

Open Public Consultation on the revision of the NIS Directive

A Eurelectric response paper

October 2020

Eurelectric represents the interests of the electricity industry in Europe. Our work covers all major issues affecting our sector. Our members represent the electricity industry in over 30 European countries.

We cover the entire industry from electricity generation and markets to distribution networks and customer issues. We also have affiliates active on several other continents and business associates from a wide variety of sectors with a direct interest in the electricity industry.

We stand for

The vision of the European power sector is to enable and sustain:

- A vibrant competitive European economy, reliably powered by clean, carbon-neutral energy
- A smart, energy efficient and truly sustainable society for all citizens of Europe

We are committed to lead a cost-effective energy transition by:

investing in clean power generation and transition-enabling solutions, to reduce emissions and actively pursue efforts to become carbon-neutral well before mid-century, taking into account different starting points and commercial availability of key transition technologies;

transforming the energy system to make it more responsive, resilient and efficient. This includes increased use of renewable energy, digitalisation, demand side response and reinforcement of grids so they can function as platforms and enablers for customers, cities and communities;

accelerating the energy transition in other economic sectors by offering competitive electricity as a transformation tool for transport, heating and industry;

embedding sustainability in all parts of our value chain and take measures to support the transformation of existing assets towards a zero carbon society;

innovating to discover the cutting-edge business models and develop the breakthrough technologies that are indispensable to allow our industry to lead this transition.

Dépôt légal: D/2020/12.105/56

Distribution & Market Facilitation Committee
WG Technology
DSO Expert Group on Cyber Security
WG Thermal & Nuclear
WG Innovation & Digital
WG Social Sustainability
WG Market Integration & Network Codes
WG Customers & New Services

Contact:
Caoimhín O'BRIAIN, Senior Advisor Distribution & Market
Facilitation – cobriain@eurelectric.org
Sarah HERBRETEAU, Advisor Distribution & Market Facilitation –
sherbreteau@eurelectric.org

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

Caoimhin

* Surname

O Briain

* Email (this won't be published)

cobriain@eurelectric.org

* Organisation name

255 character(s) maximum

Eurelectric

* 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.

4271427696-87

* 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 |
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| <input type="radio"/> Angola | <input type="radio"/> Equatorial Guinea | <input type="radio"/> Malawi | <input type="radio"/> Saudi Arabia |
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| <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
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- 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:

Electricity

* 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 checked="" type="radio"/>	<input 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

With the advent of 5G, IoT and AI, these bring new opportunities as well as challenges and associated threats which need to be considered from a cybersecurity perspective.

All digital technologies used for IT and OT systems must be risk assessed by design concept, including both hardware and software components.

The EU cyber security policy should be, as far as possible, technology neutral so as to not to hinder R&D and European competitiveness. It could however advocate baseline security measures for products and their use and implementation in certain environments.

While each device must be protected, the overall resilience of the network must also be considered and protected. From an individual device perspective, baseline security needs to be in place for each device category before being connected to the network system. IoT devices need to be adequately secured to avoid becoming part of bot networks. Compromised devices must be excludable from the network system.

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 checked="" type="radio"/>	<input 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 type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" 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 type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
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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 type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Manufacturing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Chemicals	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Waste water	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Social networks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Data centres	<input type="radio"/>	<input type="radio"/>	<input checked="" 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

If yes, please elaborate your answer:

1000 character(s) maximum

Undertakings providing public communications networks or publically available electronic communications services should be included in the scope of the NIS Directive as the dependency on telecommunications providers/networks has been reinforced in recent years, and more particularly in the past few months because of the Covid-19 crisis. Communication networks are fully integrated parts of our digital systems, thus being potentially vulnerable to cyberattacks.

The actual impact of the respective companies (i.e. on the state, economy and society) should be regularly assessed in order to legally oblige the companies to implement certain processes. At the same time, the goal of achieving fundamental cyber resilience should be further promoted among all participants (businesses, governments and society).

