BCM Legislations, Regulations, Standards and Good Practice

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Business Continuity Institute

www.thebci.org

INTRODUCTION

The BCI is regularly asked by members and other interested parties about current legislation, regulation and standards that exist nationally and internationally for Business Continuity Management.

It is difficult to provide a definitive list because there are regular changes and amendments at a country level and often inconsistent terminology between countries, sectors and legislators.

The document that follows is the most comprehensive that it was possible to produce based upon information provided to us by our members around the world. Where we have country input we have included it alphabetically. At the start of the document we have listed current and projected international initiatives, particularly those supported by the International Standards Organization (ISO), The European Union (EU) and the Basel Committee on Banking Supervision.

Each entry is categorized into one of four headings:

LEGISLATIONS: Government laws which include aspects of Business Continuity Management by name or are sufficiently similar in nature (Disaster Recovery, Emergency Response, Crisis Management) to be treated as BCM legislation for this purpose. To be included in this category they must be legally enforceable legislation passed by a national, federal, state or provincial government depending upon the legal structure in each particular country.

REGULATIONS: Mandatory rules or audited guidance documents from official regulatory bodies in sectors such as Financial Services, Telecommunications, Energy, Oil, Gas and Chemicals. Those which could reasonably be construed as having some implications on an organization's BCM provisions are included. General help and guidance documents are included under Good Practice.

STANDARDS: Official standards from national (and international) accredited standards bodies which relate to Business Continuity as a whole or to a specific related subset such as IT Service Continuity. The list also includes standards for different but related topics (like Information Security) when BCM is included only as a part requirement for compliance. "Standards" that are issued by 3rd parties or professional groups will only be included if they are issued by an accredited national standards body or accredited directly by a national accreditation service.

GOOD PRACTICE: Guidelines published as good (or best) practice by various authoritative bodies. These documents may form part of a wider set of advice provided by a professional body of which BCM is only a peripheral activity. Alternatively, they might be issued by a BCM professional body as general guidance either locally or internationally. They will provide no mandated rules but will be well used and accepted as credible advice by BCM professionals.

Countries for which we have no information available under any of the 4 headings will not be included. If any reader has additional information to help us fill in these gaps, then please submit details to Patrick.Alcantara@thebci.org for future amendment of the document. We normally update this at the beginning of each calendar year.

WARNING

The BCI has done its best to check the validity of these details but takes no responsibility for their accuracy and currency at any particular time or in any particular circumstances.

Some of the listed items (particularly under legislation and regulation) are only indirectly related to Business Continuity Management, and should not be interpreted as specifically designed for BCM. However they will contain sections which can be useful to a BCM practitioner, and are consequently included in this reference document.

It should also be noted that in some countries Regulatory Practices and/or ISO Standards might be incorporated into national legislation, thus giving the document additional importance in those specific countries.

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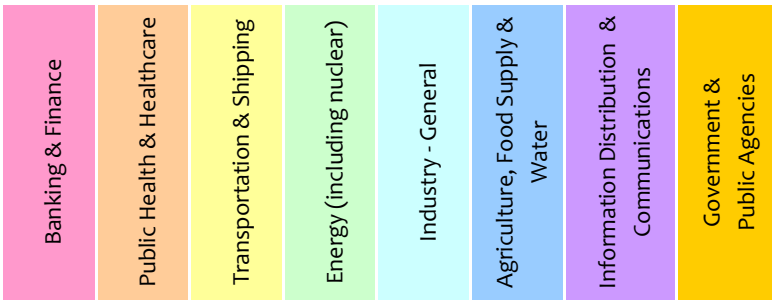
LEGEND

The following colours are used against various entries to indicate which sectors are affected by the relevant guidance, rule or regulation. We acknowledge the efforts of the Disaster Recovery Journal in coming up with these categories.



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INTERNATIONAL

TITLE		AUTHORITY	SUMMARY	LINK
The European Programme for Critical Infrastructure Protection (EPCIP)	Legislation	European Commission	The European Programme for Critical Infrastructure Protection (EPCIP) has been laid out in EU Directives by the Commission (e.g. EU COM (2006) 786 final). It has proposed a list of European critical infrastructures (ECIs) based upon inputs by its Member States. Reference Memo-06-477_EN. Each designated ECI will have to have an Operator Security Plan (OSP) covering the identification of important assets, a risk analysis based on major threat scenarios and the vulnerability of each asset, and the identification, selection and prioritization of counter-measures and procedures. ☐ ☐ ☐ ✓ ✓ ☐ ☐ ✓	http://europa.eu/legislation_summaries/justice_freedom_security/fight_against_terrorism/l33260_en.htm
Solvency II (2009/138/EC)	Legislation	European Commission	Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II). ✓ ☐ ☐ ☐ ☐ ☐ ☐ ☐	http://eur-lex.europa.eu/legal-content/SV/TXT/HTML/?uri=CELEX:32009L0138&from=EN