

ESAs launch consultation on second batch of DORA technical standards

January 2024

The [Digital Operational Resilience Act \(DORA\)](#) creates a harmonised regulatory framework strengthening the information and communication technology (ICT) security of financial entities. DORA entered into force on 16 January 2023 and will apply to in-scope financial services entities from 17 January 2025. For further information, please refer to our previous briefings on the topic available [here](#) and [here](#).

The European Supervisory Authorities¹ (the **ESAs**) have been tasked with developing technical standards implementing the new DORA framework.

On 8 December 2023, the ESAs published the second batch of policy mandates in respect of Articles 11(11), 20a, 20b, 26(11), 30(5), 32(7) and 41 of DORA. This includes consultation papers in respect of the following standards:

- Joint Guidelines on the estimation of aggregated annual costs and losses caused by major ICT-related incidents (Article 11(11)), available [here](#);
- Regulatory Technical Standards (RTS) and Implementing Technical Standards (ITS) on content, timelines and templates on incident reporting (Articles 20a and 20b), available [here](#);
- RTS on threat-led penetration testing (TLPT) (Article 26(11)), available [here](#);
- RTS on subcontracting of critical or important functions (Article 30(5)), available [here](#);
- Guidelines on oversight cooperation between ESAs and competent authorities (Article 32(7)), available [here](#); and



¹ The European Banking Authority (EBA), the European Securities and Markets Authority (ESMA) and the European Insurance and Occupational Pensions Authority (EIOPA).

-
- RTS on oversight harmonisation (Article 41), available [here](#). Commission by 17 July 2024.

Market participants have been invited to provide their feedback on the draft technical standards by responding to the questions posed in the consultation papers.

The ESAs have also published an Introductory Note providing an overview of the consultation papers, available [here](#).

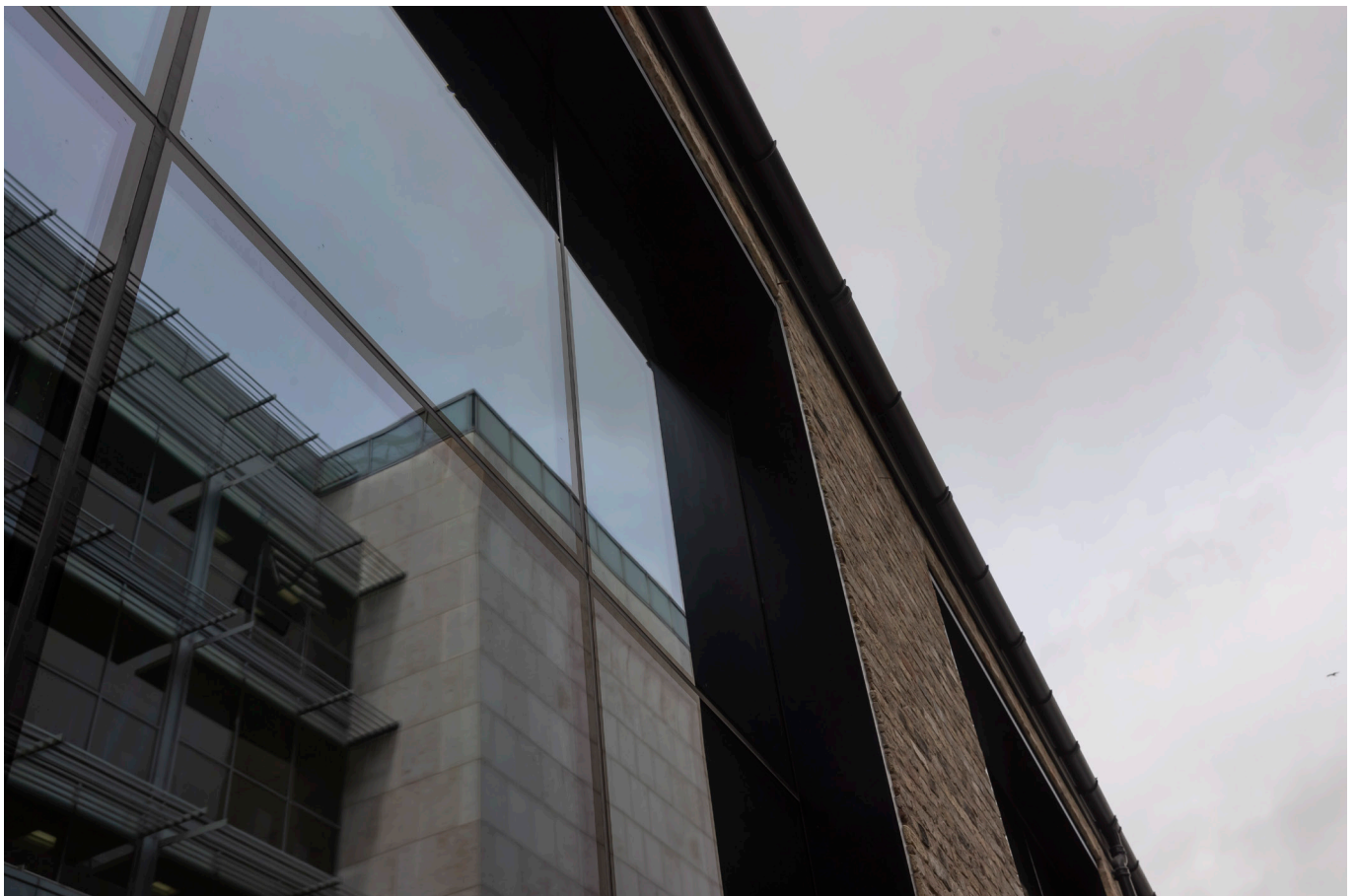
Publication of the second batch of policy mandates follows publication of the first batch on 19 June 2023 in respect of Articles 15, 16(3), 18(3), 28(9) and 28(10). Please see our briefing on the first batch of policy mandates, available [here](#).

