

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

CHAPTER VII

FINAL PROVISIONS

Article 21

Penalties

Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, by 9 May 2018, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

Article 22

Committee procedure

1 The Commission shall be assisted by the Network and Information Systems Security Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2 Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 23

Review

1 By 9 May 2019, the Commission shall submit a report to the European Parliament and to Council, assessing the consistency of the approach taken by Member States in the identification of the operators of essential services.

2 The Commission shall periodically review the functioning of this Directive and report to the European Parliament and to the Council. For this purpose and with a view to further advancing the strategic and operational cooperation, the Commission shall take into account the reports of the Cooperation Group and the CSIRTs network on the experience gained at a strategic and operational level. In its review, the Commission shall also assess the lists contained in Annexes II and III, and the consistency in the identification of operators of essential services and services in the sectors referred to in Annex II. The first report shall be submitted by 9 May 2021.

Article 24

Transitional measures

1 Without prejudice to Article 25 and with a view to providing Member States with additional possibilities for appropriate cooperation during the period of transposition, the Cooperation Group and the CSIRTs network shall begin to perform the tasks set out in Articles 11(3) and 12(3) respectively by 9 February 2017.

2 For the period from 9 February 2017 to 9 November 2018, and for the purposes of supporting Member States in taking a consistent approach in the process of identification of operators of essential services, the Cooperation Group shall discuss the process, substance and type of national measures allowing for the identification of operators of essential services within a specific sector in accordance with the criteria set out in Articles 5 and 6. The Cooperation Group shall also discuss, at the request of a Member State, specific draft national measures of that Member State, allowing for the identification of operators of essential services within a specific sector in accordance with the criteria set out in Articles 5 and 6.

3 By 9 February 2017 and for the purposes of this Article, Member States shall ensure appropriate representation in the Cooperation Group and the CSIRTs network.

Article 25

Transposition

1 Member States shall adopt and publish, by 9 May 2018, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall immediately inform the Commission thereof.

They shall apply those measures from 10 May 2018.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 26

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 27

Addressees

This Directive is addressed to the Member States.