

# Consultation on the revision of the NIS Directive

Fields marked with \* are mandatory.

## Introduction

---

As our daily lives and economies become increasingly dependent on digital technologies and internet-based services and products, we become more vulnerable and exposed to cyber-attacks. We are witnessing that the threat landscape is constantly evolving and the attack surface constantly expanding, putting network and information systems at greater risk than ever before. The COVID-19 crisis and the resulting growth in demand for internet-based solutions has emphasised even more the need for a state of the art response and preparedness for a potential future crisis. Maintaining a high level of cybersecurity across the European Union has become essential to keep the economy running and to ensure prosperity.

[Directive \(EU\) 2016/1148](#) concerning measures for a high common level of security of network and information systems across the Union (“NIS Directive” or “the Directive”) is the first horizontal internal market instrument aimed at improving the resilience of the EU against cybersecurity risks. Based on Article 114 of the Treaty on the Functioning of the European Union, the NIS Directive provides legal measures to boost the overall level of cybersecurity in the EU by ensuring:

- a high level of preparedness of Member States by requiring them to designate one or more national Computer Security Incident Response Teams (CSIRTs) responsible for risk and incident handling and a competent national NIS authority;
- cooperation among all the Member States by establishing the Cooperation Group to support and facilitate strategic cooperation and the exchange of information among Member States, and the CSIRTs network, which promotes swift and effective operational cooperation between national CSIRTs;
- a culture of security across sectors which are vital for our economy and society and moreover rely heavily on ICTs, such as energy, transport, banking, financial market infrastructures, drinking water, healthcare and digital infrastructure. Public and private entities identified by the Member States as operators of essential services in these sectors are required to undertake a risk assessment and put in place appropriate and proportionate security measures as well as to notify serious incidents to the relevant authorities. Also providers of key digital services such as search engines, cloud computing services and online marketplaces have to comply with the security and notification requirements under the Directive.

Article 23 of the NIS Directive requires the European Commission to review the functioning of this Directive periodically. As part of its key policy objective to make “Europe fit for the digital age” as well as in line with the objectives of the Security Union, the Commission announced in its Work Programme 2020 that it would

conduct the review by the end of 2020. This would advance the deadline foreseen under Article 23(2) of the Directive, according to which the Commission shall review the Directive for the first time and report to the European Parliament and the Council by 9 May 2021.

As part of this process, this consultation seeks your views on the topic of cybersecurity as well as on the different elements of the NIS Directive, which are all subject to the review. The results of this consultation will be used for the evaluation and impact assessment of the NIS Directive.

This consultation is open to everybody: citizens, public and private organisations, trade associations and academics. The questionnaire is divided in three sections:

- **Section 1** contains general questions on the NIS Directive that are accessible to all categories of stakeholders.
- **Section 2** contains technical questions on the functioning of the NIS Directive. This section is mainly targeted at individuals, organisations or authorities that are familiar with the NIS Directive and cybersecurity policies.
- **Section 3** aims to gather views on approaches to cybersecurity in the European context currently not addressed by the NIS Directive. This section is mainly targeted at individuals, organisations or authorities that are familiar with the NIS Directive and cybersecurity policies.

Written feedback provided in other document formats can be uploaded through the button made available at the end of the questionnaire.

**The survey will remain open until 02 October 2020 - 23h00.**

## About you

---

### \* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- Gaelic
- German
- Greek

- Hungarian
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

\* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

\* First name

Edward

\* Surname

Haynes

\* Email (this won't be published)

edward.haynes@amchameu.eu

\* Organisation name

*255 character(s) maximum*

American Chamber of Commerce to the European Union (AmCham EU)

\* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

*255 character(s) maximum*

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

5265780509-97

\* Country of origin

Please add your country of origin, or that of your organisation.

- |   |  |                                     |  |
|---|--|-------------------------------------|--|
| <input type="radio"/> Afghanistan         | <input type="radio"/> Djibouti           | <input type="radio"/> Libya         | <input type="radio"/> Saint Martin                     |
| <input type="radio"/> Åland Islands       | <input type="radio"/> Dominica           | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Pierre and Miquelon        |
| <input type="radio"/> Albania             | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania     | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Algeria             | <input type="radio"/> Ecuador            | <input type="radio"/> Luxembourg    | <input type="radio"/> Samoa                            |
| <input type="radio"/> American Samoa      | <input type="radio"/> Egypt              | <input type="radio"/> Macau         | <input type="radio"/> San Marino                       |
| <input type="radio"/> Andorra             | <input type="radio"/> El Salvador        | <input type="radio"/> Madagascar    | <input type="radio"/> São Tomé and Príncipe            |
| <input type="radio"/> Angola              | <input type="radio"/> Equatorial Guinea  | <input type="radio"/> Malawi        | <input type="radio"/> Saudi Arabia                     |
| <input type="radio"/> Anguilla            | <input type="radio"/> Eritrea            | <input type="radio"/> Malaysia      | <input type="radio"/> Senegal                          |
| <input type="radio"/> Antarctica          | <input type="radio"/> Estonia            | <input type="radio"/> Maldives      | <input type="radio"/> Serbia                           |
| <input type="radio"/> Antigua and Barbuda | <input type="radio"/> Eswatini           | <input type="radio"/> Mali          | <input type="radio"/> Seychelles                       |
| <input type="radio"/> Argentina           | <input type="radio"/> Ethiopia           | <input type="radio"/> Malta         | <input type="radio"/> Sierra Leone                     |

- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar /Burma
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia

- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Nigeria
- Niue
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam

- Cuba
- Curaçao
- Cyprus
- Czechia
- Democratic Republic of the Congo
- Denmark
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Lesotho
- Liberia
- Russia
- Rwanda
- Saint Barthélemy
- Saint Helena Ascension and Tristan da Cunha
- Saint Kitts and Nevis
- Saint Lucia
- Wallis and Futuna
- Western Sahara
- Yemen
- Zambia
- Zimbabwe

\* Publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

**Anonymous**

Only your type of respondent, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

**Public**

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

I agree with the [personal data protection provisions](#)

\* Can you specify further your capacity in which you are replying to the questionnaire on the review of the NIS Directive?

- Citizen
- Centralised national competent authority in charge of supervision
- Sectoral national competent authority in charge of supervision
- National CSIRT
- Other national competent authority
- EU body
- Operator of essential services currently covered by the NIS Directive

- Digital service provider currently covered by the NIS Directive
- Economic operator currently not covered by the NIS Directive
- Trade association representing entities currently covered by the NIS Directive
- Trade association representing entities currently not covered by the NIS Directive
- Trade association representing both entities currently covered and entities not covered by the NIS Directive
- Academia
- Cybersecurity professional
- Consumer organisation
- Other

Please specify the sector you are responsible for:

Digital and cybersecurity policy

- \* Before starting this survey, are you aware of the [objectives and principles](#) of the EU Directive on security of network and information systems (the NIS Directive)?
- Not aware at all
  - Slightly aware
  - Aware
  - Strongly aware
  - Don't know / no opinion
- \* Has your organisation been impacted by the adoption of the NIS Directive (for example by having to adopt certain measures stemming directly from the Directive or from national laws transposing the Directive, or by participating in the various cooperation fora established by the Directive)?
- Yes
  - No
  - Don't know / no opinion

## Section 1: General questions on the NIS Directive

---

### Sub-section 1.a. – Relevance of the NIS Directive

*The NIS Directive envisages to (1) increase the capabilities of Member States when it comes to mitigating cybersecurity risks and handling incidents, (2) improve the level of cooperation amongst Member States in*



*the field of cybersecurity and the protection of essential services, and (3) promote a culture of cybersecurity across all sectors vital for our economy and society.*

Q1: To what extent are these objectives still relevant?

	Not relevant at all	Not relevant	Relevant	Very relevant	Don't know / no opinion
Increase the capabilities of Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Improve the level of cooperation amongst Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Promote a culture of security across all sectors vital for our economy and society	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

### Sub-section 1.b. – Cyber-threat landscape

Q1: Since the entry into force of the NIS Directive in 2016, how has in your opinion the cyber threat landscape evolved?

- Cyber threat level has decreased significantly
- Cyber threat level has decreased
- Cyber threat level is the same
- Cyber threat level has increased
- Cyber threat level has increased significantly
- Don't know / no opinion

Q2: How do you evaluate the level of preparedness of small and medium-sized companies in the EU against current cyber threats (on a scale from 1 to 5 with 5 indicating that companies score highly on cyber resilience)?

- 1
- 2
- 3
- 4
- 5
- Don't know / no opinion

### Sub-section 1.c. – Technological advances and new trends

*Technological advances and new trends provide great opportunities to the economy and society as a whole. The growing importance of edge computing (which is a new model of technology deployment that*

*brings data processing and storage closer to the location where it is needed, to improve response times and save bandwidth), as well as the high reliance on digital technologies especially during the COVID-19 crisis increases at the same time the potential attack surface for malicious actors. All this changes the paradigm of security resulting in new challenges for companies to adapt their approaches to ensuring the cybersecurity of their services.*

**Q1: In which way should such recent technological advances and trends be considered in the development of EU cybersecurity policy?**

*1000 character(s) maximum*

New and emerging technologies incorporate new security capabilities and features enabled by ongoing innovation but also reflect responses to developments in the threat ecosystem. This is already applied for emerging technologies, such as cloud, the internet of things (IoT), artificial intelligence (AI), quantum computing, 5G and software defined networks. The COVID-19 crisis has demonstrated this, and pointed out how important the incorporation of security requirements is. Regarding the criticality of specific components of a provided (digital) service, not all components are equal. It is important to acknowledge that different use cases require different levels of risk mitigation and availability requirements.

### Sub-section 1.d. – Added-value of EU cybersecurity rules

*The NIS Directive is based on the idea that common cybersecurity rules at EU level are more effective than national policies alone and thus contribute to a higher level of cyber resilience at Union level.*

**Q1: To what extent do you agree with the following statements?**

	Strongly disagree	Disagree	Agree	Strongly agree	Don't know / no opinion
Cyber risks can propagate across borders at high speed, which is why cybersecurity rules should be aligned at Union level	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The mandatory sharing of cyber risk related information between national authorities across Member States would contribute to a higher level of joint situational awareness when it comes to cyber risks	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
All entities of a certain size providing essential services to our society should be subject to similar EU-wide cybersecurity requirements	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

### Sub-section 1.e. – Sectoral scope

*Under the current NIS Directive, certain public and private entities are required to take appropriate security measures and notify serious incidents to the relevant national authorities. Entities subject to these requirements include so-called operators of essential services (OES) and digital service providers (DSP).*

*Operators of essential services are entities operating in seven sectors and subsectors: energy (electricity, oil and gas), transport (air, rail, water and road), banking, financial market infrastructures, health sector, drinking water supply and distribution, and digital infrastructure (IXPs, DNS providers and TLD registries). Digital service providers are either cloud service providers, online search engines or online marketplaces.*

Q1: Should the following sectors or services be included in the scope of the Directive due to their exposure to cyber threats and their importance for the economy and the society as a whole?

