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From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	16 December 2020
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	SEC(2020) 430 final - SWD(2020) 344 final - SWD(2020) 345 final
Subject:	ANNEXES to the Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on measures for a high common level of cybersecurity across the Union, repealing Directive 2016/1148

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Delegations will find attached document SEC(2020) 430 final - SWD(2020) 344 final - SWD(2020) 345 final.

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COM(2020) 823 final

ANNEXES 1 to 3

**ANNEXES**

*to the*

**Proposal for a**

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
on measures for a high common level of cybersecurity across the Union, repealing  
Directive 2016/1148**

{SEC(2020) 430 final} - {SWD(2020) 344 final} - {SWD(2020) 345 final}

ANNEX I

**ESSENTIAL ENTITIES:**

**SECTORS, SUBSECTORS AND TYPES OF ENTITIES**

Sector	Subsector	Type of entity
1. Energy	(a) Electricity	— Electricity undertakings referred to in point (57) of Article 2 of Directive (EU) 2019/944, which carry out the function of ‘supply’ referred to in point (12) of Article 2 of that Directive <sup>(1)</sup>
		— Distribution system operators referred to in point (29) of Article 2 of Directive (EU) 2019/944
		— Transmission system operators referred to in point (35) of Article 2 of Directive (EU) 2019/944
		— Producers referred to in point (38) of Article 2 of Directive (EU) 2019/944
		— Nominated electricity market operators referred to in point 8 of Article 2 of Regulation (EU) 2019/943 <sup>(2)</sup>
		— Electricity market participants referred to in point (25) of Article 2 of Regulation (EU) 2019/943 providing aggregation, demand response or energy storage services referred to in points (18), (20) and (59) of Article 2 of Directive (EU)

<sup>1</sup> Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p.125).

<sup>2</sup> Regulation (EU) 2019/943 of the European Parliament and of the Council on the internal market for electricity (OJ L 158, 14.6.2019, p. 54).

		2019/944
(b) District heating and cooling	— District heating or district cooling referred to in point (19) of Article 2 of the Directive (EU) 2018/2001 <sup>(3)</sup> on the promotion of the use of energy from renewable sources	
(c) Oil	— Operators of oil transmission pipelines	
	— Operators of oil production, refining and treatment facilities, storage and transmission	
	— Central oil stockholding entities referred to in point (f) of Article 2 of Council Directive 2009/119/EC <sup>(4)</sup>	
(d) Gas	— Supply undertakings referred to in point (8) of Article 2 of Directive (EU) 2009/73/EC <sup>(5)</sup>	
	— Distribution system operators referred to in point (6) of Article 2 of Directive 2009/73/EC	
	— Transmission system operators referred to point (4) of Article 2 of Directive 2009/73/EC	
	— Storage system operators referred to in point (10) of Article 2 of Directive 2009/73/EC	
	— LNG system operators referred to in point (12) of Article 2 of Directive 2009/73/EC	

<sup>3</sup> Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).

<sup>4</sup> Council Directive 2009/119/EC of 14 September 2009 imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products (OJ L 265, 9.10.2009, p.9).

<sup>5</sup> Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94).

		— Natural gas undertakings as defined in point (1) of Article 2 of Directive 2009/73/EC
		— Operators of natural gas refining and treatment facilities
	(e) Hydrogen	Operators of hydrogen production, storage and transmission
2. Transport	(a) Air	— Air carriers referred to in point (4) of Article 3 of Regulation (EC) No 300/2008 <sup>(6)</sup>
		— Airport managing bodies referred to in point (2) of Article 2 of Directive 2009/12/EC <sup>(7)</sup> , airports referred to in point (1) of Article 2 of that Directive, including the core airports listed in Section 2 of Annex II to Regulation (EU) No 1315/2013 <sup>(8)</sup> , and entities operating ancillary installations contained within airports
		— Traffic management control operators providing air traffic control (ATC) services referred to in point (1) of Article 2 of Regulation (EC) No 549/2004 <sup>(9)</sup>

<sup>6</sup> Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (OJ L 97, 9.4.2008, p.72).

<sup>7</sup> Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges (OJ L 70, 14.3.2009, p.11).

<sup>8</sup> Regulation (EC) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p.1).

<sup>9</sup> Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) (OJ L 96, 31.3.2004, p.1).