Next Steps

The public consultation on the second batch of policy mandates remains open until 4 March 2024. The various legal instruments will be finalised by the ESAs and submitted to the European

Firms within the scope of DORA are encouraged to start preparing for its application by identifying any gaps in their ICT governance and processes and consider which of their service providers are likely to be considered critical. The requirements include (among others) a requirement for the implementation of certain contractual provisions into contracts for the provision of ICT services. Contracts with third-party providers supporting critical or important functions are subject to more comprehensive requirements than those third-party providers supporting other functions.

If you have any queries about the information contained in this article, please contact the authors or your usual Dillon Eustace contact.



CONTACT US

Our Offices

Dublin

33 Sir John Rogerson's Quay
Dublin 2
Ireland
Tel: +353 1 667 0022

Cayman Islands

Landmark Square
West Bay Road, PO Box 775
Grand Cayman KY1-9006
Cayman Islands
Tel: +1 345 949 0022

New York

33 Irving Place
New York
NY 10003
United States
Tel: +1 646 770 6080

Tokyo

12th Floor,
Yurakucho Itocia Building
2-7-1 Yurakucho, Chiyoda-ku
Tokyo 100-0006,
Japan
Tel: +813 6860 4885

CONTACT POINTS

For more details on how we can help you, to request copies of most recent newsletters, briefings or articles, or simply to be included on our mailing list going forward, please contact any of the team members below.



Keith Waine
Partner | Dublin

E keith.waine@dilloneustace.ie
T + 353 1 667 0022



Laura Twomey
Solicitor | Dublin

E laura.twomey@dilloneustace.ie
T + 353 1 667 0022

DISCLAIMER:

This document is for information purposes only and does not purport to represent legal advice. If you have any queries or would like further information relating to any of the above matters, please refer to the contacts above or your usual contact in Dillon Eustace.

Copyright Notice:

© 2024 Dillon Eustace. All rights reserved.