

European Parliament, Council, and Commission agree on draft of first EU-wide cybersecurity legislation

January 04, 2016

On December 7, 2015, the European Parliament and the Council issued a directive "concerning measures to ensure a high common level of network and information security across the Union." This is an informal agreement on the structure and goals of draft legislation on cybersecurity in the private sector.

Legislation regulating the approach to cybersecurity taken by essential services operators and digital service providers will be developed and put forward by the member states. Essential services include the energy, transport, finance and health sectors or other sectors member states deem essential. Companies operating in these sectors will be required to put in place minimum standards for cybersecurity and report significant **cybersecurity incidents**.

The minimum standards that digital service providers, such as search engines, cloud services and e-commerce platforms such as PayPal and Amazon will be less onerous. We note that the exact nature of the obligations to be imposed has yet to be decided.

The driving force behind this directive is the recognition that in an interconnected economy, private companies provide a number of essential services that are vulnerable to a cyberattack which could cause widespread economic disruption.

If passed, each member state will be required to establish a government authority that is responsible for Network and Information Security. These government authorities will share information with each other and work closely with the Computer Emergency Response Team established in 2012 to coordinate the prevention, detection, and mitigation of cyber-attacks.

The directive's other goal is to encourage the private sector to increase its commitment to cyber security and develop cyber resilience: the ability to better absorb, manage and **prevent cyberattacks**. **As such, the directive will require mandatory reporting of significant cybersecurity incidents.**

The requirements and obligations that will be imposed are as of yet unknown. This directive, however, is likely a harbinger of future legislative developments in Canada and worldwide. Legislators in Canada are strengthening or imposing mandatory **reporting of privacy breaches**. As part of this review of privacy laws, governments will likely consider whether the private sector is adequately protecting itself or whether legislation is required to reduce the impact of cyberattacks on the economy and society.

By

[Roberto Ghignone](#)

Expertise

[Cybersecurity, Privacy & Data Protection](#)

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

blg.com

BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2026 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.