

OPENKRITIS

EU NIS2 directive
Cyber security for EU operators

Briefing kit

May 14, 2021 · OpenKRITIS

Executive summary

EU NIS2

Directive on measures for a high common level of cybersecurity across the Union

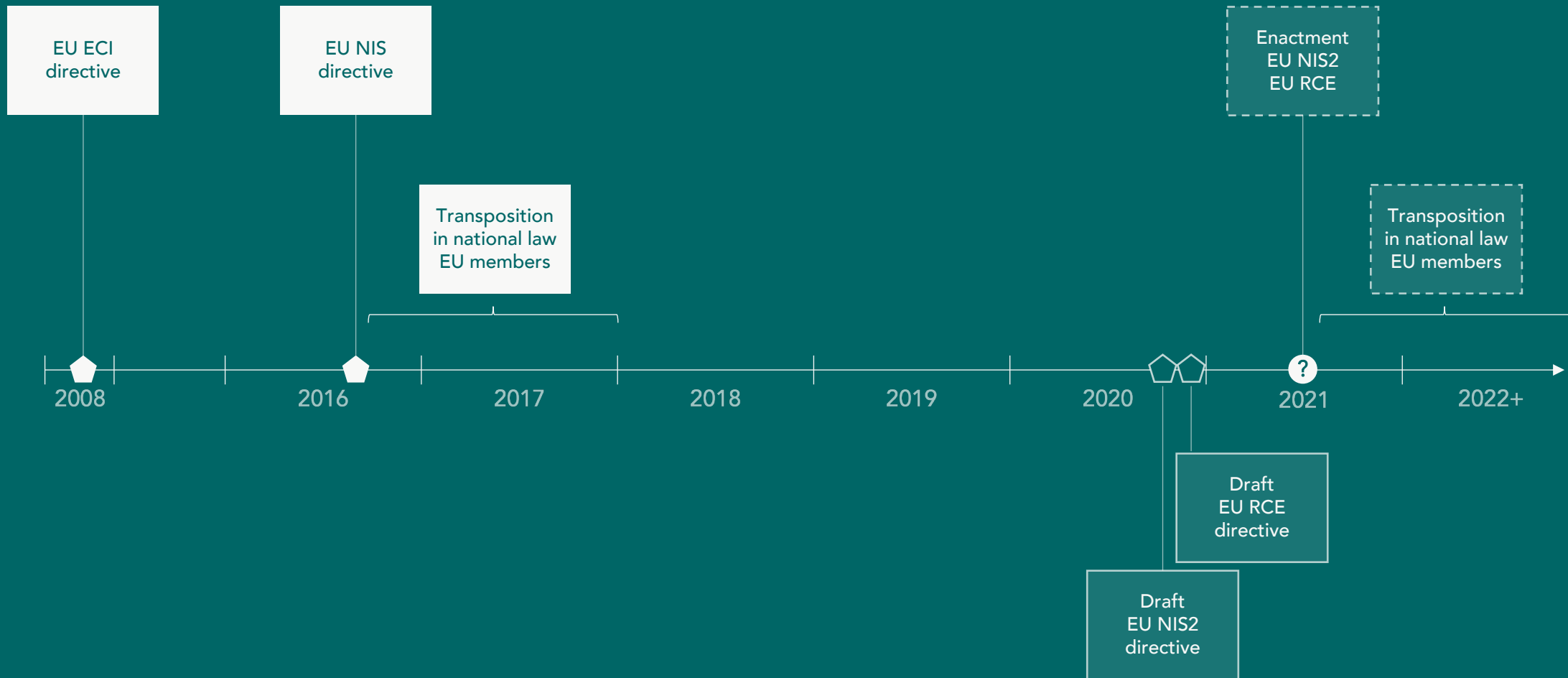
NIS2 is the cyber security rulebook for EU operators. Companies that provide essential services and infrastructure in the EU will be regulated for cyber security and supervised.

NIS2 main components

1. Essential and important EU sectors
2. Cyber security requirements for operators
3. National governance, EU oversight

NIS2 is EU legislation that still needs to be enacted by the EU. It will then be transposed into national law by EU member states.
Operators should act soon.

