



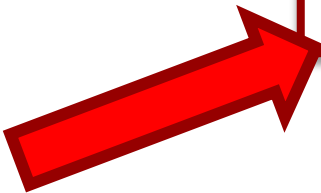
NIS Directive

Supervision Policy for Digital Service Providers in Belgium

Allow me to introduce ourselves ...



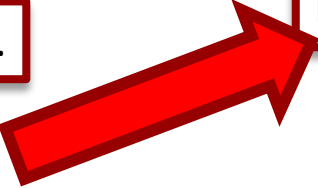
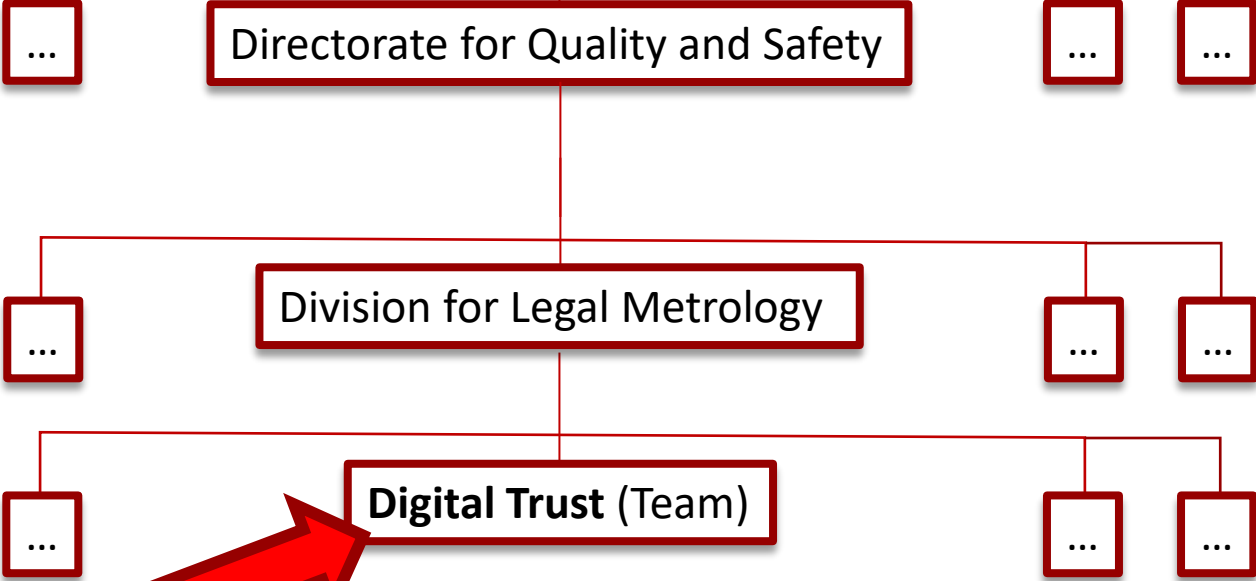
Digital Trust (Team)



Allow me to introduce ourselves ...



FOD Economie, K.M.O., Middenstand en Energie
SPF Economie, P.M.E., Classes moyennes et Energie