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

If yes, please specify which sectors, subsectors and/or digital services:

1000 character(s) maximum

Every sector working with essential data like personal data or business data should be compliant with the NIS Directive. In particular, the public sector should be included in the scope of the Directive, public administrations (e.g. citizens' offices) as well as government offices at regional, state and federal level. All critical infrastructure sectors (e.g. energy, health, ICT, transport, media, water/waste water, food, public sector, finance) should also be included in order to map the cross-sector interdependencies and to enable a compatible security culture across sectors and industries. Other actors in the electricity industry such as flexibility providers, aggregators, charging point operators have a role to play in the security of the energy industry and so should be covered by the NIS Directive.

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

Eurelectric recommends that the obligations of DSPs should be aligned with those of the OES. As the threat landscape is constantly evolving, especially for these services, operators and providers should be put on an equal footing by including additional types of digital services, sectors and subsectors. Software and hardware manufacturers have not yet been included in the scope of the NIS Directive. We advocate that manufacturers and solution providers of products and services should increasingly make a contribution to the protection goals of critical infrastructures in the future.

The relation between OES and DSPs should be considered in order to develop and deploy cyber-resilient and trustworthy products, services, processes and systems. The overall policy framework regarding critical infrastructure protection and cybersecurity should be reviewed with a holistic approach, encompassing all ongoing initiatives.

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

If yes, please specify which elements:

500 character(s) maximum

Changes suggested relating to Operators of Essential Service and their increasing reliance on DSPs in their systems with increased digitisation and the evolving cybersecurity landscape (see answers to other relevant questions), should be taken into account in national strategies at member state level.

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 checked="" type="radio"/>	<input type="radio"/>
Level of staffing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Level of expertise	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Cooperation of authorities across Member States	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cooperation between national competent authorities within Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input 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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Level of staffing	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Level of operational capabilities	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Level of expertise	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cooperation with OES and DSP	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cooperation with relevant national authorities (such as sectoral authorities)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input 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

Q5: Under the NIS Directive, competent authorities or the CSIRTs shall inform the other affected Member State(s) if an incident has a significant impact on the continuity of essential services in that Member State. How do you evaluate the level of incident-related information sharing between Member States (on a scale from 1 to 5 with 5 indicating a very high degree of satisfaction with the information shared)?

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

Q6: If you are an OES/DSP: Has your organisation received technical support from the national CSIRTs in case of an incident?

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

If yes, please rate the usefulness of this support (on a scale from 1 to 5 with 5 indicating a very useful support)

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

Q7: Should the CSIRTs be assigned additional tasks so far not listed in the NIS Directive?

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

If yes, please specify which tasks:

The CSIRTs should ensure that information is passed on from other MS to the OES in their own country. The OES are currently receiving little or no information from the National Security Authorities about incidents in other MS. CISRT should operate as an information center, providing OES with answers and information sharing on the problems faced. With regard to the energy sector, CSIRTs should be tasked with creating and sharing regularly cybersecurity advice for the energy sector.

Q8: How do you evaluate the functioning of the single points of contact (SPOCs) since their establishment by the NIS Directive as regards the performance of the following tasks (on a scale from 1 to 5 with 5 indicating a very high level of performance)?

	1	2	3	4	5	Don't know / no opinion
Cross-border cooperation with the relevant authorities in other Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cooperation with the Cooperation Group	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" 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 type="radio"/>	<input checked="" 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

Improvements can be achieved with regard to the engagement of competent authorities with OES. In particular, if a National Competent Authority gains knowledge of vulnerabilities or threats through reports from operators or other authorities, it must make this knowledge available for the companies potentially concerned. The procedure for identifying OES shows significant inconsistencies in some MS. We recommend, that OES are defined and appointed in an EU-harmonised way based on a risk based approach where need capabilities are taken into account. Considering the growing digitalisation of the energy sector, the EC should evaluate the possibility to include in Annex II some services (e.g. cloud computing services),

which are currently included in Annex III or considered as 'additional sectors' (e.g. information infrastructures). It is also paramount to include in Annex II generation companies and public lighting services to avoid holes in the cyber security of our energy system.

