



AS Elenger Grupp

Our Ref: 31.08.2026 No 1.1-21/261597

Interpretation of the article 26 of the NIS2-directive

Dear Sir or Madam,

Estonian Information System Authority received your inquiry regarding a question of whether an energy sector service provider established in Estonia, and falling within the scope of the Cybersecurity Act of Estonia is only subject to Estonian jurisdiction within the meaning of the NIS2 Directive, or whether it may be subject to a NIS2 implementation regime of another Member State in parallel, due to possibly providing or providing cross-border services in that Member State.

The Estonian Information System Authority is on the position that an energy sector service provider is subject to the general jurisdictional regime of Article 26(1) of the NIS2 Directive, i.e. is subject to the jurisdiction of the Member State in which they are established. The exceptions set out in Article 26(1)(a-c) of the Directive do not apply to the energy sector. We agree with the reasoning you provided that the purpose of the jurisdictional regime set out in the Directive is to avoid a situation where undertakings operating cross-border would have to comply with different cybersecurity requirements of several Member States in parallel due to the same activity, except in the cases set out in the Directive.

AS Elenger Grupp is a company registered in Estonia, it therefore falls under Estonian jurisdiction pursuant to Article 26(1) of the NIS2 and, provided that the conditions set out in Section 3 of the Cybersecurity Act of Estonia are met, is obliged to comply with the notification obligation and cybersecurity requirements arising from the Cybersecurity Act of Estonia.

Yours faithfully,

Lauri Kriisa
Head of Legal Department