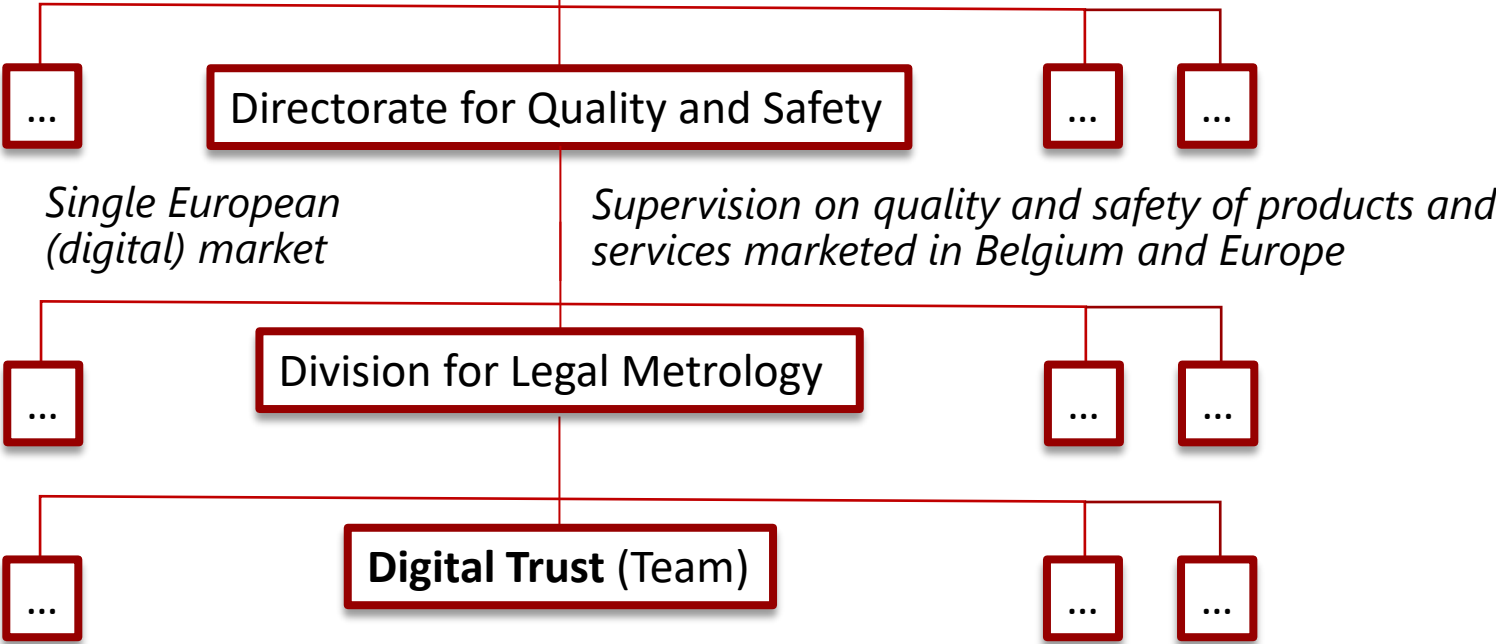


Allow me to introduce ourselves ...



FOD Economie, K.M.O., Middenstand en Energie
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Mission: *In a rapidly changing Belgian and international economic context, create the conditions for a competitive, sustainable and balanced operation of the goods and services market in Belgium.*



Roles and responsibilities DIGITAL TRUST Team

- **Supervisory body for**
 - **(Qualified) Trust Service Providers** – eIDAS Regulation
 - **Digital Service Providers** – NIS Directive
- **Internal coordination for**
 - **Cyber security certification** - Cyber Security Act

4 FTE strong



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4 FTE strong

*Market Surveillance Authority
No high-level cyber security expertise
Limited resources*





Boundary conditions for setting a supervision policy

Boundary conditions for setting a supervision policy

- Digital Trust team context
- NIS Directive general framework
- NIS Directive scope
- NIS Directive objectives
- Digital transformation characteristics
- Digital market context



Digital Trust team context

Part of a Market Surveillance Authority

Market Surveillance objectives:

- Consumer (customer) protection
- Fair and balanced commerce

Market Surveillance activities:

- Checking whether products or services, offered on the Belgian market, meet applicable legal requirements
- Combating misleading or non-justified assertions from manufacturers or service providers
- Supervision of third party conformity assessment (if regulated)
- General guidance for market operators
- Taking necessary steps ...