	(b) Rail	— Infrastructure managers referred to in point (2) of Article 3 of Directive 2012/34/EU <sup>(10)</sup>
		— Railway undertakings referred to in point (1) of Article 3 of Directive 2012/34/EU, including operators of service facilities referred to in point (12) of Article 3 of Directive 2012/34/EU
	(c) Water	— Inland, sea and coastal passenger and freight water transport companies, referred to for maritime transport in Annex I to Regulation (EC) No 725/2004 <sup>(11)</sup> , not including the individual vessels operated by those companies
		— Managing bodies of ports referred to in point (1) of Article 3 of Directive 2005/65/EC <sup>(12)</sup> , including their port facilities referred to in point (11) of Article 2 of Regulation (EC) No 725/2004, and entities operating works and equipment contained within ports
		— Operators of vessel traffic services referred to in point (o) of Article 3 of Directive 2002/59/EC <sup>(13)</sup>
	(d) Road	— Road authorities referred to in point (12) of Article 2 of Commission

<sup>10</sup> Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343, 14.12.2012, p.32).

<sup>11</sup> Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security (OJ L 129, 29.4.2004, p.6).

<sup>12</sup> Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security (OJ L 310, 25.11.2005, p. 28).

<sup>13</sup> Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p.10)

		Delegated Regulation (EU) 2015/962 <sup>(14)</sup> responsible for traffic management control
		— Operators of Intelligent Transport Systems referred to in point (1) of Article 4 of Directive 2010/40/EU <sup>(15)</sup>
3. Banking		Credit institutions referred to in point (1) of Article 4 of Regulation (EU) No 575/2013 <sup>(16)</sup>
4. Financial market infrastructures		— Operators of trading venues referred to in point (24) of Article 4 of Directive 2014/65/EU <sup>(17)</sup>
		— Central counterparties (CCPs) referred to in point (1) of Article 2 of Regulation (EU) No 648/2012 <sup>(18)</sup>
5. Health		— Healthcare providers referred to in point (g) of Article 3 of Directive 2011/24/EU <sup>(19)</sup>

<sup>14</sup> Commission Delegated Regulation (EU) 2015/962 of 18 December 2014 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of EU-wide real-time traffic information services (OJ L 157, 23.6.2015, p. 21).

<sup>15</sup> Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (OJ L 207, 6.8.2010, p. 1).

<sup>16</sup> Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).

<sup>17</sup> Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).

<sup>18</sup> Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1).

<sup>19</sup> Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88, 4.4.2011, p. 45).

		<p>— EU reference laboratories referred to in Article 15 of Regulation XXXX/XXXX on serious cross-border threats to health<sup>20</sup></p> <hr/> <p>— Entities carrying out research and development activities of medicinal products referred to in Article 1 point 2 of Directive 2001/83/EC (<sup>21</sup>)</p> <p>— Entities manufacturing basic pharmaceutical products and pharmaceutical preparations referred to in section C division 21 of NACE Rev. 2</p> <p>— Entities manufacturing medical devices considered as critical during a public health emergency (‘the public health emergency critical devices list’) referred to in Article 20 of Regulation XXXX<sup>22</sup></p>
6. Drinking water		Suppliers and distributors of water intended for human consumption referred to in point (1)(a) of Article 2 of Council Directive 98/83/EC( <sup>23</sup> ) but excluding distributors for whom distribution of water for human consumption is only part of their general activity of distributing other commodities and goods which are not considered essential or important services
7. Waste water		Undertakings collecting, disposing or

<sup>20</sup> [Regulation of the European Parliament and of the Council on serious cross-border threats to health and repealing Decision No 1082/2013/EU, reference to be updated once the proposal COM (2020)727 final is adopted]

<sup>21</sup> Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p.67).

<sup>22</sup> [Regulation of the European Parliament and of the Council on a reinforced role for the European Medicines Agency in crisis preparedness and management for medicinal produces and medical devices, reference to be updated once the proposal COM(2020)725 final is adopted]

<sup>23</sup> Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption (OJ L 330, 5.12.1998, p. 32).

		treating urban, domestic and industrial waste water referred to in points (1) to (3) of Article 2 of Council Directive 91/271/EEC <sup>(24)</sup>
8. Digital infrastructure		— Internet Exchange Point providers
		— DNS service providers
		— TLD name registries
		— Cloud computing service providers
		— Data centre service providers
		— Content delivery network providers
		— Trust service providers referred to in point (19) of Article 3 of Regulation (EU) No 910/2014 <sup>(25)</sup>
	— Providers of public electronic communications networks referred to in point (8) of Article 2 of Directive (EU) 2018/1972 <sup>(26)</sup> or providers of electronic communications services referred to in point (4) of Article 2 of Directive (EU) 2018/1972 where their services are publicly available	
9. Public administration		— Public administration entities of central governments
		— Public administration entities of NUTS level 1 regions listed in

<sup>24</sup> Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment (OJ L 135, 30.5.1991, p.40).

<sup>25</sup> Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p.73).

<sup>26</sup> Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communication Code (OJ L 321, 17.12.2018, p. 36).