	Strongly disagree	Disagree	Agree	Strongly agree	Don't know / no opinion
Public administration	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Food supply	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Manufacturing	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Chemicals	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Waste water	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Social networks	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Data centres	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q2: Should undertakings providing public communications networks or publically available electronic communications services currently covered by the security and notification requirements of the EU telecom framework be included in the scope of the NIS Directive?

- Yes
- No
- Don't know / no opinion

Q3: Do you consider that also other sectors, subsectors and/or types of digital services need to be included in the scope of the Directive due to their exposure to cyber threats and their importance for the economy and the society as a whole?

- Yes
- No
- Don't know / no opinion

Sub-section 1.f. – Regulatory treatment of OES and DSPs by the NIS Directive

*As regards the imposition of security and notification requirements, the NIS Directive distinguishes between two main categories of economic entities: operators of essential services (OES) and digital service providers (DSP). While in the case of OES, Member States are allowed to impose stricter security and notification requirements than those enshrined in the Directive, they are prohibited to do so for DSPs. Moreover, competent authorities can only supervise DSPs "ex-post" (when an authority is provided with evidence that a company does not fulfil its obligations) and not "ex-ante" as in the case of OES. These are elements of the so-called "light-touch" regulatory approach applied towards DSPs, which was motivated by the lower degree of risk posed to the security of the digital services and the cross-border nature of their services.*

Q1: Do you agree that the "light-touch" regulatory approach applied towards DSPs is justified and therefore should be maintained?

- Yes
- No
- Don't know / no opinion

Please elaborate your answer:

*1000 character(s) maximum*

We believe that the current list of DSP categories, along with the security and incident notification requirements placed upon them, are appropriate. For example, by adding other categories such as data centres, there is a risk of creating an overlap with cloud services which are already in scope (eg, Infrastructure as a Service (IaaS) is already included under cloud computing).

## Sub-section 1.g. – Information sharing

*Under the NIS Directive, Member States must require operators of essential services (OES) and digital service providers (DSP) to report serious incidents. According to the Directive, incidents are events having an actual adverse effect on the security of network and information systems. As a result, reportable incidents constitute only a fraction of the relevant cybersecurity information gathered by OES and DSPs in their daily operations.*

Q1: Should entities under the scope of the NIS Directive be required to provide additional information to the authorities beyond incidents as currently defined by the NIS Directive?

- Yes
- No
- Don't know / no opinion

## Section 2: Functioning of the NIS Directive

---

### Sub-section 2.a. – National strategies

*The NIS Directive requires Member States to adopt national strategies on the security of network and information systems defining strategic objectives and policy measures to achieve and maintain a high level of cybersecurity and covering at least the sectors referred to in Annex II and the services referred to in Annex III of the Directive.*

Q1: In your opinion, how relevant are common objectives set on EU level for the adoption of national strategies on the security of network and information systems in order to achieve a high level of cybersecurity?

- Not relevant at all
- Not relevant
- Relevant
- Very relevant
- Don't know / no opinion

Q2: Taking into account the evolving cybersecurity landscape, should national strategies take into account any additional elements so far not listed in the Directive?

- Yes
- No
- Don't know / no opinion

### Sub-section 2.b. – National competent authorities and bodies

*The Directive requires Member States to designate one or more national competent authorities on the security of network and information systems to monitor the application of the Directive on a national level. In addition, Member States are required to appoint a single point of contact to ensure cross-border cooperation with the relevant authorities in other Member States and with the Cooperation Group and the CSIRT network as well as one or more computer security incident response teams (CSIRTs) responsible for risk and incident handling for the sectors and services covered by Annex II and III of the Directive.*

Q1: In your opinion what is the impact of the NIS Directive on national authorities dealing with the security of network and information systems in the Member States?

	No impact	Low impact	Medium impact	High impact	Don't know / no opinion
Level of funding	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Level of staffing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Level of expertise	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Cooperation of authorities across Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Cooperation between national competent authorities within Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
---	-----------------------	-----------------------	-----------------------	-----------------------	----------------------------------

Q2: In your opinion, what is the impact of the NIS Directive on national Computer Security Incident Response Teams (CSIRTs) in the Member States?

	No impact	Low impact	Medium impact	High impact	Don't know / no opinion
Level of funding	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Level of staffing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Level of operational capabilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Level of expertise	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Cooperation with OES and DSP	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Cooperation with relevant national authorities (such as sectoral authorities)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Q3: How do you evaluate the quality of services provided by the national Computer Security Incident Response Teams to OES (on a scale from 1 to 5 with 5 indicating a very high level of quality)?