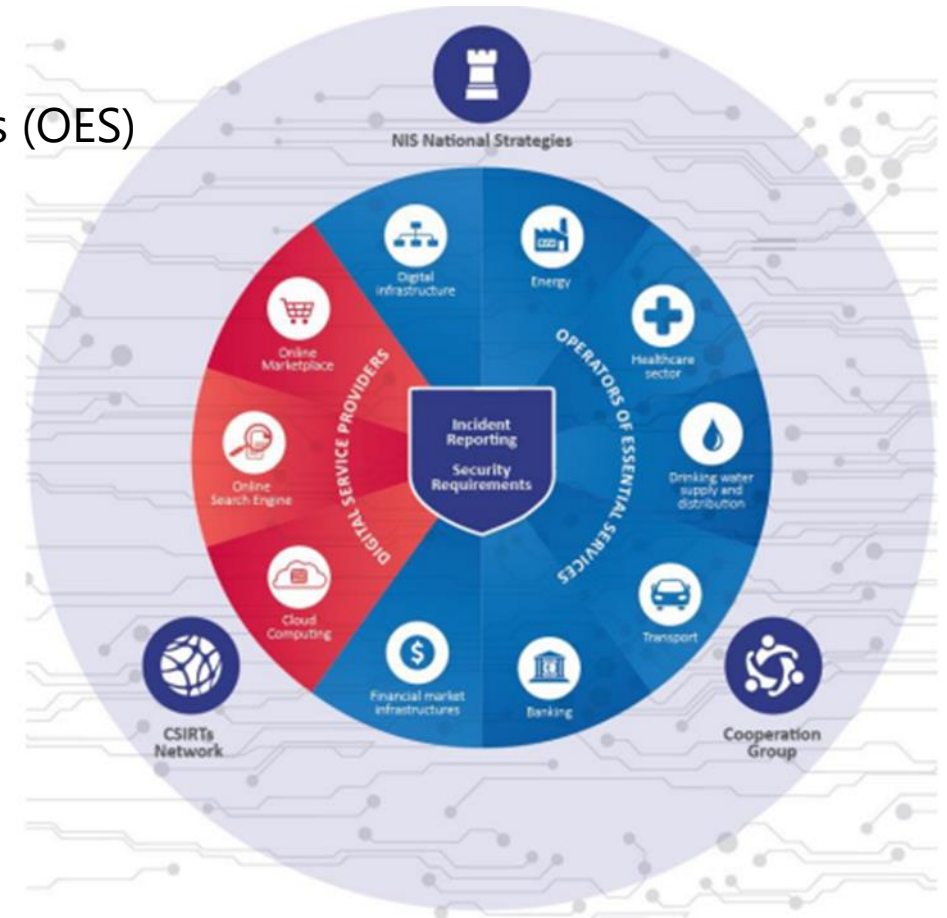
We apply market surveillance instruments to DSP supervision ...



NIS Directive general framework

NIS Directive framework:

- Operators of Essential Services (OES)
Ex ante supervision
- Digital Service Providers (DSP)
Ex post supervision



NIS Directive general framework

- **Different framework** for operators of essential services (OES) and for DSPs.
 - In general, lighter security requirements for DSPs
 - DSPs are subject to light-touch and reactive supervisory activities
 - NISD applies to all DSPs in scope (no prior identification by authority)
 - Applicable to non-EU based DSPs targeting EU customers
- DSP supervision builds on national capabilities for cyber defense *CCB coordination, National cyber security strategy, CSIRT, incident notification ...*

***“Ex post” supervision is the rule.
No prior authorizations or identification required ...***



NIS Directive scope



- **Digital Service (DS):**

Any service normally provided for remuneration, at a distance, by electronic means and at the individual request of a recipient ...

... of one of the following types:

- **online search engine**
- **online marketplace**
- **cloud computing service**

- **Digital Service Provider (DSP):**

Any legal entity that provides a digital service

- **Excluded from NISD scope**

- Public communication networks or publicly available electronic communication services (Directive 2002/21/EC)
- Trust service providers (eIDAS Regulation)
- Micro- and small enterprises

NIS Directive scope



- **online search engine :**
A digital service that allows users to perform searches of, in principle, all websites or websites in a particular language on the basis of a query on any subject in the form of a keyword, phrase or other input, and returns links in which information related to the requested content can be found
- **online marketplace :**
A digital service that allows consumers and/or traders to conclude online sales or service contracts with traders either on the online marketplace's website or on a trader's website that uses computing services provided by the online marketplace
- **cloud computing service :**
A digital service that enables access to a scalable and elastic pool of shareable computing resources

Supervision applies to all DSPs in scope of NISD ...

NIS Directive objectives

Increase reliability and security of network and information systems that are essential to economic and societal activities, and to the functioning of the internal market

By means of

- Promoting a culture of risk management, involving risk assessment and the implementation of security measures appropriate to the risks faced
- Installing market surveillance to protect customers and businesses (from acquiring digital services not meeting justified expectations regarding reliability or security)

Focus on service resilience and service continuity of DSPs ...



Digital transformation characteristics



- **Digital transformation** is affecting all facets of society (companies, administrations, citizens, consumers etc.) and has given rise to a new space for exchanging information: **cyberspace**
- **Cyberspace** has the characteristic of overcoming the traditional borders of space and time
- **Data is the new oil**
One of the key-objectives of digital transformation is to transform data into value (productivity)
- Loss or compromise of data = loss or depletion of value

Data and information systems are under attack ...

