

# EnCaViBS

## WP 2: The NIS Directive and its transposition into national law.

Member State:

**France**

**Order of 13 June 2018 setting out the terms and conditions for the declarations provided for in Articles 8, 11 and 20 of Decree No. 2018-384 of 23 May 2018 on the security of the networks and information systems of essential service operators and digital service providers**

**Important notice:**

This text is an unofficial translation conducted at the SNT/ University of Luxembourg in the framework of the research project EnCaViBS.

The original legal acts which Member States notified to the European Commission as national execution measures were retrieved from official national databases. In order to focus on the core of the research project, only selected transpositions have been translated.

The translations only serve the purpose of being an information resource; there is no guarantee whatsoever that the translations correctly correspond to the original versions of the laws. Therefore, evidently, the texts have no legal value. The original, as well as the translated version of the legal acts, are available at [www.encavibs.uni.lu](http://www.encavibs.uni.lu), where additional information on the research project may be found.

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C18/IS/12639666/EnCaViBS/Cole,

<https://www.fnr.lu/projects/the-eu-nis-directive-enhancing-cybersecurity-across-vital-business-sectors-encavibs/>.

**Member State: France**

**Order of 13 June 2018 setting out the terms and conditions for the declarations provided for in Articles 8, 11 and 20 of Decree No. 2018-384 of 23 May 2018 on the security of the networks and information systems of essential service operators and digital service providers**

JORF no 0145 of 26 June 2018

The Prime Minister,

Having regard to the Commission's implementing regulations (EU) 2018/151 of 30 January 2018 laying down detailed rules for the implementation of Directive (EU) 2016/1148 of the European Parliament and of the Council specifying the elements to be taken into account by digital service providers in managing risks that threaten the security of networks and information systems and the parameters for determining whether an incident has a significant impact;

Having regard to Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 on measures to ensure a common high level of security of networks and information systems in the Union; having regard to the defence code, particularly its articles L. 2321-1, R.\* 1132-3 and R. 2321-1;

Having regard to Act No. 2018-133 of 26 February 2018 containing various provisions for adapting to European Union law in the field of security, in particular Title I thereof;

Having regard to Decree No. 2009-834 of 7 July 2009, as amended, creating a department with a national remit known as the "National Agency for information systems security";

Having regard to order no. 2018-384 of 23 May 2018 on the security of the networks and information systems of critical service operators and digital service providers, particularly articles 8, 11 and 20,

Order:

**CHAPTER I DECLARATION OF INFORMATION NETWORKS AND SYSTEMS BY OPERATORS OF CRITICAL SERVICES (Articles 1 to 2)**

**Article 1**

Pursuant to Article 8 of the aforementioned Decree of 23 May 2018, any operator of critical services shall send the National Agency for Information Systems Security the list of networks and information systems mentioned in the same article and, for each of these networks and systems, the declaration form, available on the agency's website ([www.ssi.gouv.fr](http://www.ssi.gouv.fr)), duly completed. This form includes information on the declaring party, the description of the network and information system, its technical characteristics, its operation and its security. The operator sends the list and the forms referred to in the first subparagraph to the Agency electronically, in line with the procedures specified on the Agency's website, or by post.

**Article 2**

Once a year, the operator of critical services shall send the list and the updated declaration forms to the National Agency for the Security of Information Systems, in line with the procedures referred to in Article 1. Where an operator withdraws a network and information system from its list, it shall inform the Agency immediately and provide it with the justification for this withdrawal.

## **CHAPTER II REPORTING OF SECURITY INCIDENTS BY OPERATORS OF CRITICAL SERVICES (Article 3)**

### **Article 3**

To make the incident report mentioned in Article 11 of the aforementioned Decree of 23 May 2018, any operator of critical services shall send the incident report form available on the agency's website ([www.ssi.gouv.fr](http://www.ssi.gouv.fr)) to the National Agency for Information Systems Security. This form includes information on the declaring party, the network and information system affected by the incident, the consequences of the incident on the relevant critical services, the type of incident, its causes and the measures taken by the operator to respond. The operator shall complete and submit the declaration form referred to in the first subparagraph once it becomes aware of an incident, even if it lacks all the information on its causes and consequences. Once it knows this information, it submits the duly completed form. The operator sends the abovementioned declaration form to the Agency electronically, as specified on the Agency's website, or by post.

## **CHAPTER III REPORTING OF SECURITY INCIDENTS BY DIGITAL SERVICE PROVIDERS (Article 4)**

### **Article 4**

To make the incident report mentioned in Article 20 of the aforementioned Decree of 23 May 2018, any digital services provider services shall send the incident report form available on the agency's website ([www.ssi.gouv.fr](http://www.ssi.gouv.fr)) to the National Agency for Information Systems Security. This form includes information on the declaring party, the network and information system affected by the incident, the consequences of the incident on the relevant digital services, the type of incident, its causes and the measures taken by the digital services provider to respond. The digital service provider shall send the declaration form referred to in the first subparagraph to the Agency electronically, in accordance with the procedures specified on the Agency's website, or by post.

## **CHAPTER IV FINAL PROVISIONS (Articles 5 to 6)**

### **Article 5**

This Order shall apply throughout the Republic.

### **Article 6**

The Director-General of the National Agency for Information Systems Security is responsible for the implementation of this Order, which will be published in the Official Gazette of the French Republic.

Done on 13 June 2018.