



Dutch Authority for Digital
Infrastructure
*Ministry of Economic Affairs and
Climate Policy*

NIS2

NIS2 implementing acts: Impact on Digital Infra and ICT services industry

NISDUC 2024 Conference – The Hague

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24 April 2024



AGENDA

1. Introduction
2. NIS(2) for Dummies
3. NIS2: What's important for you?
4. NIS2 implementing act
5. Timelines and milestones
6. Key points and questions



This presentation provides an overview of the situation of April 2024 of the NIS2 legislation and regulations which are still being developed. The information about these developments is therefore indicative and may not be accurate and no rights can be derived from it.



Introduction

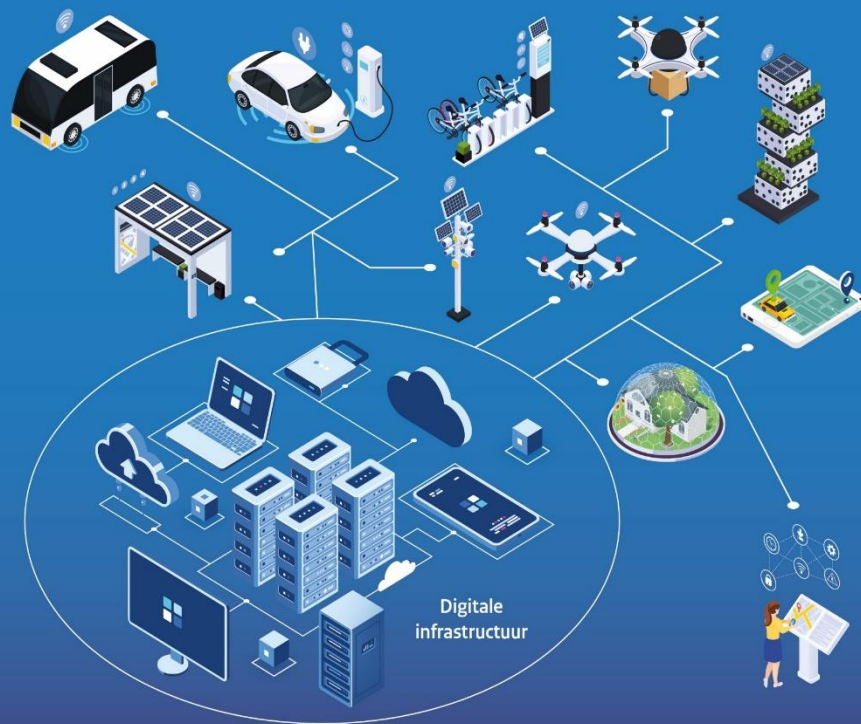
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- Supervision of Digital Infrastructure and Digital Service Providers sector in The Netherlands
- Contributing to various EU NIS Cooperation Group Workstreams



Dutch Authority for Digital Infrastructure



Supervision areas

- ✓ Telecom
- ✓ NIS (Energy, Digital Infra, DSP)
- ✓ eIDAS
- ✓ Cyber Security Act
- ✓ Radio Equipment Directive
- ✓ EMC Directive
- ✓ Low Voltage Directive
- ✓ WIBON (excavation contractors regulation)
- ✓ Metrology Act
- ✓ Space activities Act
- ✓ Digital Government Act
- ✓ Artificial Intelligence



NIS(2) for dummies



- > EU directive on security of **Network and Information Systems**
- > Legislation for a **high common level of cybersecurity** across the EU
- > Introduced in 2016: NIS now being **updated by the NIS2 Directive**
- > **Directive**: Member states need to implement it into **national law**



NIS2: What's important for you?

- > Art. 2, 3, 27: Does my company fall under scope of the NIS2 and where do I need to register?
RDI tool: [NIS2 Self-Evaluation](#)
- > Art. 21: What cybersecurity risk-management measures do I need to implement?
- > Art 23: When to report an incident?
- > Art 26: Which NIS authority and CSIRT to deal with?

NIS2 COMPLIANT?