Digital market context



- Digital services are becoming vital for all aspects of economical and societal transactions and interactions
- Irreversible technology trends :
open data, cloud computing, Internet of Things ...
- Shift of customer expectations :
zero tolerance for service interruption, good enough beats perfect, abandon absolute control ...
Leading to more (cloud) service dependability,
- The benefits of digital transformation can not be fully exploited without trust and confidence from users and consumers
- ...

**Cyber resilience is a business enabler for digital service providers.
Market surveillance is relevant for customer protection ...**



DSP Supervision policy

DSP Supervision policy

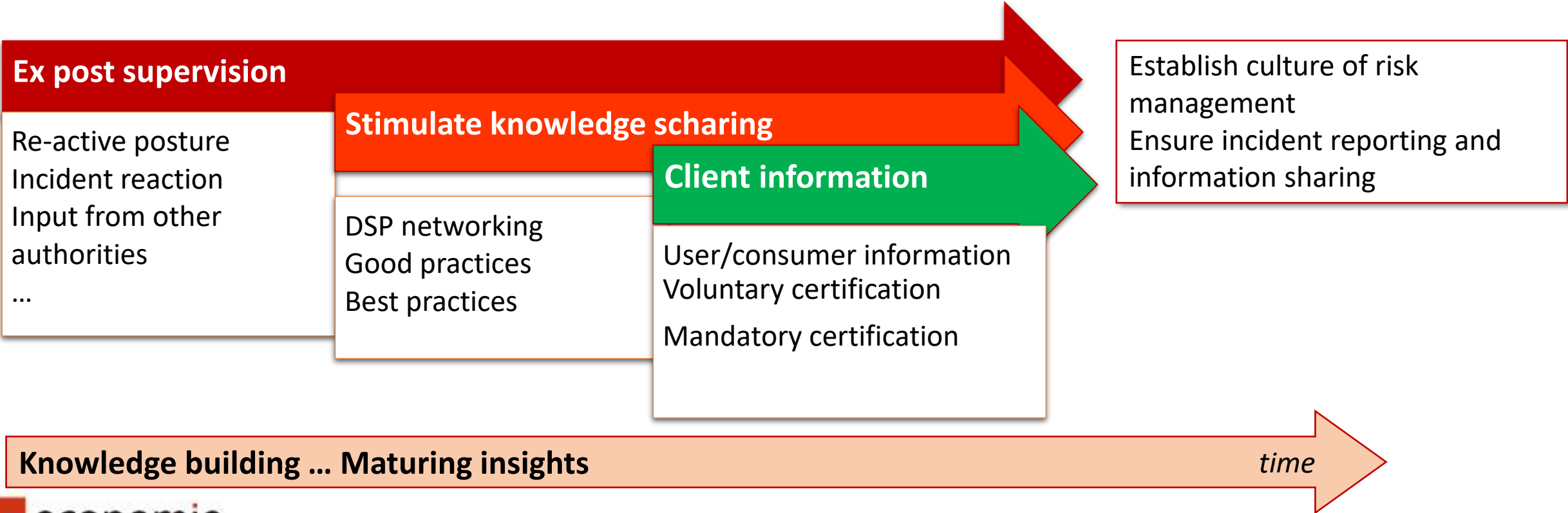
- Light-touch, reactive supervision
- Market surveillance instruments are appropriate
- Focus on service resilience and service continuity of DSPs
- Matching user expectations and digital service availability
- Digital service liability and service provider accountability

DSP obligations (NIS Legislation)

- **Identify risks**
- Take appropriate and proportionate technical and organizational measures to **manage the risks**
- Take measures to **prevent incidents** and to **minimize their impact**
- **Notify**, without undue delay, **any incident** having a substantial impact on the provision of the service
- Designate and **notify a SPOC** for answering questions from the competent authority



Practical approach in the near future



DSP Supervision focus groups

DSPs in
critical supply
chain of OES

DSPs offering
services to federal
public authority

Tbd ...

Ex post supervision

Re-active posture
Incident reaction
Input from other
authorities
...

