COD)	Regulation on the Union Secure Connectivity Programme, (EU) 2023/588	European Data Act (Regulation), 2022/0047(COD)	Compulsory licensing of patents, 2023/0129(COD)	Cyber Solidarity Act (Regulation), 2023/0109(COD)		Machinery Regulation, (EU) 2023/1230	Digital content Directive, (EU) 2019/770	Regulation on distortive foreign subsidies, (EU) 2022/2560	European Media Freedom Act, 2022/0277(COD)	Payment Services Regulation, 2023/0210(COD)
	European critical raw materials act (Regulation), 2023/0079(COD)	.eu top-level domain Regulation, (EU) 2019/517	European Health Data Space (Regulation), 2022/0140(COD)				AI Act (Regulation), 2021/0106(COD)	Directive on certain aspects concerning contracts for the sale of goods, (EU) 2019/771	Horizontal Block Exemption Regulations (HBER), (EU) 2023/1066, (EU) 2023/1067		Revision of the late payments Directive
	Establishing the Strategic Technologies for Europe Platform (STEP), 2023/0199(COD)	New radio spectrum policy programme (RSPP 2.0)	Regulation on data collection for short-term rental, 2022/0358(COD)				Eco-design Regulation, 2022/0095(COD)	Digital Services Act (DSA Regulation), (EU) 2022/2065	Platform Work Directive, 2021/0414(COD)		
		Telecoms Act / Fair Share initiative	Harmonization of GDPR enforcement 2023/0202(COD)				AI Liability Directive, 2022/0303(COD)	Right to repair Directive, 2023/0083(COD)	Single Market Emergency Instrument (SMEI), 2022/0278(COD)		
			Interoperable Europe Act, 2022/0379(COD)					Political Advertising Regulation, 2021/0381(COD)			
			Access to vehicle data, functions and resources					Multimodal digital mobility services (MDMS)			
			GreenData4all					Consumer protection: strengthened enforcement cooperation			
								Consumer rights: adapting ADR to digital markets			

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HOW CAN WE CREATE TRUST?

The OTC vision is based on three pillars: **Criteria, Control en Communication.**
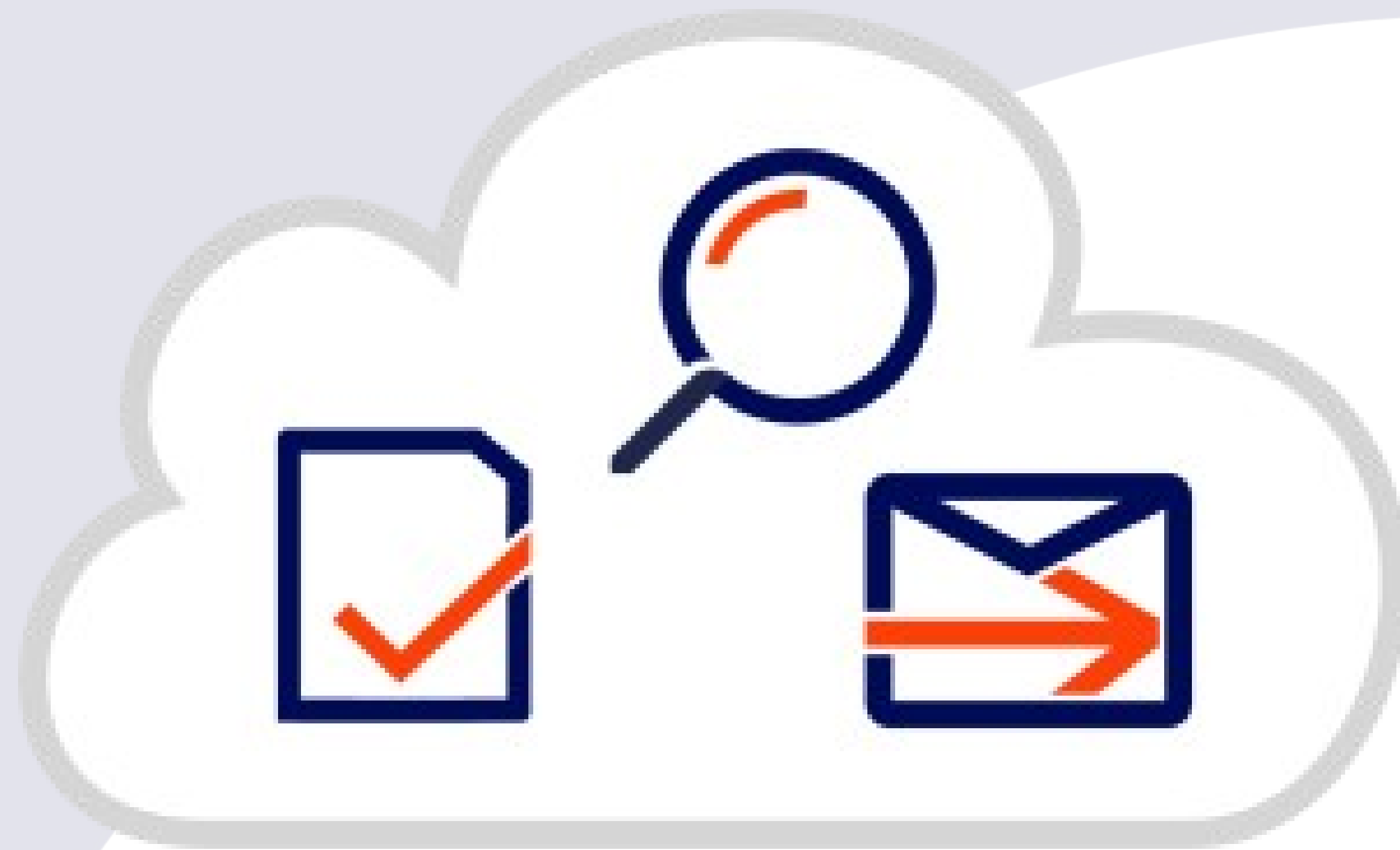
WHAT DOES THAT MEAN SPECIFIC?

