Update on NIS 2

Work on amendments

Marco Hogewoning | RIPE 82 | 17 May 2021

What is this about?

- Network and Information Security Directive (NIS)

  - European legislation to harmonise cybersecurity for critical infrastructure because ICT disruptions and security incidents can have large impact

  - Critical sectors include finance, energy, transport, healthcare, water, digital infrastructure and digital service providers

- Came into force into 2018

  - It is a directive, so implemented via national legislation in member states

  - Member states decided who is an "operator of essential services"

  - Dutch authorities decided not to include RIPE NCC as K-root operator

The Proposed Update (NIS 2)

- The (new) European Commission proposed an <u>update</u>

- Aiming for better alignment in the internal market

- Several key changes:

  - Member states no longer decide who is considered essential

  - Strict guidelines on two categories: "essential" and "important" entities

  - Massive increase in scope regarding DNS

- Seeks to regulate DNS root server operations

  - Extra-jurisdictional scope (would regulate all root server operators)

The RIPE NCC's Position on NIS 2

- Laws that seek to regulate the DNS root or the underlying operations would harm the multistakeholder model

  - Risks fragmenting the Internet and affecting interoperability

- EU legislation might inspire other countries

  - We don't want an incompatible patchwork of national laws

- We've explained our view

  - European Commission consultation

  - Discussions with member states and the European Parliament to find alternatives

Marco Hogewoning | RIPE 82 | 17 May 2021

EU Parliament is Proposing Amendments

- Discussions with the lead, MEP Bart Groothuis, resulted in a <u>proposed amendment</u> that addresses our concerns

  - Would remove the root servers from scope

  - Would also reduce impact for those who run DNS service for themselves

  - *Root name servers should be out of scope; regulating them is contrary to the EU's vision of a "single, open, neutral, free, secure and un-fragmented network" and could encourage and empower states advocating for a top-down, state-controlled Internet governance approach, instead of the multi-stakeholder approach.*

The Next Steps

- Follow the legislative process and enforce our message

    - The European Parliament has to agree to these proposed changes

    - Propose changes to the European Commission

- Finalise the proposed text in the "trilogue" process

    - Negotiations between the European Commission, Parliament and Council

    - Find a compromise on all disagreements

Questions ?

marcoh@ripe.net
cooperation-wg@ripe.net