- Security Policy
- Incident handling
- Business continuity
- Supply chain security
- Network security
- Manage cybersecurity risks
- Cybersecurity training
- Cryptography policies



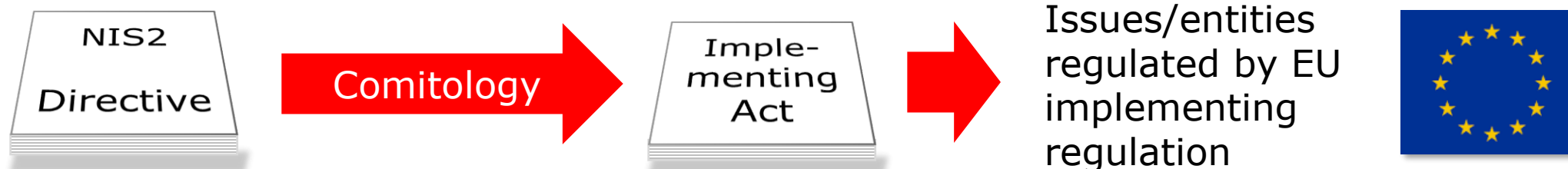


NIS2 implementation in national/EU legislation

1. National law: Member States adopt and publish the measures and obligations necessary to comply with the NIS2 directive in national law.



2. Implementing act: Adopted by Commission for issues/entities which require uniform implementation across EU member states.





Entities in scope of NIS2 implementing act

Out of scope: Internet Exchanges & providers of publicly available electronic communications networks / services

SECTORS OF HIGH CRITICALITY

Digital Infrastructure

Transport

Energy

Finance

Health

Drinking Water

Banking

Waste Water

Space

Public Administration

ICT service management

OTHER CRITICAL SECTORS

Postal and courier services

Waste management

Manufacture, production distribution of chemicals

Production, processing and distribution of food

Manufacturing

Digital Providers

Research

Sector Digital Infrastructure

DNS service providers

TLD name registries

Cloud computing service providers

Data center service providers*

Content delivery network providers*

Trust service providers **

Digital Providers

Providers of online marketplaces

Providers of online search engines

Providers of social networking services platforms*

ICT Service Management

Managed service providers*

Managed security service providers*

***=new in NIS2**

****=NIS2 Art 21 only**

What's different for entities in scope of NIS2 implementing act?



- In all EU member states:
 - Same requirements for cybersecurity measures
 - Same incident reporting obligations
 - One NIS authority & CSIRT (Entity falls under jurisdiction of Member State in which it has its main establishment)

Art 21 Cybersecurity measures

5. By 17 October 2024, the Commission shall adopt implementing acts laying down the technical and the methodological requirements of the measures referred to in paragraph 2 with regard to DNS service providers, TLD name registries, cloud computing service providers, data centre service providers, content delivery network providers, managed service providers, managed security service providers, providers of online market places, of online search engines and of social networking services platforms, and trust service providers

Art 23 Reporting obligations

11. The Commission may adopt implementing acts further specifying the type of information, the format and the procedure of a notification submitted pursuant to paragraph 1 of this Article and to Article 30 and of a communication submitted pursuant to paragraph 2 of this Article. By 17 October 2024, the Commission shall, with regard to DNS service providers, TLD name registries, cloud computing service providers, data centre service providers, content delivery network providers, managed service providers, managed security service providers, as well as providers of online marketplaces, of online search engines and of social networking services platforms, adopt implementing acts further specifying the cases in which an incident shall be considered to be significant as referred to in paragraph 3. The Commission may adopt such implementing acts with regard to other essential and important entities

Art 26 Jurisdiction and territoriality

1. Entities falling within the scope of this Directive shall be considered to fall under the jurisdiction of the Member State in which they are established, except in the case of:
(b) DNS service providers, TLD name registries, entities providing domain name registration services, cloud computing service providers, data centre service providers, content delivery network providers, managed service providers, managed security service providers, as well as providers of online marketplaces, of online search engines or of social networking services platforms, which shall be considered to fall under the jurisdiction of the Member State in which they have their main establishment in the Union under paragraph 2



A bit of history: Creation of a NIS2 implementing act

NIS Cooperation Group (NIS CG)

Work Streams (WS)

Drafting Teams / Taskforces

- **Strategic:** NIS authorities & CSIRTs from different member states formed for cooperation and information exchange
- **Tactical:** Working groups of NIS CG experts focused on specific areas (Digital Infra, Energy,..)
- **Operational:** NIS CG legal & technical experts working together on issues such as proposal for implementing acts, etc.