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 type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Identification thresholds used by Member States should be lower (i.e. more companies should be covered).	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please elaborate your answers:

1000 character(s) maximum

Every sector working with essential data like personal data or business data should be compliant with the NIS Directive. In particular, the public sector should be included in the scope of the Directive, public administrations (e.g. citizens' offices) as well as government offices at regional, state and federal level. All critical infrastructure sectors (e.g. energy, health, ICT, transport, media, water/waste water, food, daily needed goods, public sector, finance) should also be included in order to map the cross-sector interdependencies and to enable a compatible security culture across sectors and industries.

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

Considering the growing digitalization of the energy sector, the European Commission should evaluate the possibility to include in Annex II some services (as for instance 'cloud computing services'), which are currently included in Annex III or considered as 'additional sectors' (e.g. 'information infrastructures'). Eurelectric also considers as paramount to include in Annex II generation companies and public lighting services to avoid holes in the cyber security of our energy system, including the function "generation (distributed or centralised) , public lighting services" , edge computing and 5G networks

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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Oil	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Gas	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input 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 checked="" type="radio"/>	<input type="radio"/>	<input 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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input 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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Medium-sized companies	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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

	Your elaboration:
Small companies	The level of cyber defense and risk management of small enterprises depends on the individual case. Support services of a technical and organisational nature are necessary and useful for promoting the cyber defence capability of SMEs.
Medium-sized companies	The level of cyber defense and risk management of medium-sized enterprises depends on the individual case. Support services of a technical and organisational nature are necessary and useful for promoting the cyber defence capability of SMEs

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

Within the energy sector, national IT security requirements differ between companies, e.g. requirements are not the same for DSOs and generators.
 The level of resilience and the risk-management practices applied by companies may differ from sector to sector but more importantly according to the companies' perception of the cyber risk they might represent for the economy

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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Definitions of the types of digital services listed in Annex III are sufficiently clear.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
DSPs 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 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 checked="" type="radio"/>	<input 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

Data centers, service hosting providers, providers of communication and navigation services. Suppliers and manufacturers of important hardware and software which the OES need to provide their critical services.

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 checked="" type="radio"/>	<input type="radio"/>	<input 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 checked="" type="radio"/>	<input type="radio"/>	<input 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 checked="" type="radio"/>	<input type="radio"/>	<input 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

Aligning the obligations of DSPs with the obligations of the OES is essential, as the threat landscape is constantly evolving, especially for these services. Operators and providers should be put on an equal footing by including additional types of digital services. Software and hardware manufacturers have not yet been covered by the directive. We advocate that manufacturers and solution providers of products and services should increasingly make a contribution to the protection goals of critical infrastructures in the future. Manufacturers and service providers in particular could close their systems on the basis of the security gaps identified by the reporting obligation and make security updates available to their customers. This would enable the Commission to reach the required network and information security more quickly and efficiently.

Moreover, DSPs should be classified as relevant depending on their significance for the state, society and economy rather than on their size.

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 type="radio"/>	<input checked="" type="radio"/>
Online search engines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Cloud computing services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" 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 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"/>

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 respective national implementation of the NIS Directive has resulted in different levels of protection which have to be harmonised. Many of the EU regulations have even been exceeded by the national implementation. The timeframes for the introduction were or are rather short. Reporting obligations are very extensive, especially in the grid area, and (for every grid operator, regardless of its size or importance) are associated with an ISMS certification, which has become binding in an increasing number of Member States.

In an ecosystem such as the electricity industry, cyber resilience can, result only through large-scale and continual collaboration and partnership. This means that a variety of stakeholders must work together, inside the enterprise, between companies and between the companies and the public sector. It is crucial for all stakeholders in the value chain to embrace a collaborative and risk-informed cybersecurity approach to adapt and ensure a secure ecosystem.

