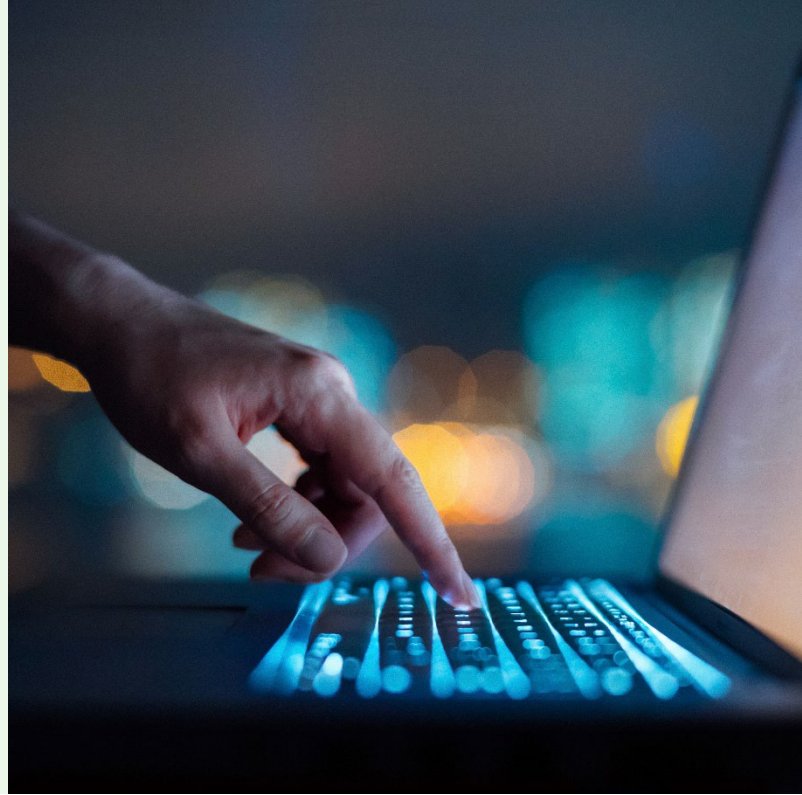


Navigating NIS2: Cybersecurity oversight - DNSC supervisory and sanctioning powers

December 2025



In application of the cybersecurity framework set by Government Emergency Ordinance no. 155/2024 on the cybersecurity of networks and information systems transposing the NIS2 Directive into Romanian law ("**GEO 155/2024**"), the National Cybersecurity Directorate ("**DNSC**") issued Order no. 3/2025 laying down (i) detailed rules on the supervision powers of DNSC, including on performance of inspection and audit activities, (ii) rights and obligations of entities in the context of an inspection, (iii) as well as rules identifying and sanctioning offenses under GEO 155/2024.

DNSC Order no. 3/2025 also repeals DNSC Order no. 105/2022 that was setting up similar implementation rules adopted under the NIS1 regime.

Key aspects

- **Principles** – Supervision, inspection and audit activities must be carried out with the observance of fundamental principles such as (i) legality; (ii) impartiality; and (iii) right of defense.
- **Supervisory powers** – DNSC exercises regulatory oversight mainly through:
 - planned (general or targeted) or unplanned inspections, carried out by DNSC directly, either on-site or remotely;
 - periodic or ad-hoc cybersecurity audits, carried out by specialized cybersecurity auditors;
 - non-intrusive and proactive security scans by DNSC.
- **Advance notice** – for planned inspections, the entity involved should be notified of the control 30 calendar days in advance; in case of unannounced inspections, DNSC may notify the entity five (5) calendar days before the inspection or even upon initiating the inspection (in case of unplanned inspections). Both cybersecurity audits and non-intrusive scans are carried out with prior notice to the entity.
- **In exercising its oversight powers DNSC may:**
 - request any necessary information and clarifications;

- request access to all the premises, documents, hardware and software equipment of the entity concerned;
- impose immediate remediation measures and monitor the implementation thereof.

Executive management is directly responsible for ensuring DNSC is able to perform the control activities and that DNSC personnel is granted the necessary access to the relevant premises, data and information. Failure to comply with these obligations may trigger sanctions directly applicable to executive management members.

○ **DNSC notes of findings**

Following a control, DNSC prepares a note of findings (in Romanian "*nota de constatare*") within 30 business days from finalizing of an inspection.

The deadline for entities to express their position in what concerns DNSC findings is very short: three calendar days and may be extended to 10 calendar days upon the entity's request.

○ **Remediation plan**

DNSC may also request a remediation plan to be prepared by the entity and communicated to DNSC within 15 business days as of receipt of the note of findings or submission of the entity's position. The remediation plan must be implemented within the assumed deadline, and proof of implementation must be submitted to DNSC within five calendar days as of the expiration of the deadline for such implementation.

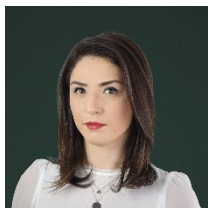
○ **DNSC sanctions**

When breaches are identified, sanctions are decided by the DNSC director, within 30 calendar days term as of having received the note of findings, the entity's answer and, if applicable, the remediation plan. The DNSC director's decision is communicated to the entity within 60 calendar days.

GEO 155/2024 sets out sanctions in case of non-compliance with the cybersecurity legislation ranging from warnings to fines of up to EUR 10 million or 2% of the worldwide annual turnover for essential entities, or up to EUR 7 million or 1.4% of the worldwide annual turnover for important entities, together with remediation measures.

When the sanctions and measures imposed are deemed insufficient by DNSC, the authority may further decide to notify the competent regulatory authorities in order to seek (i) the temporary suspension of the permits issued for the relevant entity or (ii) the temporary prohibition of the exercise of the executive management or legal representative role in the relevant entity.

Order 3/2025 also sets up rules for priority in oversight, meaning that DNSC will rank essential and important entities based on their risk level including for the purposes of deciding which entities to inspect as part of its planned control activities.



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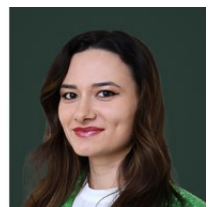
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