

# DORA's Effective Date !

The effective date of the Digital Operational Resilience Act (“DORA”) is fast approaching! The implementation date of DORA is 17th January 2025 and as there is no transition period provided for in this legislation the wide range of financial entities regulated by the Central Bank of Ireland (the “Central Bank”) which are in-scope will be expected to be broadly compliant. Fines of up to 2% of turnover can be imposed for compliance failures. The Central Bank has, however, indicated a pragmatic approach.

### Background

DORA was passed in January 2023 and once effective in January 2025 will essentially require European financial services providers to have in place specific measures to support their digital operations with a view to ensuring that they have the necessary resilience, including to safeguard against cyber-attack etc. The primary legislation is underpinned by more detail through Regulatory Technical Specifications (“RTS”) and Implementing Technical Standards (“ITS”) with additional detail on regulatory expectations set out in guidelines, including a FQQ document from the Central Bank.

### Supplementary Measures

On 26th July 2024 the European Supervisory Authorities (“ESAs”), which include the European Securities and Markets Authority (“ESMA”), the lead European financial services regulator, published their joint Final report on the draft RTS on subcontracting under DORA. On 17th July 2024, the ESAs had published four final draft RTS, one set of ITS and 2 guidelines. This was the second batch of policy documents under DORA with three RTS and an ITS from the first phase being adopted earlier in 2024. RTS’ and ITS’ issued address issued including the content, format, templates and timelines for reporting major ICT-related incidents and significant cyber threats; the harmonisation of conditions enabling the conduct of the oversight

activities; the criteria for determining the composition of the joint examination team (JET); and threat-led penetration testing (TLPT).

### Central Bank Approach to Compliance

Noting the difficulties posed by the timeline and lack of a transition period, the Central Bank has stated it expects firms to adopt a “purposeful approach” and to clearly and comprehensively identify any gaps to compliance, with firms moving proactively to close those gaps, without delay.

It has stated that it expects firms to prioritise the implementation of an ICT incident management process to detect, manage and to notify stakeholders of ICT incidents including identifying their root causes. This includes reporting any major ICT-related incidents to the Central Bank from 17 January 2025. Furthermore, it has stated that firms need to have their registers of ICT third-party providers’ contractual arrangements available for the Central Bank by 4 April 2025.

### How Clerkin Lynch Can Help

Clerkin Lynch’s financial services team can assist with preparation for compliance with DORA as well as related preparatory and compliance work including gap analysis.

Feel free to contact us through the contact details below for more information.



Mark Browne  
Partner  
email:  
[markbrowne@clerkinlynch.com](mailto:markbrowne@clerkinlynch.com)  
Phone: 01 611 4400

