

(English version)

**Question for written answer E-003771/25
to the Commission
Wouter Beke (PPE)
(29 September 2025)**

Subject: Application of the NIS2 Directive

Recent concerns from the Belgian education sector highlight practical difficulties in the implementation of the NIS2 Directive ⁽¹⁾. Large school institutions with extensive solar panel installations are formally classified as ‘producers’ of electricity and thus fall within the scope of the directive. However, such entities are not the highly critical operators that the NIS2 Directive was originally intended to cover. The directive’s current simplification provisions are insufficient to address these disproportionate obligations, as these schools remain within the scope of the directive, which imposes significant costs on institutions that often lack in-house cybersecurity expertise.

In the light of the above:

1. Is the Commission prepared to take additional simplification or clarification measures to reduce the disproportionate burdens imposed by the NIS2 Directive on institutions that are not classified among the critical sectors and operators it was originally intended to cover?
2. How does the Commission assess the possibility of simplifying the scope of the directive, for example by introducing clear thresholds, such as 1 megawatt capacity, or exemptions for entities that mainly generate electricity for self-consumption?

Submitted: 29.9.2025

**Answer given by Executive Vice-President Virkkunen on behalf of the European Commission
(18 November 2025)**

Directive (EU) 2022/2555 ⁽¹⁾ (NIS2 Directive) sets out measures for a high common level of cybersecurity in the EU. It lays down cybersecurity risk-management and incident reporting obligations for entities in 18 critical sectors, including electricity.

Pursuant to Article 2(1) in conjunction with Annex I, point (1)(a) dash 4, of the NIS 2 Directive, ‘[p]roducers as defined in Article 2, point (38), of Directive (EU) 2019/944’ are in scope where they qualify as medium-sized enterprises or exceed the ceilings for medium-sized enterprises.

Therefore, where an entity operates solar panels, it could qualify as a producer and as an essential or important entity in scope of the NIS2 Directive provided that the other criteria as regards the size-cap are met.

The Commission is dedicated to simplifying the compliance with cybersecurity legislation and therefore ensure easier compliance for businesses, while maintaining the cybersecurity objectives.

The first major step in this regard will be the Digital Omnibus proposal, with targeted amendments on specific provisions of our digital acquis, including on data, cybersecurity and AI.

Further, the upcoming revision of Regulation (EU) 2019/881 ⁽²⁾ (Cybersecurity Act) will *inter alia* foresee provisions to simplify and streamline cybersecurity legislation.

¹ Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (OJ L 333, 27.12.2022, p. 80, ELI: <http://data.europa.eu/eli/dir/2022/2555/oj> (<http://data.europa.eu/eli/dir/2022/2555/oj>)).

⁽¹⁾ <https://eur-lex.europa.eu/eli/dir/2022/2555/oj/eng>.

⁽²⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02019R0881-20250204>.