- 1
- 2
- 3
- 4
- 5
- Don't know / no opinion

Q4: How do you evaluate the quality of services provided by the national Computer Security Incident Response Teams to DSPs (on a scale from 1 to 5 with 5 indicating a very high level of quality)?

- 1
- 2
- 3
- 4
- 5
- Don't know / no opinion



	1	2	3	4	5	no opinion
Cross-border cooperation with the relevant authorities in other Member States	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cooperation with the Cooperation Group	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cooperation with the CSIRTs network	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q9: Should the single points of contact be assigned additional tasks so far not listed in the NIS Directive?

- Yes
- No
- Don't know / no opinion

Q10: How do you evaluate the level of consultation and cooperation between competent authorities and SPOCs on the one hand, and relevant national law enforcement authorities and national data protection authorities on the other hand (on a scale from 1 to 5 with 5 indicating a very high level of cooperation)?

- 1
- 2
- 3
- 4
- 5
- Don't know / no opinion

### Sub-section 2.c. – Identification of operators of essential services and sectoral scope

*Operators of essential services are organisations that are important for the functioning of the economy and society as a whole. While the NIS Directive provides a list of sectors and subsectors, in which particular types of entities could become subject to security and incident reporting requirements, Member States are required to identify the concrete operators for which these obligations apply by using criteria set out in the Directive.*

Q1: To what extent do you agree with the following statements regarding the concept of identification of operators of essential services (OES) introduced by the NIS Directive and its implementation by Member States?

	Strongly disagree	Disagree	Agree	Strongly agree	Don't know / no opinion



The current approach ensures that all relevant operators are identified across the Union.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
OES are aware of their obligations under the NIS Directive.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Competent authorities actively engage with OES.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
The cross-border consultation procedure in its current form is an effective element of the identification process to deal with cross-border dependencies.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The identification process has contributed to the creation of a level playing field for companies from the same sector across the Member States.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Please elaborate your answer:**

*1000 character(s) maximum*

We advise against expanding the scope of the Directive to other industry sectors or services under the OES category. We think that a strong risk-based approach and focus on operators that are essential (eg, in terms of loss of life or severe economic impact), should be retained. If more sectors are added as OES, many Member States will likely be less effective in ensuring proper implementation of the NIS Directive given the fact that the added burden to supervise and the potential information overload will exceed their capacities. We would support expansion of the scope to certain types of public administration, due to their role as a critical infrastructure in Europe, and due to potential vulnerabilities to cyberattacks, and so long as the applicable security measures are harmonised at the EU level. The approach to identifying OES should remain proportionate to risk, and rely on criteria that are fully aligned across the different Member States to truly achieve a level playing field.

**Q2: Given the growing dependence on ICT systems and the internet in all sectors of the economy, to what extent do you agree with the following statements regarding the scope of the NIS Directive when it comes to operators of essential services?**

	Strongly disagree	Disagree	Agree	Strongly agree	Don't know / no opinion
Definitions of the types of entities listed in Annex II are sufficiently clear.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
More sectors and sub-sectors should be covered by the Directive.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Identification thresholds used by Member States should be lower (i.e. more companies should be covered).



### Please elaborate your answers:

*1000 character(s) maximum*

It is our opinion that introducing targeted changes to the NIS Directive with a view to clarifying certain provisions and improving harmonisation of the current rules is appropriate. We encourage the European Commission to prioritise harmonising the process of identification of operators of essential services to achieve better alignment across Member States, as the European Commission also concluded in its relevant October 2019 report (assessing the consistency of the approaches in the identification of operators of essential services).

**Q3: If you agree with the statement above that more sectors and sub-sectors should be covered by the Directive, which other sectors should be covered by the scope of the NIS Directive and why?**

*1000 character(s) maximum*

Q4: How has the level of risk of cyber incidents in the different sectors and subsectors covered by the NIS Directive evolved since the Directive entered into force in 2016?

	Very significant decrease in risk	Significant decrease in risk	No increase or decrease in risk	Significant increase in risk	Very significant increase in risk	Don't know / no opinion
Electricity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Oil	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Gas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Air transport	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Rail transport	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Water transport	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Road transport	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Banking	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Financial market infrastructures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Health sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Drinking water supply and distribution	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Digital infrastructure (IXPs, DNS providers, TLD registries)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Q5: How do you evaluate the level of cybersecurity resilience when it comes to the different sectors and subsectors covered by the NIS Directive?

	Very low	Low	Medium	High	Very high	Don't know / no opinion
Electricity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Oil	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Gas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Air transport	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Rail transport	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Water transport	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Road transport	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Banking	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Financial market infrastructures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Health sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Drinking water supply and distribution	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Digital infrastructure (IXPs, DNS providers, TLD registries)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Q6: How do you evaluate the level of cyber resilience and the risk-management practices applied by those small and medium-sized companies that are not covered by the NIS Directive (on a scale from 1 to 5 with 5 indicating that companies score highly on cyber resilience)?

	1	2	3	4	5	Don't know / no opinion
Small companies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Medium-sized companies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please elaborate your answers for both small and medium-sized companies:

	Your elaboration:
Small companies	
Medium-sized companies	

Q7: Do you think that the level of resilience and the risk-management practices applied by companies differ from sector to sector for small and medium-sized companies?

