

EUROPEAN NETWORK AND INFORMATION SYSTEMS DIRECTIVE (NISD)

DO YOU HAVE A NIS / NISD REPRESENTATIVE ?

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CHECKLIST

Scope of EU Network and Information Systems Directive?

- Boost the level of security of network and information systems for the provision of essential services and digital services.
- NIS/NISD Rep required if:
 - Digital Service Providers (DSP);
 - No establishment in the EU; and
 - Offer services in the EU

Is my company a DSP?

- DSPs include operators of:
 - Web search engines;
 - online marketplaces and ecommerce platforms which allow sellers to conclude retails or wholesale contracts on their platform;
 - cloud services, including IaaS, PaaS and SaaS providers.
- Exemption:
 - Fewer than 50 staff and an annual turnover and / or balance sheet below € 10 million

General obligations of DSPs under the NISD?

- Identify and take appropriate and proportionate technical and organisational measures to manage the risks posed to the security of network and information systems which they use in the context of offering services (Art. 16(1) NIS Directive);
- take measures to prevent and minimise the impact of incidents affecting the security of their network and information systems on the services (Art. 16(2) NIS Directive); and to
- notify the competent authority or the Computer Security Incident Response Teams (CSIRT) without undue delay of any incident having a substantial impact on the provision of a service (Art. 16(3) NIS Directive).
- The measures are further detailed by implementing national laws.
- The requirements above mentioned are similar to the GDPR requirements to maintain risk-appropriate technical and organizational measures for data security (Art. 32 GDPR) and to notify data protection authorities in case of personal data breaches (Art. 33 GDPR), however, differ in detail as the NISD aims to protect general availability of digital services, unlike the GDPR which solely protects personal information.

Disclaimer

This material is provided for your convenience and does not constitute legal advice or create an attorney-client relationship. This is a general checklist that will hopefully help your business understand NIS Representative requirement under NISD. It offers a level of minimum requirement and best practise. Cyberlegis RA GmbH does not accept any liability for the correctness of the checklist. You may use this checklist internally in your company. It is not meant to be freely distributed. Any commercial use is forbidden.

Responsibilities as NIS Rep

- Acting on behalf of the DSP, representing the DSP
- Contact point for national competent authority or a CSIRT instead of the DSP with regard to the obligations of that Digital Service Provider under NISD
- Enabling non-EU companies to comply with NISD by a combination of legal expertise and technology know-how
- Support in all cybersecurity related matters and helping grow the business by enabling to improve customers' trust

How many NIS Reps do I need?

- Only one NIS Rep is enough to comply with this requirements, even if the company has branches in several EU countries

Fines for non-compliance

- Member states can set their fine limits (Art. 21 NISD)
- Germany: EUR 50.000
- Belgium: EUR 200.000
- Ireland: EUR 500.000
- Spain: EUR 1.000.000

About Us

- Cyberlegis RA GmbH (**CYBERLEGIS**) is a an European Tech Data Law Firm in Munich.
- CYBERLEGIS specializing in NIS Representative Services under NISD.

Why hire CYBERLEGIS as your NIS Representative?

- **EFFICIENCY:** CYBERLEGIS is a specialized provider for representative services. CYBERLEGIS works on your request within 6 hours.
- **COST EFFECTIVE:** At just EUR 1.200 net per year CYBERLEGIS provides premier EU representation services.
- **INSURANCE COVERAGE:** Since all NIS Representatives installed by CYBERLEGIS are specialized Privacy lawyers, the service comes along with a default liability of 1 Million Euros (with higher representation available at extra cost).
- **PROFESSIONALISM:** CYBERLEGIS is sensitive to providing quality service to its clients. Thus, CYBERLEGIS designates only specialized Experts to act as NIS Representatives or handle representation-related matters for the clients.
- **ASSURED AVAILABILITY:** In an effort to satisfy its clients, the designated NIS Representative would be reachable not only from Monday to Friday (09:00h – 17:00h) via a team of English speaking secretaries, but equally at weekends via e-mail and cell phone.
- CYBERLEGIS has minimum 3 legal experts, working around the clock to assist the clients fulfil the NISD requirements. Thus, at any given point in time, a CYBERLEGIS representative is always there to assist you with your requirements.

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How do I designate CYBERLEGIS as my EU Representative?

- Just email us at: niedermeier@cyberlegis.io and we will be happy to answer all your question in a Zoom or WebEx meeting.
- We have standard document designating one of our expert Lawyers as your NIS Representative. In this regard, you would receive a draft designation document, which you would print, sign, and send by post, in accordance with NISD.
- Please connect with "RA Robert Niedermeier" on LinkedIN:
www.linkedin.com/in/ra-robert-niedermeier.
Robert Niedermeier CIPP/E CIPT CIPM FIP (Mobile +49 171 2440099).



No set up fees



Secretary answering phone calls



A Compliant NIS REP agreement



Local authority contacts



Yearly NISD report



Experienced privacy attorneys



Contact by Tel/Fax/E-mail



Access to our help-desk

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