- Risks, in accordance with applicable laws and regulations
- Measures to effectively manage those risks
- Standards and norms such as EUCS, ISO27001, BIO/BIR, et cetera

- Periodic external audits
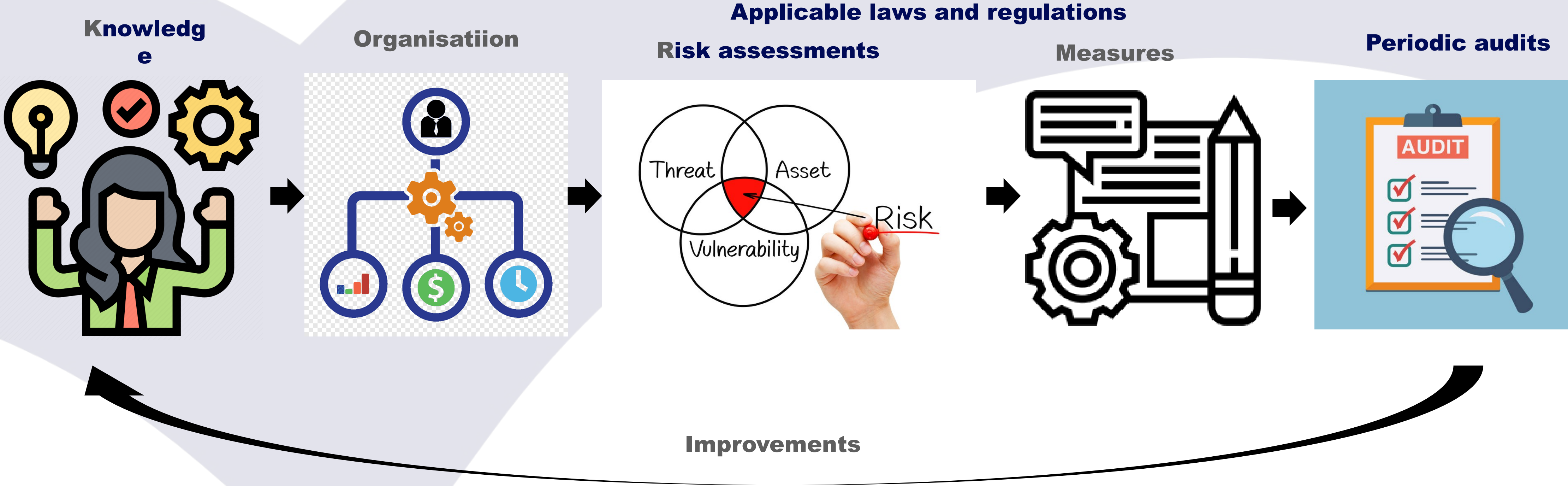- Periodic external audits in accordance with quality standards like ISAE3402.

- Reports suitable for :
- internal stakeholders (RVC)
- clients and "dependents"
- regulators

Example: digital financial statements, assurance reports.

ACTION PERSPECTIVE MANAGERS / DIRECTORS : 5 STEPS

Knowledge

Organisatiion

Applicable laws and regulations

Risk assessments

Measures

Periodic audits

Threat | Asset

Vulnerability

Risk

Improvements

COURSE OF ACTION MANAGERS / DIRECTORS

Step 1: Competences and Skills

- **Core**: The board and the Supervisory Board (RvC) have sufficient expertise
  - It concerns knowledge of IT GRC, not primarily of IT itself
    - Education TIAS

COURSE OF ACTION MANAGERS / DIRECTORS

Step 2: Implement uniform "digital control"

Read the new Corporate Governance Code: Make sure you are aware of the recent guidelines and best practices related to governance.

- **Use the NRI (Norea Reporting Initiative) as a template**: Use it as a reference to understand what you need to manage.

- **Use the ISO38500**: RACI, budget, rapportages

COURSE OF ACTION MANAGERS / DIRECTORS

Step 3: Conduct a Thorough Risk Assessment

- **Compliance with Applicable Laws and Regulations**
- **Seek Expert Assistance:** Don't hesitate to seek help from experts, such as legal professionals specializing in information technology law (e.g., ICTrecht).
- **Government Guidance:** The government provides valuable tips and examples through sites like the Dutch National Cyber Security Centre (NCSC) and the Research and Documentation Centre (RDI).

COURSE OF ACTION MANAGERS / DIRECTORS

Step 4: Create a Comprehensive Set of Controls

- In this step, consolidate all relevant controls into a single cohesive framework. These controls serve as mitigating measures to address identified risks.

- Additionally, adhere to established normative frameworks such as EUCS and ISO 2700x.

- Implement these controls effectively to enhance your organization's security posture.

COURSE OF ACTION MANAGERS / DIRECTORS

Step 5: Regularly Assess the Entire System

- **Use NRI as a helpful tool**
- **Also do internal Audits**
- **External Evaluation and Assurance Reporting**

Apply quality standards such as ISAE 3402 and EUCS

- **Customized Reports**: Optionally, create three report versions tailored for different stakeholders: internal teams, clients and partners, and regulatory authorities

AND REPEAT THE CYCLE ANNUALLY