NIS 2 APPLICABILITY EXERCISE

Step 1: Determine the Organization's Size

Question: Does your organization employ 50 or more persons, or does it have an annual turnover exceeding EUR 10 million?

IF YES — Proceed to Step 2.

IF NO — Your organization might not be directly covered by NIS2, except under specific circumstances. Consider consulting with a legal expert to confirm applicability based on your specific services and sector.

Step 2: Identify Sector of Operation

Question: Does your organization operate within one of the sectors or subsectors listed in Annex I or II of NIS2 (e.g., energy, transport, banking, digital infrastructure, etc.)?
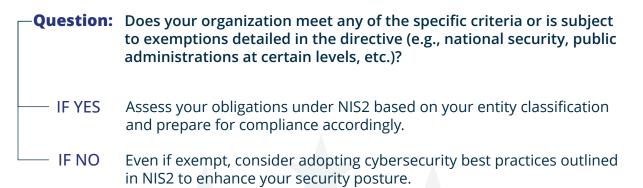
IF YES — Proceed to Step 3.

IF NO — Your organization might not fall under NIS2. However, verify if any specific national legislation extends the scope to your operations.

Step 3: Check for Essential or Important Entity Classification

Question: Based on your sector, does your organization potentially qualify as an 'essential' or 'important' entity under the definitions provided in NIS2?

IF YES — Proceed to Step 4.

IF NO — While you might not be directly covered, ensure to stay updated on evolving regulations and sector-specific guidelines that may affect your cybersecurity obligations.

Step 4: Review Specific Criteria and Exemptions

Question: Does your organization meet any of the specific criteria or is subject to exemptions detailed in the directive (e.g., national security, public administrations at certain levels, etc.)?

IF YES Assess your obligations under NIS2 based on your entity classification and prepare for compliance accordingly.

IF NO Even if exempt, consider adopting cybersecurity best practices outlined in NIS2 to enhance your security posture.

Step 5: Determine Presence in the EU

Question: Does your organization provide services within the EU, or is it established in the EU?

IF YES & ESTABLISHED IN EU Confirm jurisdiction based on where you are established and follow specific national requirements for NIS2 compliance.

IF YES BUT NOT ESTABLISHED IN EU Determine if you need to designate an EU representative based on the directive's requirements and follow the applicable steps for compliance.

Step 6: Engage in Compliance Activities

Action: Based on the previous steps, if your organization falls under NIS2, start engaging in compliance activities. This includes risk management measures, incident reporting mechanisms, and any sector-specific requirements.