



DYNABIC

Relation between CER Directive and NIS 2 Directive

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References

➤ **CER Directive:** DIRECTIVE (EU) 2022/2557 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 December 2022 on the resilience of critical entities and repealing Council Directive 2008/114/EC.

'critical entity' means a public or private entity which has been identified by a Member State in accordance with Article 6 as belonging to one of the categories set out in the third column of the table in the Annex;

➤ **NIS 2 Directive:** DIRECTIVE (EU) 2022/2555 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive).

essential entities

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important entities

Entity	NIS 2 Directive	CER Directive
Essential entity	<p>(a) non-SME entities of a type referred to in Annex I;</p> <p>(b) qualified trust service providers and top-level domain name registries as well as DNS service providers, regardless of their size;</p> <p>(c) providers of public electronic communications networks or of publicly available electronic communications services which qualify as Medium E.</p> <p>(d) public administration entities referred to in Article 2(2), point (f)(i);</p> <p>(e) any other entities of a type referred to in Annex I or II that are identified by a Member State as essential entities pursuant to Article 2(2), points (b) to (e);</p> <p>(f) entities identified as critical entities under Directive (EU) 2022/2557, referred to in Article 2(3) of this Directive;</p> <p>(g) if the Member State so provides, entities which that Member State identified before 16 January 2023 as operators of essential services.</p>	
Important entity	<p>Entities of a type referred to in Annex I or II which do not qualify as essential entities.</p> <p>This includes entities identified by Member States as important entities pursuant to Article 2(2), points (b) to (e).</p>	
Critical entity		<p>A public or private entity which has been identified by a Member State in accordance with Article 6 as belonging to one of the categories set out in the third column of the table in the Annex;</p>

CER Annex & NIS 2 – Annex I

SECTORS OF HIGH CRITICALITY

Sectors	Subsectors	Categories of entities
1. Energy	(a) Electricity	See characteristics of each entity type.
	(b) District heating and cooling	
	(c) Oil	
	(d) Gas	
	(e) Hydrogen	
2. Transport	(a) Air	
	(b) Rail	
	(c) Water	
	(d) Road	
	(e) public transport	
3. Banking		
4. Financial market infrastructure		
5. Health		
6. Drinking water		
7. Waste water		
8. Digital infrastructure		
9. Public administration		
10. Space		
11. Production, processing and distribution of food		

NIS 2 – Annex II

OTHER CRITICAL SECTORS

Sector	Subsector	Type of entity
1. Postal and courier services		See characteristics of each entity type.
2. Waste management		
3. Manufacture, production and distribution of chemicals		
4. Production, processing and distribution of food		
5. Manufacturing	(a) Manufacture of medical devices and in vitro diagnostic medical devices	
	(b) Manufacture of computer, electronic and optical products	
	(c) Manufacture of electrical equipment	
	(d) Manufacture of machinery and equipment n.e.c.	
	(e) Manufacture of motor vehicles, trailers and semi-trailers	
	(f) Manufacture of other transport equipment	
6. Digital providers		
7. Research		

Exceptions for entities belonging to the *digital infrastructure sector* and for entities in *banking, financial market infrastructure*

- **Article 11 – Cooperation between Member States**, in any of the following cases, when identified Critical entities:
 - (a) use critical infrastructure which is physically connected between two or more Member States;
 - (b) are part of corporate structures that are connected with, or linked to, critical entities in other Member States;
 - (c) have been identified as critical entities in one Member State and provide essential services to or in other Member States.
- **Chapter III - RESILIENCE OF CRITICAL ENTITIES**
 - Article 12 - Risk assessment by critical entities
 - Article 13 - Resilience measures of critical entities
 - Article 14 - Background checks
 - Article 15 - Incident notification
 - Article 16 - Standards
- **Chapter IV - CRITICAL ENTITIES OF PARTICULAR EUROPEAN SIGNIFICANCE**
 - Article 17 - Identification of critical entities of particular European significance
 - Article 18 - Advisory missions
- **Chapter VI - SUPERVISION AND ENFORCEMENT**
 - Article 21 - Supervision and enforcement
 - Article 22 - Penalties

Authorities of CER and Authorities of NIS 2

- In general, the authorities in NIS 2 Directive need to cooperate with authorities in CER Directive:

From CER Directive:

- *Member States shall ensure that, where a competent authority under this Directive assesses the compliance of a critical entity pursuant to this Article, that competent authority **informs** the competent authorities of the Member States concerned under Directive (EU) 2022/2555. For that purpose, Member States shall ensure that competent authorities under this Directive can **request** the competent authorities under Directive (EU) 2022/2555 to **exercise their supervisory and enforcement powers** in relation to an entity under that Directive that has been identified as a critical entity under this Directive. For that purpose, Member States shall ensure that competent authorities under this Directive cooperate and exchange information with the competent authorities under Directive (EU) 2022/2555.*

Thank you for your attention!!