

## Regulatory News Alert

### NIS Directive implementation into Luxembourgish Law

12 June 2018

#### Background

On 6 June 2018, **The *Chambre des Députés* has announced the transposition of the NIS Directive into Luxembourgish Law**, modifying the law of 23 July 2016 creating the *Haut-Commissariat à la Protection Nationale*, as well as the modified law of 20 April 2009 creating the *Centre de Technologies de l'Information de l'Etat*.

The NIS Directive, Directive (EU) 2016/1148 published in the Official Journal in July 2016, was put forward as part of the effort to reinforce the cybersecurity strategy of the EU. It aims to achieve a high common level of network and information security across all member states.

The NIS Directive establishes security and incident notification requirements for Operators of Essential Services in critical sectors such as banking and financial market infrastructure; and for Digital Service Providers, including online marketplaces, online search engines and cloud services. In addition, the Directive lays down obligations for Member States of the EU, it creates a cooperation group to facilitate strategic cybersecurity information sharing and it establishes a CSIRTs network to boost operational cybersecurity cooperation.

The NIS Directive allowed member states to transpose its rules into national law by May 2018. By the end of 2018, Luxembourg's duty will be to identify a list of Operators of Essential Services with an establishment on their territory for each subsector. These operators will need to comply with requirements such as taking technical and organizational measures to manage the risks posed to the security of networks and information systems as well as notifying any incident having a "significant" or "substantial" impact to the National Competent Authority or to the Computer Security Incident Response Team without undue delay. As many requirements overlap with similar requirements introduced by the GDPR, organizations should consider the NIS Directive as a key opportunity to harmonize information risk management and incident handling practices both for security and data protection.



## **How can Deloitte help you?**

Deloitte can help navigate regulatory trends to identify which are relevant for your activities with the RegWatch Kaleidoscope service.

Deloitte can help you in structuring your activity to develop new products, adapt to regulatory and market demands.

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