- Yes
- No
- Don't know / no opinion

If yes, please elaborate:

*1000 character(s) maximum*

### Sub-section 2.d. – Digital service providers and scope

*Digital service providers (cloud service providers, online search engines and online marketplaces) shall also put in place security measures and report substantial incidents. For this type of entities, the Directive envisages a "light-touch" regulatory approach, which means inter alia that competent authorities can only supervise DSPs "ex-post" (when an authority is provided with evidence that a company does not fulfil its obligations). Member States are not allowed to impose any further security or reporting requirements than those set out in the Directive ("maximum harmonisation"). Jurisdiction is based on the criterion of main establishment in the EU.*

Q1: To what extent do you agree with the following statements regarding the way in which the NIS Directive regulates digital service providers (DSPs)?

	Strongly disagree	Disagree	Agree	Strongly agree	Don't know / no opinion
Annex III of the NIS Directive covers all relevant types of digital services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Definitions of the types of digital services listed in Annex III are sufficiently clear.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
DSPs are aware of their obligations under the NIS Directive.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Competent authorities have a good overview of the DSPs falling under their jurisdiction.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Competent authorities actively engage with DSPs under their jurisdiction.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Security requirements for DSPs are sufficiently harmonised at EU level.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Incident notification requirements for DSPs are sufficiently harmonised at EU level.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reporting thresholds provided by the Implementing Regulation laying down requirements for Digital Service Providers under the NIS Directive are appropriate.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Q2: If you disagree with the statement above that Annex III of the NIS Directive covers all relevant types of digital services, which other types of providers of digital services should fall under the scope of the NIS Directive and why ?**

*1000 character(s) maximum*

**Q3: To what extent do you agree with the following statements regarding the so-called “light-touch approach” of the NIS Directive towards digital service providers (DSPs)?**

	Strongly disagree	Disagree	Agree	Strongly agree	Don't know / no opinion
The more harmonised regulatory approach applied towards DSPs as compared to OES is justified by the cross-border nature of their services.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Subjecting DSPs to the jurisdiction of the Member State where they have their main establishment in the EU minimises the compliance burden for those companies.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The limitation related to the supervisory power of the national authorities, notably to take action only when provided with evidence (ex-post supervision), in the case of the DSPs is justified by the nature of their services and the degree of cyber risk they face.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The exclusion of micro- and small enterprises is reasonable considering the limited impact of their services on the economy and society as a whole.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Please elaborate your answers:**

*1000 character(s) maximum*

The harmonised approach for DSPs should be extended to OES.

Q4: How do you evaluate the level of preparedness of digital service providers covered by the NIS Directive when it comes to cybersecurity related risks?

	Very low	Low	Medium	High	Very high	Don't know / no opinion
Online marketplaces	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Online search engines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Cloud computing services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>



Q5: In the previous question, you have been asked about the level of preparedness of different types of digital service providers. Please explain your assessment of the level of preparedness:

	Your explanation:
Online marketplaces	
Online search engines	
Cloud computing services	

Q6: How has the level of risk of cyber incidents in the different sectors and subsectors covered by the NIS Directive evolved since the Directive entered into force in 2016?

	Very significant decrease in risk	Significant decrease in risk	No increase or decrease in risk	Significant increase in risk	Very significant increase in risk	Don't know / no opinion
Online marketplaces	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Online search engines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cloud computing services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q7: How do you evaluate the level of cybersecurity resilience when it comes to the different types of digital service providers covered by the NIS Directive?

	Very low	Low	Medium	High	Very high	Don't know / no opinion
Online marketplaces	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Online search engines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Cloud computing services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

### Sub-section 2.e. – Security requirements

*Member States are required to ensure that entities take appropriate and proportionate technical and organisational measures to manage the risks posed to the security of network and information systems.*

Q1: What is the impact of imposing security requirements on OES by the NIS Directive in terms of cyber resilience?

- No impact
- Low impact
- Medium impact
- High impact
- Don't know / no opinion

Please elaborate your answer:

*1000 character(s) maximum*

The NIS Directive has greatly contributed by focusing the attention of organisations on cybersecurity issues. The NIS Directive encouraged all Member States to improve their cyber capabilities and review of OES under their jurisdiction. However, the lack of harmonisation of security measures for OES limited the impact of the Directive. Risk-based and outcomes focused security requirements that are aligned across jurisdictions and interoperable across sectors help to improve security, enabling organisations to prioritise effectively, continuously improve, and coordinate with others. Changes to requirements should be oriented around achieving a desired security outcome and reflect governance needs and resources; changing the requirements in a way that results in more incident notifications is unlikely to do so.

Q2: What is the impact of imposing security requirements on DSPs by the NIS Directive in terms of cyber resilience?

- No impact
- Low impact
- Medium impact
- High impact

- Don't know / no opinion

Please elaborate your answer:

*1000 character(s) maximum*

DSPs typically go beyond what is mandated under the legislative frameworks, because cyber resilience is important for their market position and competitiveness.

Q3: To what extent do you agree with the following statements regarding the implementation of security requirements under the NIS Directive?

	Strongly disagree	Disagree	Agree	Strongly agree	Don't know / no opinion
Member States have established effective security requirements for OES on a national level.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There is a sufficient degree of alignment of security requirements for OES and DSPs in all MS.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please elaborate your answers:

*1000 character(s) maximum*

Security requirements may be effective through the lens of an individual sector and Member State but the lack of harmonisation is harming the overall effectiveness of their application. In addition to maintaining the scope of OES as in the current Directive, for services operating in a cross-border manner, the nationally organised OES regime is not appropriate, and such services must be treated under a one-stop-shop regime.

