

## Who's in Scope – Sectors & Size

**Obligations:** entities may be in scope directly (due to sector, size) or indirectly (as a relevant supplier to an in-scope entity).

### FAQs

**Q: Who will decide whether I am “in or out” of scope?**

**A:** National legislators (probably) will decide which sectors are **Essential\*** or **Important\***. EU directives give EU countries some level of flexibility to take into account national circumstances.

**Q: Are resellers included in the Scope?**

**A:** Yes. Article 4(15b) ‘entities providing domain name registration services’ (EPRS\*) means registrars and agents acting on behalf of registrars, such as privacy or proxy registration service providers or resellers.

**Q: Why does this Directive apply to “top-level-domain (TLDs) name servers, publicly available recursive domain name resolution services for internet end-users and authoritative domain name resolution services“? (Recital 15).**

**A:** Because "Upholding and preserving a reliable, resilient and secure domain name system (DNS) is a key factor in maintaining the integrity of the Internet and is essential for its continuous and stable operation, on which the digital economy and society depend" (Recital 15)

**Q: What about the impact of compliance for small companies?**

**A:** Small and medium-sized companies are not within the scope of the NIS2 Directive (NIS2 Annex).

**Q: I provide services in a few EU countries. Which country's rules will apply to my company ?**

**A:** Recital 42a appear to extend the scope even further for you - "taking account of their cross-border nature, the DNS service providers, TLD name registries and entities providing domain name registration services, cloud computing service providers, data centre service providers, content delivery network providers, managed service providers, and managed security service providers **should be subject to a higher degree of harmonisation at Union level.** The implementation of cyber security measures should therefore be facilitated by an implementing act."

### NIS 1

- HEALTHCARE
- TRANSPORT
- BANKING
- DIGITAL INFRASTRUCTURE
- WATER SUPPLY
- ENERGY
- DIGITAL SERVICE PROVIDERS

**Extending the Scope as NIS1 is repealed ->->->**

### NIS 2

- FOOD
- MANUFACTURERS
- POSTAL & COURIER
- PROVIDERS OF PUBLIC ELECTRONIC COMMUNICATIONS NETWORKS OR SERVICES
- SPACE
- PUBLIC ADMINISTRATION
- DIGITAL SERVICES
- WASTE WATER AND WASTE MANAGEMENT

### Who is in the Scope of regulations?

- Digital infrastructure** includes IXP; DNS; Top Level Domain (TLD) registries; cloud; data centre service providers; CDN; trust service providers; electronic communications network providers.
- Directive does not apply to **root name servers** (Recital 15).
- Entire sectors may be in scope because they are defined as “essential” or “important” entities.

With thanks to j1sec for the image (left): <https://www.j1sec.es/blog-entry/102/nis-2-main-new-features-in-the-new-european-cybersecurity-directive>

### \*Definitions

- TLDs** = top level domain registries. This includes .com in addition to national country codes (like .ie .uk etc).
- EPRS** = entities providing domain name registration services.
- Essential Entities** = *includes* Digital infrastructure (IXP; DNS; Top Level Domain (TLD) registries; cloud; data centre service providers; CDN; trust service providers; electronic communications).
- Important Entities** = *include* digital providers such as online marketplaces; search engines; and social networks.
- Legitimate access seekers** = any legal or natural person making a request based on Union or national law. They include but are not limited to competent authorities under Union or national law for the prevention, investigation or prosecution of criminal offences, and national CERTs, or CSIRTs. **(Recital 60)**.
- Domain name registration data** = should *include*: the domain name, the date of registration, the registrant's name, email address, telephone number, as well as the email address and phone number of “the point of contact administering the domain name in case it is different from the registrant's”.