



Notification Number: 2018/115/E

Preliminary draft Act on the security of network and information systems

Date received : 16/03/2018

End of Standstill : 18/06/2018

Message

Message 002

Communication from the Commission - TRIS/(2018) 00698

Directive (EU) 2015/1535

Translation of the message 001

Notification: 2018/0115/E

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201800698.EN)

1. Structured Information Line

MSG 002 IND 2018 0115 E EN 16-03-2018 E NOTIF

2. Member State

E

3. Department Responsible

Subdirección General de Asuntos Industriales, Energéticos, de Transportes, Comunicaciones y Medio Ambiente.

Dirección General de Coordinación del Mercado Interior y otras Políticas Comunitarias.

Secretaría de Estado de Asuntos Europeos.

Ministerio de Asuntos Exteriores y de Cooperación.

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3. Originating Department



Subdirección General de Servicios de la Sociedad de la Información.
Secretaría de Estado para la Sociedad de la Información y la Agenda Digital.
Ministerio de Energía, Turismo y Agenda Digital.
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4. Notification Number

2018/0115/E - SERV60

5. Title

Preliminary draft Act on the security of network and information systems

6. Products Concerned

Essential services that depend on network and information systems. Digital services.

7. Notification Under Another Act

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8. Main Content

The purpose of this preliminary draft Act on the security of network and information systems is to transpose into national law Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union (hereinafter 'the Directive').

In addition, it extends the security and reporting requirements for the incidents specified in the act to services provided in Spain in sectors other than those specified by the Directive and which depend on network and information systems, particularly in the administrative, aerospace, industrial chemical, research facility and food sectors.

It also extends the scope of the above-mentioned requirements to certain service providers that are, in principle, expressly excluded from the scope of the Directive, i.e. network and electronic communication service providers and trusted electronic service providers which have been declared 'critical operators' pursuant to Law 8/2011 of 28 April 2011 laying down measures for the protection of critical infrastructure.

9. Brief Statement of Grounds

Law 8/2011 of 28 April 2011 laying down measures for the protection of critical infrastructure sets out mechanisms for establishing the comprehensive security requirements for operators that have been declared critical; these requirements therefore cover both the physical and logical security aspects of the network and information systems used to provide the services in question.

Furthermore, the aforementioned law's scope of application covers both the sectors referred to in the Directive and a list of additional sectors whose services are considered essential under national law, such as the administrative, aerospace, industrial chemical, research facility and food sectors, as well as the information technology and communications sector, which covers networks and electronic communications services and trusted electronic services.

With a view to promoting regulatory convergence, thereby facilitating implementation, and achieving a high level of security in the networks and information systems used to provide essential services in Spain, the decision has been made to extend the transposing legislation's scope of application so that it dovetails with that of Law



8/2011.

10. Reference Documents - Basic Texts

Reference(s) to basic text(s): the basic text is Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union.

<http://eur-lex.europa.eu/legal-content/ES/TXT/PDF/?uri=CELEX:32016L1148&from=ES>

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

-

13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

-

16. TBT and SPS aspects

TBT aspect

No - the draft has no significant impact on international trade.

SPS aspect

No - the draft has no significant impact on international trade.

No - the draft is neither a sanitary nor phytosanitary measure.

European Commission

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