Are there sectoral differences for OES regarding how effectively security requirements have been put in place by the Member States?

- Yes
- No
- Don't know / no opinion

If yes, please specify for which sectors and elaborate:

*1000 character(s) maximum*

In some Member States, different guidelines have been issued for each sector. These differ in terms of the level of details the guidelines have in implementation methods, evaluation criteria and timelines.

Q4: While some Member States have put in place rather general security requirements, other Member States have enacted very detailed requirements

featuring a higher degree of prescriptiveness. To what extent do you agree with the following statements regarding these different approaches?

	Strongly disagree	Disagree	Agree	Strongly agree	Don't know / no opinion
Prescriptive requirements make it easy for companies to be compliant.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Prescriptive requirements leave too little flexibility to companies.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Prescriptive requirements ensure a higher level of cybersecurity than general risk management obligations.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Prescriptive requirements make it difficult to take into account technological progress, new approaches to doing cybersecurity and other developments.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
The different level of prescriptiveness of requirements increases a regulatory burden for companies operating across different national markets.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
The companies should have the possibility to use certification to demonstrate compliance with the NIS security requirements.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The companies should be required to use certification for their compliance with NIS security requirements.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please elaborate your answers:

*1000 character(s) maximum*

A standards or certification-based approach has disadvantages in terms of flexibility but is an effective way to demonstrate security posture to customers/third parties. With respect to demonstrating compliance with the NIS Directive, it should only remain an option to use certification to do so. It is important, however, that mature global standards form the basis of security controls and a common auditing approach is possible. If security provisions are mandated but there is a lack of guidance on how they are to be implemented the result is divergence and a lack of clarity, which is inefficient and strains resources.

## Sub-section 2.f. – Incident notification

*Member States are required to ensure that entities notify the competent authority or the CSIRT of incidents having a significant impact on the continuity or provision of services.*

Q1: To what extent do you agree with the following statements regarding the implementation of notification requirements under the NIS Directive?

	Strongly disagree	Disagree	Agree	Strongly agree	Don't know / no opinion
The majority of companies have developed a good understanding of what constitutes an incident that has to be reported under the NIS Directive.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Member States have imposed notification requirements obliging companies to report all significant incidents.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Different reporting thresholds and deadlines across the EU create unnecessary compliance burden for OES.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The current approach ensures that OES across the Union face sufficiently similar incident notification requirements.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please elaborate your answers:

1000 character(s) maximum

It is our view that reporting obligations should remain as straightforward as possible. Multiple and potentially divergent reporting requirements for an operator or a provider lead to added bureaucracy, legal ambiguity and delays. It is important to keep a clear distinction, as treating DSPs and OES in the same way undermines the criticality of OES and the need to prioritise cybersecurity on the basis of criticality. The entry into force of GDPR has created a horizontal reporting obligation for data incidents for all sectors. Although the scope of the NIS Directive is different, one cannot ignore that cybersecurity incidents will often involve some level of data access or misuse. Therefore, clarity on the interplay of GDPR and the NIS Directive on issues like security obligations, reporting obligations and cybersecurity processing, especially in the context of information sharing, would be key.

Sub-section 2.g. – Level of discretion on transposition and implementation given to Member States

*The NIS Directive gives a wide room of discretion to Member States when it comes to the identification of operators of essential services, the setting of security requirements and the rules governing incident notification.*

Q1: To what extent do you agree with the following statements regarding this approach from an internal market perspective?

--	--	--	--	--	--

	Strongly disagree	Disagree	Agree	Strongly agree	Don't know / no opinion
The approach leads to significant differences in the application of the Directive and has a strong negative impact on the level playing field for companies in the internal market.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The approach increases costs for OES operating in more than one Member State.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
The approach allows Member States to take into account national specificities.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Please elaborate your answers:**

*1000 character(s) maximum*

The landscape of OES security requirements is very fragmented. As a result, it causes unnecessary inefficiencies for OES operating in more than one market and is difficult for their vendors to determine what requirements are applicable and how to prioritise them in product development or organisational processes.

**Sub-section 2.h. – Enforcement**

*The Directive requires Member States to assess the compliance of operators of essential services with the provisions of the Directive. They must also ensure that competent authorities act when operators of essential services or digital service providers do not meet the requirements laid down in the Directive. Member States must also lay down rules for penalties that are effective, proportionate and dissuasive.*

**Q1: To what extent do you agree with the following statements regarding national enforcement of the provisions of the NIS Directive and its respective national implementations?**

	Strongly disagree	Disagree	Agree	Strongly agree	Don't know / no opinion
Member States are effectively enforcing the compliance of OES.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Member States are effectively enforcing the compliance of DSPs.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The types and levels of penalties set by Member States are effective, proportionate and dissuasive.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
There is a sufficient degree of alignment of penalty levels between the different Member States.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## Sub-section 2.i. – Information exchange

*The NIS Directive has created two new fora for information exchange: the Cooperation Group to support and facilitate strategic cooperation and the exchange of information among Member States, and the CSIRTs network, which promotes swift and effective operational cooperation between national CSIRTs.*

Q1: To what extent do you agree with the following statements regarding the functioning of the Cooperation Group and the CSIRTs network?

