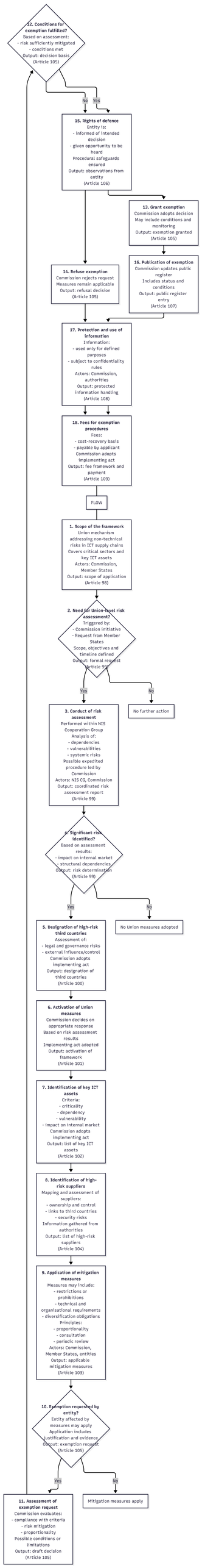
12. Conditions for exemption fulfilled?
Based on assessment:
- risk sufficiently mitigated
- conditions met
Output: decision basis
(Article 105)
No
Yes
15. Rights of defence
Entity is:
- informed of intended decision
- given opportunity to be heard
Procedural safeguards ensured
Output: observations from entity
(Article 106)
13. Grant exemption
Commission adopts decision
May include conditions and monitoring
Output: exemption granted
(Article 105)
14. Refuse exemption
Commission rejects request
Measures remain applicable
Output: refusal decision
(Article 105)
16. Publication of exemption
Commission updates public register
Includes status and conditions
Output: public register entry
(Article 107)
17. Protection and use of information
Information:
- used only for defined purposes
- subject to confidentiality rules
Actors: Commission, authorities
Output: protected information handling
(Article 108)
18. Fees for exemption procedures
Fees:
- cost-recovery basis
- payable by applicant
Commission adopts implementing act
Output: fee framework and payment
(Article 109)
FLOW
1. Scope of the framework
Union mechanism addressing non-technical risks in ICT supply chains
Covers critical sectors and key ICT assets
Actors: Commission, Member States
Output: scope of application
(Article 98)
2. Need for Union-level risk assessment?
Triggered by:
- Commission initiative
- Request from Member States
Scope, objectives and timeline defined
Output: formal request
(Article 99)
Yes
No
No further action
3. Conduct of risk assessment
Performed within NIS Cooperation Group
Analysis of:
- dependencies
- vulnerabilities
- systemic risks
Possible expedited procedure led by Commission
Actors: NIS CG, Commission
Output: coordinated risk assessment report
(Article 99)
4. Significant risk identified?
Based on assessment results:
- impact on internal market
- structural dependencies
Output: risk determination
(Article 99)
Yes
No
No Union measures adopted
5. Designation of high-risk third countries
Assessment of:
- legal and governance risks
- external influence/control
Commission adopts implementing act
Output: designation of third countries
(Article 100)
6. Activation of Union measures
Commission decides on appropriate response
Based on risk assessment results
Implementing act adopted
Output: activation of framework
(Article 101)
7. Identification of key ICT assets
Criteria:
- criticality
- dependency
- vulnerability
- impact on internal market
Commission adopts implementing act
Output: list of key ICT assets
(Article 102)
8. Identification of high-risk suppliers
Mapping and assessment of suppliers:
- ownership and control
- links to third countries
- security risks
Information gathered from authorities
Output: list of high-risk suppliers
(Article 104)
9. Application of mitigation measures
Measures may include:
- restrictions or prohibitions
- technical and organisational requirements
- diversification obligations
Principles:
- proportionality
- consultation
- periodic review
Actors: Commission, Member States, entities
Output: applicable mitigation measures
(Article 103)
10. Exemption requested by entity?
Entity affected by measures may apply
Application includes justification and evidence
Output: exemption request
(Article 105)
Yes
No
Mitigation measures apply
11. Assessment of exemption request
Commission evaluates:
- compliance with criteria
- risk mitigation
- proportionality
Possible conditions or limitations
Output: draft decision
(Article 105)