ROPES & GRAY

DORA: When and How Does It Apply?

Are you a "Financial Entity?"

You are:
- a credit institution
- a payment institution
- an account information service provider
- an electronic money institution
- an investment firm (including AIFMs and UCITS management companies)
- a crypto-asset service provider
- a central securities depository
- a central counterparty
- a trading venue
- a trade repository

→ Yes →

You are:
- a sub-threshold manager of alternative investments funds by reference to Art. 3(2) of AIFMD
- an insurance and reinsurance undertaking
- an institution for occupational retirement provision which operates pension schemes totalling no more than 15 members
- entities exempt under Arts. 2 and 3 of MIFID
- an insurance intermediary, re-insurance intermediary or ancillary insurance intermediary which is a micro-enterprise or small/medium-sized enterprise
- a post office Giro institution

→ DORA does not apply

Are you a "Critical" ICT Provider?

Providers will be designated "critical" based on:
- the potential systematic impact on the provision of financial services in the event of a large-scale failure
- the type and importance of financial entities that rely on the provider
- the level of reliance of financial entities on the provider's services
- how easily the provider can be replaced

→ Yes → DORA applies

→ No → DORA does not apply [directly]

Are you a "Non-Critical" ICT Provider?

Do you contract with a Financial Entity in the EU or that is otherwise subject to DORA?

→ Yes → DORA applies [indirectly]

→ No → DORA does not apply

You are an EU entity operating in the EU.
- Yes → DORA applies
- No → DORA does not apply

You receive services from or otherwise interact with, on intra-group basis, an entity in the EU.
- Yes → DORA applies
- No → DORA does not apply

You are a non-EU entity directly operating in the EU (e.g., through a local group entity).
- Yes → DORA applies
- No → DORA does not apply

You are a non-EU entity indirectly operating in the EU (e.g., managing or marketing alternative investment funds).
- Yes → DORA may apply
- No → DORA does not apply

You are a non-EU based member of the management body of an organisation in the EU.
- Yes → DORA may apply
- No → DORA does not apply

You of the general partner of a portfolio company operating in the EU.
- Yes → DORA may apply
- No → DORA does not apply