	Strongly disagree	Disagree	Agree	Strongly agree	Don't know / no opinion
The Cooperation Group has been of significant help for the Member States to implement the NIS Directive.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
The Cooperation Group has played an important role in aligning national transposition measures.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The Cooperation Group has been instrumental in dealing with general cybersecurity matters.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
The Cooperation Group is dealing with cross-border dependencies in an effective manner.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The CSIRTs network has effectively managed to fulfil its tasks as laid down in the NIS Directive.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The CSIRTs network has helped to build confidence and trust amongst its members.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The CSIRTs network has achieved swift and effective operational cooperation.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The Cooperation Group and the CSIRTs network cooperate effectively.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Q2: Should the Cooperation Group be assigned additional tasks so far not listed in the NIS Directive?

- Yes
- No
- Don't know / no opinion

Q3: Should the CSIRTs network be assigned additional tasks so far not listed in the NIS Directive?



- Yes
- No
- Don't know / no opinion

### Sub-section 2.j. – Efficiency of the NIS Directive

Q1: To what extent have the effects of the NIS Directive been achieved at a reasonable cost? To what extent are the costs of the intervention justified and proportionate given the benefits it has achieved?

- Not at all
- To a little extent
- To some extent
- To a large extent
- Don't know / no opinion

Please elaborate your answer:

*1000 character(s) maximum*

The NIS Directive has been effective in improving the institutional security capabilities of a number of Member States. However, it has failed to harmonise security requirements.

Q2: What impact has the NIS Directive had on the overall level of resilience against cyber-threats across the EU when it comes to entities providing services that are essential for the maintenance of critical societal and economic activities?

- No impact
- Low impact
- Medium impact
- High impact
- Don't know / no opinion

Please elaborate your answer:

*1000 character(s) maximum*

As the EU's economy and society continues to embrace digital solutions, the need to ensure that Europe's networks and systems are resilient against evolving cyberattacks has never been higher. AmCham EU's members are impacted by the NIS Directive in different ways. Our membership includes Operators of Essential Services (OES), Digital Service Providers (DSPs), suppliers to both OES and DSPs, as well as companies that do not fall in these categories, or which are regulated by other sector-specific cybersecurity legislation. Our members support a strong cybersecurity environment in Europe in order to protect

themselves, their customers and citizens, against malpractices and abuse. Therefore, we support the European Commission's initiative to further strengthen Europe's resilience, through the revised NIS Directive and other measures.

## Sub-section 2.k. – Coherence of the NIS Directive with other EU legal instruments

*The NIS Directive is not the only legal instrument on EU level that seeks to ensure more security of our digital environment. EU laws such as the General Data Protection Regulation or the European Electronic Communications Code are pursuing similar objectives.*

Q1: To what extent are the provisions of the NIS Directive (such as on security requirements and incident notification) coherent with the provisions of other EU legal instruments that are aimed at increasing the level of data protection or the level of resilience?

- 1
- 2
- 3
- 4
- 5
- Don't know / no opinion

Please elaborate your answer:

*1000 character(s) maximum*

The review of the NIS Directive must duly take account of existing requirements in sector specific regulations and ensure that we have alignment between the different rules and avoid overlapping, redundant or even conflicting obligations. For example, alignment should be ensured between the NIS Directive and the e-IDAS Regulation and the Directive on the identification and designation of European Critical Infrastructure, as the Commission is envisaging reviews of all.

In addition, market players which are already subject to cybersecurity requirements in sector-specific legislation must remain excluded from the scope of the Directive. This includes for example traditional providers of public electronic communications networks and services under the Telecoms Framework Directive, and from December 2020 such providers under the European Electronic Communications Code. This exclusion is necessary to ensure legal clarity, certainty and proportionality of obligations for such players.

## Section 3: Approaches to cybersecurity in the European context currently not addressed by the NIS Directive

---

### Sub-section 3.a. – Provision of cybersecurity information

*Pursuant to the provisions of NIS Directive, Member States have to require operators of essential services and digital service providers to report incidents above certain thresholds. However, organisations collect a lot of valuable information about cybersecurity risks that do not materialise into reportable incidents.*

**Q1: How could organisations be incentivised to share more information with cybersecurity authorities on a voluntary basis?**

*1000 character(s) maximum*

More can be done to incentivise voluntary information sharing – both voluntary reporting to government security agencies and more effective sharing of threat information by specific sector, such as information sharing and analysis centers (ISACs). Such measures are likely to lead to a better functioning cybersecurity ecosystem between industry and governments and better preparedness for industry sectors rather than top-down legislation. While there are established mechanisms for voluntarily reporting information associated with incidents to CSIRTs, consideration should be given to how these existing mechanisms could be better leveraged and interplay with regulatory reporting regimes. Separating regulatory functions from CSIRTs is central to this, and this is not the case in all Member States.