Stimulate knowledge sharing

DSP networking
Good practices
Best practices

Client information

User/consumer information
Voluntary certification
Mandatory certification

Establish culture of risk
management
Ensure incident reporting and
information sharing

Knowledge building ... Maturing insights

time

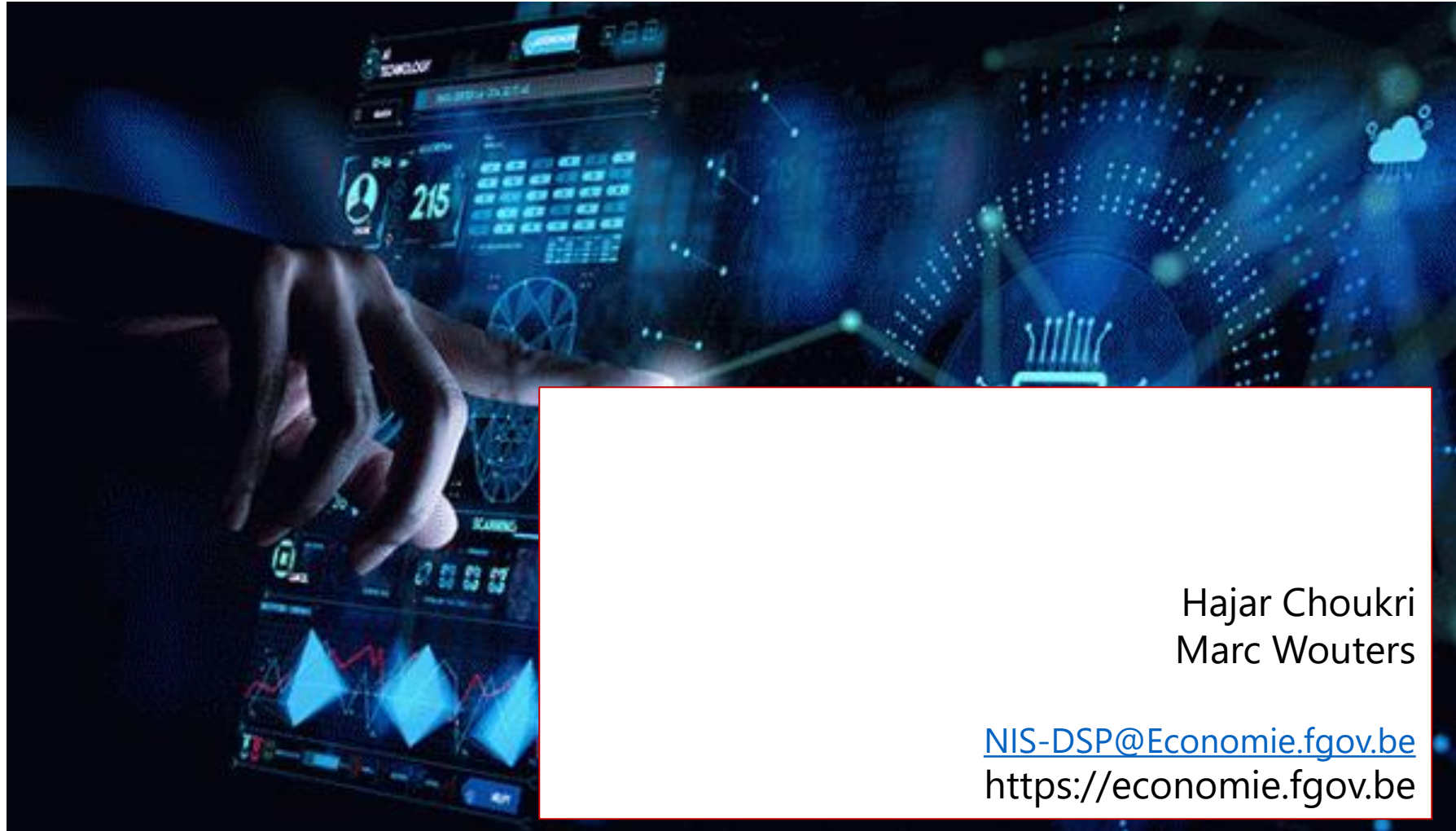


Practical recommendations for DSPs

Practical recommendations for DSPs

1. Do not wait for the authority to contact you ...
2. Adopt proper risk analysis and risk management culture (*including threat analysis and periodic review*)
3. Apply structural incident monitoring
4. Apply proper incident management (*including incident notification process*) and service resilience procedures
5. Notify SPOC to supervisory body (NIS-DSP@economie.fgov.be)
6. Notify incidents to supervisory authority (<https://ccb.belgium.be/nl/wettelijk-kader-voor-digitaledienstverleners-ddv>)





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