Q1 – Q3 2023





Drafting Team: security measures

Taskforce: incident reporting criteria

2023



France



Italy



Sweden



Poland



Belgium



Germany



Ireland



The Netherlands



Czech Republic



Denmark



Romania



Spain



Slovakia



Germany



Sweden



Ireland



The Netherlands (Chair)



Denmark



Czech Republic



Italy





Advice to Commission for NIS2 implementing act

INCIDENT REPORTING

Sector specific criteria for clear rules and legal certainty for entities in these sectors

Unambiguous, fast and easy to measure criteria to allow first-day notification

- > Criteria differentiated per type of entity and aligned with the kind of service provided (cloud, DNS, CDN, etc.)

CYBERSECURITY MEASURES

> Based on international cybersecurity standards and good practices such as ISO27001, NIST CSF, ETSI, IEC 62443, etc.

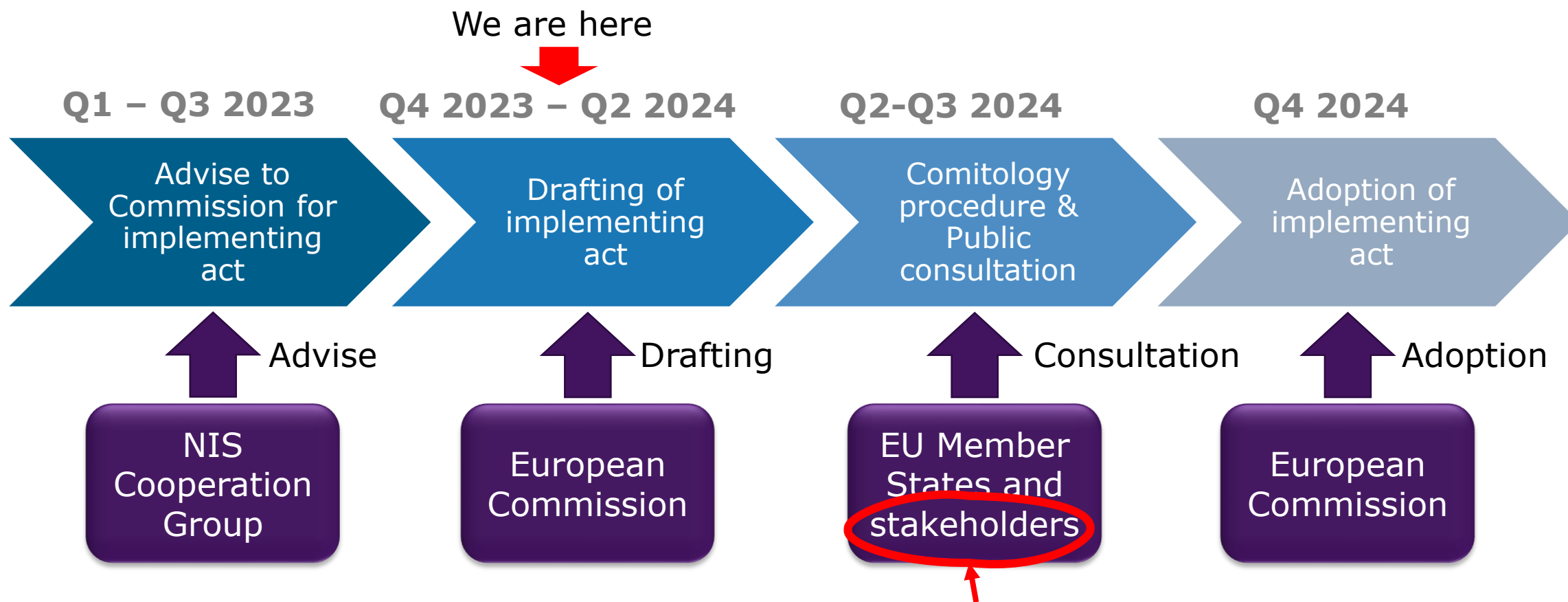
- > Measures arranged in thematic areas corresponding to the 21 cyber risk management measures

- > Each thematic area explained by one or more security objectives and a set of requirements





NIS2 implementing act – Timelines and milestones



Citizens and industry stakeholders can provide feedback on draft text of implementing act



Key points for entities in scope of NIS2 implementing act:

- > Entity with European HQ in Amsterdam and operations in multiple EU member states
- > NIS authority: Dutch authority for Digital Infrastructure
CSIRT: Dutch NCSC
- > NIS2 obligations for security measures and incident reporting criteria:
Same across the EU





Questions?