EU critical infrastructure legislation



Regulation through EU NIS2

More sectors and entities



+8 sectors

Cyber security



6 cluster

Stronger EU and national supervision



Cooperation
Oversight

Stronger sanctions and enforcement



Personal
liability

Critical sectors in the EU

5



Essential Services

- Energy: electricity, oil, gas, heat, hydrogen NIS2
- Health: providers, labs, R&D, pharma NIS2
- Transport: air, rail, water, road
- Banks and financial markets
- Water and waste water NIS2
- Digital: IXP, DNS, TLD, DC, CSP, CDN, TSP NIS2
- Space NIS2
- Public administration NIS2



Important Services

- Postal and courier NIS2
- Waste management NIS2
- Chemicals NIS2
- Food NIS2
- Industry: technology and engineering NIS2
- Digital services: social, search, markets

Cyber security in NIS2



Policies



Incident handling



Continuity



Supply chain



Audit and test



Cryptography

EU operator responsibilities

- Operators are obliged to implement cyber security
- Measures to be selected based on risk and threats to services
- Additional incident notification requirements to the state
- Normative cyber security will be prescribed in national laws
- EU defines a baseline – states and operators can do more

EU and national cooperation

7

National governance



Member states

- ❑ National cyber security strategies
- ❑ Competent authorities for cyber security, incidents and CSIRTs
- ❑ Strong governance and enforcement
- ❑ Incident reporting and threats

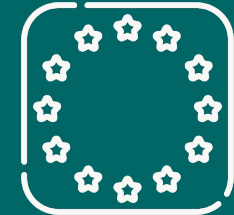
Cooperation



Collaboration in the EU

- ❑ National CSIRTs to collaborate
- ❑ Information sharing for cross-border incidents and pan-EU operators
- ❑ Joint assessments between states
- ❑ Joint incident response through EU-CyCLONe instrument

EU oversight



EU and ENISA

- ❑ EU Cooperation Group as central cyber security body
- ❑ European jurisdiction for specific operators, pan-european businesses
- ❑ Peer reviews of national frameworks
- ❑ State of cyber security by ENISA

Higher fines



Strong enforcement

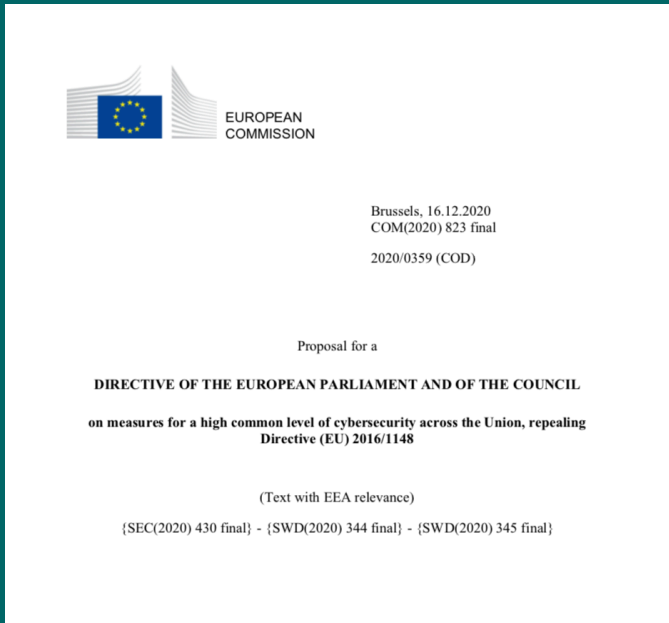
- ❑ Strict enforcement and supervision regime by national authorities mandated
- ❑ Oversight on implementation and compliance of operators by authorities
- ❑ State intervention and monitoring



Sanctions and fines

- ❑ Non-compliance by operators to be sanctioned by administrative fines
- ❑ Specific fines and rules for sanctions to be set nationally
- ❑ Personal liability for executive bodies of operators

What next?



EU
Enact NIS2 and RCE in 2021
Define methods and standards

Member states
Transpose NIS2 in national law
Normative definitions for operators

Operators
Check NIS2 scope in services
Improve cyber security posture

EU NIS2
Draft from December 2020
to be enacted in the EU
2020/0359 (COD)

EU RCE
Draft from December 2020
to be enacted in the EU
2020/0365 (COD)

National legislation
Both NIS2 and RCE need to be
transposed into national law
within 18 months

Need to learn more on critical infrastructures?

openkritis.de – free information resource (in German)

Still missing the right approach?

I love to help: insignals.net

OpenKRITIS

Open information resource on critical infrastructures.

Briefing Kit EU NIS2

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- Proposed EU NIS2 directive, 2020/0359 (COD), 16.12.2020
- Annex to NIS2 directive, COM(2020) 823 final, 16.12.2020
- Proposed EU RCE directive, COM(2020) 829 final, 16.12.2020
- Annex to EU RCE directive, COM(2020) 829 final ANNEX, 16.12.2020
- EU NIS directive 2016 , EU 2016/1148
- Der europäische Kontext, EU NIS2 und RCE, OpenKRITIS Mai 2021