Procedure for notifying the CNMV of a new contractual arrangement with ICT providers under Article 28.3 of the DORA Regulation

November 19, 2025

Introduction

Financial entities, to comply with one of their obligations under Article 28.3 of Regulation (EU) 2022/2554 (Digital Operational Resilience or DORA), shall inform the competent authority in a timely manner about any planned contractual arrangement on the use of ICT services supporting critical or important functions as well as when a function has become critical or important.

Notification procedure

The procedure for notifying the intention to enter into a contractual agreement for the use of ICT services that support essential or important functions and when a function has become essential or important, is as follows:

1. The financial entity will send an email to the CNMV's cybersecurity mailbox. This email will take into account the following requirements:

   To: ciberseguridad@cnmv.es

   Subject: DORA, notification of agreement with ICT service provider

   Message Body:

- Name and Legal Entity Identifier (LEI) of the financial entity (or that of several, if it is an aggregate notification)
- Contact person (if different from the mailbox making the notification)
- For each contractual agreement:
  - Name of ICT Service Provider
  - Provider Identification Code (LEI or EUID, or if it is pending such a code)
  - Description of the ICT services it will provide
  - Essential or important functions supported by the ICT service
  - Estimated date of signing
  - Estimated date of service start for those functions (date of entry into production)
- Information related to the ICT service provider policy (RTS 2024/1773) and its contracting chain (RTS 2025/532):

- Has the entity carried out the due diligence process? Indicate if any relevant risks have been identified
- Have you reviewed compliance with the clauses with respect to DORA? Indicate if there are any clauses that the supplier has difficulty incorporating.
- Is it a new ICT provider or it already has other contracts or contracted ICT services in the past? If it is not new, indicate the other ICT services provided.
- Has the entity established supervision/monitoring of the service for the duration of the agreement?
- If the supplier has an incident that affects the entity or its customers, does it commit to notify the entity and collaborate to comply with DORA?
- Has the entity evaluated an exit plan for the supplier? Indicate the degree of substitutability of the supplier (in terms of the existence of alternative suppliers and the estimated cost of the change if it is high or affordable).
- If the entity permits subcontracting, has the entity assessed the risks associated with outsourcing ICT providers that support essential or important functions, or substantial parts in the provision of the service?

2. The CNMV will acknowledge receipt of the notification and may request additional information from the entity if it deems it appropriate.

3. Alternatively, if you prefer to use a more secure channel and obtain an official record, you can send it through the ZZZ procedure in the "CIFRADOC" area of our Electronic Office, taking into account the following requirements:
   - Department addressed: "ESTRATEGIA E INNOVACIÓN Y FINANZAS SOSTENIBLES "
   - Subject: DORA, notification of agreement with ICT service provider
   - Attach the document with the content indicated in point 1.

   In this case, an automatic acknowledgment will be given with an official record. We also recommend that you send an email to the cybersecurity mailbox ciberseguridad@cnmv.es, indicating that a notification has been sent, to be aware of such sending.

Additional observations :

- It is expected that, once the agreement has been signed, the entities will incorporate the data into their register of third-party ICT service providers (article 28.3 of the DORA Regulation) and report it when requested by the authority on an annual basis.
- This obligation, under article 28.3, is notification, it is not an authorization process.
- It is expected that sufficient notice will be given prior to the signing of such an agreement. This time will vary depending on the risk and complexity of the new ICT service to be provided (for example, a migration of critical infrastructure from

on-premise to the cloud should be carried out several months in advance, while for a managed ICT service for a specific low-risk function it would not be necessary to inform more than 15 days in advance).

- Intra-group ICT service contracts must also be notified if they will support essential or important functions (as clarification, authorized financial services provided by authorized financial entities are not considered ICT services[1] under DORA).
- In the case of groups, when the same ICT service is to be provided to more than one financial entities supervised by another authority or to the ECB, it is recommended to indicate this in order to avoid duplication in supervisory actions. Likewise, for reasons of efficiency, it is recommended to keep the CNMV informed of any decision of other authorities related to the subsequent assessment after such notification.
- It is not necessary to make an additional notification to the CNMV under the Guidelines on the outsourcing of services to cloud service providers, as the previous 2021 Guidelines are repealed and the current Guidelines for Spanish financial institutions do not apply.

[1] https://www.eiopa.europa.eu/qa-regulation/questions-and-answers-database/dora030-2999_en