

## SCHEDULE

### Amendments of retained EU law

## PART 2

### Retained direct EU legislation

#### Commission Implementing Regulation (EU) 2018/151

**14.**—(1) Commission Implementing Regulation (EU) 2018/151 of 30 January 2018 laying down rules for application of Directive (EU) 2016/1148 of the European Parliament and of the Council as regards further specification of the elements to be taken into account by digital service providers for managing the risks posed to the security of network and information systems and of the parameters for determining whether an incident has a substantial impact is amended as follows.

- (2) For “digital service provider”, in each place it occurs, substitute “RDSP”.
- (3) For “digital service providers”, in each place it occurs, substitute “RDSPs”.
- (4) After Article 1, insert—

*“Article 1A*

#### Interpretation

In this Regulation—

“NIS Regulations” means the Network and Information Systems Regulations 2018;

“RDSP” has the same meaning as in the NIS Regulations.”.

- (5) In Article 2—
  - (a) In paragraph 1, for “point (a) of Article 16(1) of Directive (EU) 2016/1148” substitute “regulation 12(2)(c)(i) of the NIS Regulations”;
  - (b) in paragraph 2, for “point (b) of Article 16(1) of Directive (EU) 2016/1148” substitute “regulation 12(2)(c)(ii) of the NIS Regulations”;
  - (c) in paragraph 3, for “point (c) of Article 16(1) of Directive (EU) 2016/1148” substitute “regulation 12(2)(c)(iii) of the NIS Regulations”;
  - (d) in paragraph 4, for “point (d) of Article 16(1) of Directive (EU) 2016/1148” substitute “regulation 12(2)(c)(iv) of the NIS Regulations”;
  - (e) in paragraph 5, for “point (e) of Article 16(1) of Directive (EU) 2016/1148” substitute “regulation 12(2)(c)(v) of the NIS Regulations”.
- (6) In Article 3—
  - (a) in paragraph 1, for “point (a) of Article 16(4) of Directive (EU) 2016/1148” substitute “regulation 12(7)(a)(i) of the NIS Regulations”;
  - (b) in paragraph 2, for “point (b) of Article 16(4) of Directive (EU) 2016/1148” substitute “regulation 12(7)(a)(ii) of the NIS Regulations”;
  - (c) in paragraph 3—
    - (i) for “point (c) of Article 16(4) of Directive (EU) 2016/1148” substitute “regulation 12(7)(a)(iii) of the NIS Regulations”;
    - (ii) after “Member States”, insert “ of the EU ”;

**Changes to legislation:** There are currently no known outstanding effects for the The Network and Information Systems (Amendment etc.) (EU Exit) Regulations 2019, PART 2. (See end of Document for details)

- (d) in paragraph 4, for “point (d) of Article 16(4) of Directive (EU) 2016/1148” substitute “regulation 12(7)(a)(iv) of the NIS Regulations”;
  - (e) in paragraph 5, for “point (e) of Article 16(4) of Directive (EU) 2016/1148” substitute “regulation 12(7)(a)(v) of the NIS Regulations”.
- (7) In Article 4—
- (a) in paragraph 1—
    - (i) in point (a), before “Union” insert “ European ”;
    - (ii) in point (b), before “Union” insert “ European ”;
    - (iii) for point (d)—
      - (aa) before “Union” insert “ European ”;
      - (bb) for “EUR 1000 000” substitute “ £880,000 ”;
  - (b) omit paragraph 2.
- (8) After Article 5, omit the words from “This Regulation” to “Member States.”.

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**Commencement Information**

**I1** [Sch. para. 14](#) in force at 20.1.2021, see [reg. 1\(2\)](#)

**Regulation (EU) No 526/2013**

**15.** Regulation (EU) No 526/2013 of the European Parliament and of the Council of 21 May 2013 concerning the European Union Agency for Network and Information Security (ENISA) and repealing Regulation (EC) No 460/2004 is revoked.

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**Commencement Information**

**I2** [Sch. para. 15](#) in force at 20.1.2021, see [reg. 1\(2\)](#)

**Revocation of provision of EEA agreement**

**16.** In Annex 11 of the EEA Agreement, so far as it forms part of domestic law on and after exit day by virtue of section 3(1) of the European Union (Withdrawal) Act 2018, point 5cp is revoked insofar as it is retained EU law.

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**Commencement Information**

**I3** [Sch. para. 16](#) in force at 20.1.2021, see [reg. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Network and Information Systems (Amendment etc.) (EU Exit) Regulations 2019, PART 2.