

EN

E-003691/26

Answer given by Executive Vice-President Virkkunen
on behalf of the European Commission
(29.10.2026)

Directive (EU) 2022/2555¹ on measures for a high common level of cybersecurity across the Union (NIS2) is a cornerstone of the EU's cybersecurity framework and of Europe's collective cyber resilience. Its full implementation is essential to ensuring that critical sectors, including public administrations, are adequately protected in the face of a rapidly evolving cyber threat landscape. Member States were required to transpose the Directive into national law by 17 October 2024. While the vast majority have now done so, three Member States have been referred to the Court of Justice for failing to transpose the Directive. Such delays risk leaving gaps in the consistently high level of cybersecurity that NIS2 is intended to establish across the EU.

On 8 July 2026, the Commission decided to refer France to the Court of Justice of the EU under articles 258 and 260 (3) of the Treaty on the Functioning of the EU² for failing to notify full transposition of NIS2 Directive. The case is now pending before the Court. The Commission proposed financial sanctions consisting of a lump sum and a daily penalty payment. The fine was calculated in line with the 2022 Communication³ and the 2026 Communication⁴. The final decision on any penalties rests with the Court.

As regards the scope, the NIS2 Directive applies to entities from 18 critical and highly critical sectors, including public administration entities of central governments as defined by Member States in accordance with national law and which would be considered essential entities.

More generally, the NIS2 Directive imposes baseline cybersecurity risk management measures aiming to build the resilience of entities in its scope. The repeated significant incidents underline the importance of swift and full transposition of the Directive.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32022L2555> (OJ L 333, 27.12.2022, p.80).

² Treaty on the Functioning of the EU, consolidated version (OJ C 202, 7.6.2016, p.47).

³ Communication from the Commission 'Financial Sanctions in infringement proceedings' (OJ C 2, 4.1.2023, pp. 1-16).

⁴ Communication from the Commission 'Annual update of data used for calculation of financial sanctions proposed by the Commission to the Court of Justice of the European Union in infringement proceedings' (OJ C/2026/1653, 12.3.2026).