**Q2: Under the NIS Directive, Member States shall require companies to report events having an actual adverse effect on the security of network and information systems (incidents). Should the reporting obligations be broadened to include other types of information in order to improve the situational awareness of competent authorities?**

- Yes
- No
- Don't know / no opinion

**Q3: The previous two questions have explored ways of improving the information available to cybersecurity authorities on national level. Which information gathered by such authorities should be made available on European level to improve common situational awareness (such as incidents with cross-border relevance, statistical data that could be aggregated by a European body etc.)?**

*1000 character(s) maximum*

We recommend both statistical data on incident notification and trends in relation to best practices and near misses, as well as guidance as this area evolves. ENISA plays an important role in this respect.

**Sub-section 3.b. –Information exchange between companies**

*Some Member States have fostered the development of fora where companies can exchange information about cybersecurity. This includes inter alia public private partnerships (PPP) or sectorial Information Sharing and Analysis Centres (ISACs). To some extent, such fora also exist on European and international level.*

Q1: How would you evaluate the level of information exchange between organisations in their respective sectors when it comes to cybersecurity?

	Very low level	Low level	Medium level	High level	Very high level	Don't know / no opinion
Electricity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Oil	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Gas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Air transport	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Rail transport	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Water transport	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Road transport	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Banking	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Financial market infrastructures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Health sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Drinking water supply and distribution	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Digital infrastructure (IXPs, DNS providers, TLD registries)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Digital service providers (online marketplaces)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Digital service providers (online search engines)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Digital service providers (cloud computing services)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Q2: How would you evaluate the level of information exchange between organisations across sectors when it comes to cybersecurity?

- Very low level
- Low level
- Medium level
- High level
- Very high level
- Don't know / no opinion

Q3: How could the level of information exchange between companies be improved within Member States but also across the European Union?

1000 character(s) maximum

The NIS review provides a unique opportunity to develop a voluntary framework that will encourage direct information sharing between companies, without the involvement of national authorities. There are numerous circumstances where a company may have specific indicators of a systems compromise that would be appropriate to share with other companies. This is often information they do not want to share with a national authority. Companies should be trusted to assess when it is appropriate to share information with national authorities vs other companies.

### Sub-section 3.c. – Vulnerability discovery and coordinated vulnerability disclosure

*While the negative impact of vulnerabilities present in ICT products and services is constantly increasing, finding and remedying such vulnerabilities plays an important role in reducing the overall cybersecurity risk. Cooperation between organisations, manufacturers or providers of ICT products and services, and members of the cybersecurity research community and governments who find vulnerabilities has been proven to significantly increase both the rate of discovery and the remedy of vulnerabilities. Coordinated vulnerability disclosure specifies a structured process of cooperation in which vulnerabilities are reported to the owner of the information system, allowing the organisation the opportunity to diagnose and remedy the vulnerability before detailed vulnerability information is disclosed to third parties or to the public. The process also provides for coordination between the finder and the organisation as regards the publication of those vulnerabilities.*

*Some Member States have put in place coordinated vulnerability disclosure policies that further facilitate the cooperation of all involved stakeholders.*

Q1: How do you evaluate the level of effectiveness of such national policies in making vulnerability information available in a more timely manner?

- Very low level
- Low level
- Medium level
- High level
- Very high level
- Don't know / no opinion

Q2: Have you implemented a coordinated vulnerability disclosure policy?

- Yes
- No
- Don't know / no opinion
- Not applicable

Q3: How would you describe your experience with vulnerability disclosure in the EU and how would you improve it?

1000 character(s) maximum

Encouraging the adoption of Coordinated Vulnerability Disclosure (CVD) policies would foster better security practices among covered entities and give covered entities time to build complex and resource-intensive programs. However, prematurely requiring such policies across sectors, including those in which organisations have had limited interaction and experience receiving external vulnerability reports, may undermine the communication and cooperation that is essential to a positive security outcome. Should vulnerability disclosure be addressed in the NIS Directive review, we encourage the EU institutions to align with well-established, globally developed and broadly adopted best practices and industry standards in the field of CVD and vulnerability handling.

Q4: Should national authorities such as CSIRTs take proactive measures to discover vulnerabilities in ICT products and services provided by private companies?

1000 character(s) maximum

No.

### Sub-section 3.d. – Security of connected products

*The constantly growing proliferation of connected products creates enormous opportunities for businesses and citizens but it is not without its challenges: a security incident affecting one ICT product can affect the whole system leading to severe impacts in terms of disruption to economic and social activities.*

Q1: Do you believe that there is a need of having common EU cybersecurity rules for connected products placed on the internal market?

- Yes
- No
- Don't know / no opinion

### Sub-section 3.e. – Measures to support small and medium-sized enterprises and raise awareness

*A few Member States have taken measures to raise the levels of awareness and understanding of cyber risk amongst small and medium-sized enterprises. Some Member States are also supporting such companies in dealing with cyber risk (for example by disseminating warnings and alerts or by offering training and financial support).*

Q1: To what extent do you agree with the following statements regarding such measures?

					Don't know /
--	--	--	--	--	--------------

	Strongly disagree	Disagree	Agree	Strongly agree	no opinion
Such measures have proven to be effective in increasing the level of awareness and protection amongst SMEs.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
European legislation should require Member States to put in place frameworks to raise awareness amongst SMEs and support them.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

## Closing section: Submit your responses (and possibility to upload a document)

---

Thank you for your contribution to this questionnaire. In case you want to share further ideas on these topics, you can upload a document below.

### Please upload your file

The maximum file size is 1 MB

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

### Contact

CNECT-H2@ec.europa.eu