



Department for
Digital, Culture
Media & Sport

Matt Warman MP
Minister for Digital Infrastructure
4th Floor
100 Parliament Street
London SW1A 2BQ

www.gov.uk/dcms
enquiries@dcms.gov.uk

Sir William Cash MP
Chair of the European Scrutiny Committee
House of Commons

INT2021/07182/DC
7 April 2021

Dear Sir William,

JOIN(20) 18 and COM(20) 823: Cybersecurity: EU Strategy and revised Network and Information Systems Directive

Thank you for your letter of 17th March 2021 about the Explanatory Memoranda on the European Union's Cybersecurity Strategy and the revised Network and Information Systems (NIS) Directive.

I welcome the Committee's interest in this matter and present the following clarifications as requested.

- I. As stated in the Government's Explanatory Memorandum, we do not foresee any issues arising under Article 13(4) of the Northern Ireland Protocol. Article 13(4) is only relevant where the Union adopts a new act that falls within the scope of this Protocol. The NIS Directive governs the security requirements of operators of essential service and digital service providers and is not covered by the provisions of the Northern Ireland Protocol on customs, tariffs, or trade. In relation to the impact of this on the UK's own cybersecurity strategy, we consider any impacts to be very low.
- II. Part 4 of the TCA allows for the UK to cooperate with the EU on cyber security through the activities of the Computer Emergency Response Team (CERT-EU), and some activities of the NIS Cooperation Group, and ENISA. The UK's participation in these fora is voluntary, by invitation or request, and contingent on the ratification of the TCA and agreement on suitable working arrangements for these groups.

The European Cyber Crises Liaison Organisation Network (EU-CyCLONe) is being established to coordinate incident response among EU Member States and EU institutions in particular, and the Joint Cyber Unit has not yet been set up at this time. In light of this, and lacking any further information in regards to international cooperation of these two organisations, the Government does not have any plans to engage with these organisations at this time.

- III. The UK's participation in any of the fora mentioned above has no impact or bearing on our continued participation in the Five Eyes intelligence alliance nor does it affect our ongoing cooperation with NATO allies on cyber security.

I hope that this letter clarifies the points the Committee have raised.

I am copying this letter to Lord Kinnoull and Christopher Johnson in the Lords; European Affairs Committee Clerks Simon Pook and Stuart Stoner; Les Saunders at the Cabinet Office; and to Megan Wilson and Rob Isherwood, Departmental Scrutiny Co-ordinator.

With best wishes,

A handwritten signature in black ink, appearing to read 'Matt Warman', with a horizontal line underneath the name.

Matt Warman MP
Minister for Digital Infrastructure