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

Manufacturers and solution providers of products and services should increasingly make a contribution to the protection goals of critical infrastructures in the future. By introducing security requirements for digital service providers, the European Commission could reach the required network and information security more quickly and efficiently. This can also increase the reliability, integrity and availability of digital services.

The DSPs addressed in the Directive already protected their business model before the introduction of the NIS Directive.

As described, manufacturers of IT / OT solutions should be made much more responsible.

Manufacturers, suppliers of and service providers for OT solutions are particularly obliged.

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 type="radio"/>	<input checked="" 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

Harmonisation between EU Member States is not yet complete with regard to security requirements. As an example, the security requirements differ a lot among grid operators. Actual security and incident reporting requirements diverge among EU countries, thus hampering cross-border cooperation and information sharing between operators.

Aligning the obligations of DSPs with the obligations of the OES is essential, as the threat landscape is constantly evolving, especially for these services. Operators and providers should be put on an equal footing by including additional types of digital services.

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

As far as the electricity sector is concerned, security requirements differ a lot among EU Member States. This is especially true for grid operators. For multinational companies in the electricity sector, these sectoral differences across the EU with regard to security requirements hinder risk management practices and represent a burdensome administrative approach. For these companies, sectoral differences are being exacerbated by different speed of implementation by Member States.

In this context, Eurelectric recommends an adequate calibration of security requirements for all services by taking into account the challenges represented by each specific service. When doing so, there should be consistency and harmonisation with incident reporting and information sharing mechanisms as well as with risk management requirements. Ambiguity and duplication of requirements and obligations throughout the supply chain should also be minimised.

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 type="radio"/>	<input checked="" 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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

The companies should be required to use certification for their compliance with NIS security requirements.



Please elaborate your answers:

1000 character(s) maximum

Certification can be a supportive mechanism in demonstrating compliance with the NIS Directive requirements, but in no way it should be mandatory to be certified to ensure compliance with the cyber security rules. This is a question for the national authorities.

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 checked="" type="radio"/>	<input 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 checked="" type="radio"/>	<input 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

In many Member States, different categories of significant incidents have been defined as part of the implementation of the notification requirements. However, the criteria developed to define these categories are sometimes unclear, resulting in some situations where not all significant incidents are being reported. The NIS Directive should specify more clearly what types of incidents need to be reported.

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 checked="" type="radio"/>	<input 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

There is a considerable degree of fragmentation across the European Union when it comes to the identification of OES, as already identified by the Commission in its report on the operators of essential services. For multinational companies, having different ways of application of the provisions of the NIS Directive as well as different schedules of application in different Member States, hinders risk management practices of operators and represents a burdensome administrative approach.

The revision of the NIS Directive should aim at harmonising the security requirements in the individual Member States.

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 checked="" type="radio"/>	<input 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 type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
The Cooperation Group has played an important role in aligning national transposition measures.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" 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 type="radio"/>	<input checked="" 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 type="radio"/>	<input checked="" 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 type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

The CSIRTs network has achieved swift and effective operational cooperation.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
The Cooperation Group and the CSIRTs network cooperate effectively.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input 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

If yes, please specify which tasks:

500 character(s) maximum

Associations of OES and national industry working groups of OES should participate in the Cooperation Group on a permanent basis.

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

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

If yes, please specify which tasks:

500 character(s) maximum

A better communication is needed between the CSIRTs network and the OES. In particular, clear obligations for the national CSIRTs to rapidly forward all relevant information to national OES should be anchored. CSIRTs should act as service/information centers to OES demands.

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

Implementing the NIS Directive has been costly for OES since many processes had to be carried out, e.g. risk analysis, review of purchasing strategy for equipment in distribution grids. The administrative work involved in implementing the NIS Directive is also considerable and represents a large part of the compliance work. Additionally, the implementation of the Directive may have sensitive influence on budgets depending on the nature of the company, e.g. regulated or non-regulated business, state-owned or private company.

