

Subject: (DOC 55 2635) obligation of using one-way networks for critical infrastructure  
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## Introduction

In the Commission Internal Affairs and Security a proposal (DOC 55 2635) was put forward to impose an obligation to use unidirectional gateways and unidirectional networks for critical infrastructures, where incidents may cause serious social disruption and mass casualties, so-called Mass Casualty Incidents (MCIs).

These critical infrastructures include energy-producing installations (nuclear power plants, hydrogen power plants, hydroelectric power plants, gas power plants), water dams, drinking water plants, refineries, chemical plants, water treatment plants and oil and gas installations.

FEBEG thanks the members of the commission for the possibility to give an advice on the current proposal.

## Remarks on the content

### **Critical infrastructures should be protected but the proposal is unworkable**

FEBEG agrees that **critical infrastructure should be protected** as much as possible from eventual cyberattacks. This being said, FEBEG is very much opposed to the proposal, and considers the obligation to use only one-way IT networks (unidirectional gateways and unidirectional networks) for critical infrastructures, as absolutely unworkable.

### **The obligation to use unidirectional gateways and unidirectional networks could possibly hinder energy production, and the balancing of the grid.**

Almost all power plants need two-way communication (and not one-way like datadiode). If one-way IT networks were to be made compulsory, energy producers using critical infrastructure would no longer be able to control the plants remotely, would no longer be able to provide remote assistance (nor from site staff or affiliate organisations, nor from the manufacturers) and communication between Elia and producers would be jeopardized.

At this moment, few energy production plants are labelled as ‘critical infrastructure’. However, the transposition in national law of the Directive 2022/2557 on the resilience of critical entities resilience (CER Directive), which must be completed by 17 October 2024 and must be in effect on 18 October 2024, will broaden the scope considerably.

### **The new CER Directive repeals the EPCIP-Directive**

The draft law imposing the use of one-way networks for critical infrastructure looks to modify the EPCIP law of 1 July 2011. The EPCIP law is a transposition of the EPCIP Directive 2008/114. However, the abovementioned new CER Directive repeals EPCIP Directive the with effect from 18 October 2024. It is therefore very likely that the EPCIP law will also be repealed by the national transposition of the CER Directive. The draft law transposing the CER Directive should reach Parliament soon (taking into account the approaching transposition deadline of October 2024).

### **Law should not impose a particular IT technology**

Furthermore, FEBEG thinks it’s not a good idea to impose an IT technology by law. **Laws should not describe technical requirements to the specifics, because technologies change much quicker than laws.** It would be wiser for the law to define a result, and not a means. This argument is even more applicable in the very fast changing environment of technology in general, and even more in that of cyber security.

### **Other legislation already prescribes cybersecurity obligations**

FEBEG wishes also to point out that there is already a specific legislation on cybersecurity (=NIS1). All critical infrastructures are also within the scope of NIS1. In addition, an EU Directive 2022/2555 on measures for a high common level of cybersecurity across the Union (NIS2) has been adopted in December 2022 and must be transposed in national law by 17 October 2024. We hereby refer to the draft law and KB that were submitted for consultation at the end of 2023 (to be consulted [here](#)), and which should reach Parliament shortly. According to the NIS2 Directive, such national law must be in effect as from 18 October 2024.