The proportionality of individual measures should be taken into account in the revision process of the NIS Directive.

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

With the introduction of the NIS directive, the implementation and harmonisation of security measures for the protection of critical infrastructures has been initiated throughout Europe. There is still a long way to go (complexity and implementation time), but the foundation has been laid down.

As far as the electricity sector is concerned, the lifetime of installations and infrastructure is very long. This specificity should be fully acknowledged while assessing the impact of the NIS Directive on the level of resilience of the electricity sector.

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

Multiple and competing reporting obligations and responsibilities would lead to a high level of bureaucracy and costs and must be avoided. Companies should not be confronted with ineffective additional work in the form of duplicate reports or unclear responsibilities.

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

Exchange of information can be encouraged via the development of lean and simple reporting channels as well as the use of standardised reporting forms. This could be done through established structures and procedures, with competent national authorities in a role of coordinator. These measures would allow trustworthy and quick exchange of information between the OES and DSPs and the responsible authorities. Stakeholders receiving this information will be more likely to share information.

Additionally it appears that punctual meetings and annual workshops on cybersecurity but also national and international industry associations function as aggregators of information in order to facilitate industry-wide cooperation. These frameworks could be used as basis to create an EU-wide platform for information and knowledge sharing. Such a platform would promote active cooperation between operators and Member States and support a more secure and resilient cyber landscape across the EU.

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

In order to establish prompt reaction and protection against an attack, information about attacks happening in a Member State must be shared immediately (at best "technically usable" - so-called IOCs) with other national cybersecurity authorities, the CSIRT network as well as the operators in all Member States.

This immediate sharing of information could be made easier by using a uniform electronic message format at European level. An electronic platform archiving attacks and detections but also providing real time assessments of ongoing incidents could also be developed in order to foster information sharing on European level.

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 checked="" type="radio"/>	<input type="radio"/>	<input 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 checked="" type="radio"/>	<input type="radio"/>	<input 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

Multi-stakeholder trust based cooperation assures that all parties add complementary value to the general objective, facilitating a common understanding of the challenges, threats, best practices, incidents and preparedness.

In this context, sectorial collaboration as well as ICS-CERT collaboration seem to be the most beneficial models. Public Private Partnership collaboration is deemed to be useful as well and would mean the energy sector cooperates to found a CSIRT, which then communicates with the authority in each Member State. . Furthermore, national and international industry associations function as aggregators of information in order to facilitate industry-wide cooperation.

Information sharing between companies could be improved by means of guidelines with regard to the timeframe (i.e. time given to companies to share all relevant information) and by using standardised reporting form at European level, thus providing a standardised way of communication.

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

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

CSIRTs are competent authorities to take proactive measures to discover vulnerabilities in ICT products and services provided by private companies, provided the scope of these activities is limited to discovering of

external vulnerabilities. It is important to note that there already exist many companies competent to carry out such activities.

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

If yes, please elaborate your answer

1000 character(s) maximum

Connected products for the operation of critical infrastructure represent a high cybersecurity risk and must therefore meet a uniform security level at European level. The European Commission should boost the development of security certifications for connected products as well as promote best practices at pan-European level. Certification should follow an EU coordinated cybersecurity risk-assessment, providing the basis to identify mitigation measures that can be applied at national and European levels. This approach would allow to avoid over-regulation and thus not impose disproportionate burdens on European companies.

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?

	Strongly disagree	Disagree	Agree	Strongly agree	Don't know / 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 checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
European legislation should require Member States to put in place frameworks to raise					

awareness amongst SMEs and support them.



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

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Union of the Electricity Industry - Eurelectric aisbl
Boulevard de l'Impératrice, 66 – bte 2 - 1000 Brussels, Belgium
Tel: + 32 2 515 10 00 - VAT: BE 0462 679 112 • www.eurelectric.org
EU Transparency Register number: [4271427696-87](https://ec.europa.eu/transparency/regexpert/?s=participations&id=4271427696-87)