		Annex I of Regulation (EC) No 1059/2003 <sup>(27)</sup>
		— Public administration entities of NUTS level 2 regions listed in Annex I of Regulation (EC) No 1059/2003
10. Space		Operators of ground-based infrastructure, owned, managed and operated by Member States or by private parties, that support the provision of space-based services, excluding providers of public electronic communications networks referred to in point (8) of Article 2 of Directive (EU) 2018/1972

<sup>27</sup> Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

*ANNEX II*

**IMPORTANT ENTITIES:**

**SECTORS, SUBSECTORS AND TYPES OF ENTITIES**

Sector	Subsector	Type of entity
1. Postal and courier services		Postal service providers referred to in point (1) of Article 2 of Directive 97/67/EC <sup>(28)</sup> and providers of courier services
2. Waste management		Undertakings carrying out waste management referred to in point (9) of Article 3 of Directive 2008/98/EC <sup>(29)</sup> but excluding undertakings for whom waste management is not their principal economic activity
3. Manufacture, production and distribution of chemicals		Undertakings carrying out the manufacture, production and distribution of substances and articles referred to in points (4), (9) and (14) of Article 3 of Regulation (EC) No 1907/2006 <sup>(30)</sup>
4. Food production, processing and distribution		Food businesses referred to in point (2) of Article 3 of Regulation (EC) No 178/2002 <sup>(31)</sup>
5. Manufacturing	(a) Manufacture of	Entities manufacturing medical devices

<sup>28</sup> Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of the quality of service (OJ L 15, 21.1.98, p.14).

<sup>29</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3)

<sup>30</sup> Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning registration, evaluation, authorisation and restriction of chemicals (REACH), establishing a European Chemicals Agency amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

<sup>31</sup> Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p.1).

	medical devices and in vitro diagnostic medical devices	referred to in Article 2 point 1 of Regulation (EU) 2017/745 <sup>(32)</sup> , and entities manufacturing in vitro diagnostic medical devices referred to in Article 2 point 2 of Regulation (EU) 2017/746 <sup>(33)</sup> with exception of entities manufacturing medical devices mentioned in Annex 1, point 5.
	(b) Manufacture of computer, electronic and optical products	Undertakings carrying out any of the economic activities referred to in section C division 26 of NACE Rev. 2
	(c) Manufacture of electrical equipment	Undertakings carrying out any of the economic activities referred to in section C division 27 of NACE Rev. 2
	(d) Manufacture of machinery and equipment n.e.c.	Undertakings carrying out any of the economic activities referred to in section C division 28 of NACE Rev. 2
	(e) Manufacture of motor vehicles, trailers and semi-trailers	Undertakings carrying out any of the economic activities referred to in section C division 29 of NACE Rev. 2
	(f) Manufacture of other transport equipment	Undertakings carrying out any of the economic activities referred to in section C division 30 of NACE Rev. 2
6. Digital providers		<ul style="list-style-type: none"> <li>— Providers of online marketplaces</li> <li>— Providers of online search engines</li> <li>— Providers of social networking services platform</li> </ul>

<sup>32</sup> Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p.1)

<sup>33</sup> Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on *in vitro* diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p.176)

*ANNEX III***CORRELATION TABLE**

<b>Directive (EU) 2016/1148</b>	<b>This Directive</b>
Article 1 (1)	Article 1 (1)
Article 1 (2)	Article 1 (2)
Article 1 (3)	-
Article 1 (4)	Article 2 (4)
Article 1 (5)	Article 2 (5)
Article 1 (6)	Article 2 (3)
Article 1 (7)	Article 2 (6)
Article 2	-
Article 3	Article 3
Article 4	Article 4
Article 5	-
Article 6	-
Article 7 (1)	Article 5 (1)
Article 7 (2)	Article 5 (4)
Article 7 (3)	Article 5 (3)
Article 8 (1)–(5)	Article 8 (1)–(5)
Article 8 (6)	Article 11 (4)
Article 8 (7)	Article 8 (6)
Article 9 (1)-(3)	Article 9 (1)-(3)
Article 9 (4)	Article 9 (7)
Article 9 (5)	Article 9 (8)
Article 10 (1)-(3)	Article 11 (1)-(3)
Article 11 (1)	Article 12 (1) –(2)

Article 11 (2)	Article 12 (3)
Article 11 (3)	Article 12(4) and (6)
Article 11 (4)	-
Article 11 (5)	Article 12 (7)
Article 12 (1)-((5)	Article 13 (1)-(5)
Article 13	-
Article 14 (1)	Article 18 (1)
Article 14 (2)	Article 18 (2)-(4)
Article 14 (3)	Article 20 (1)
Article 14 (4)	Article 20 (3)
Article 14 (5)	Article 20 (5), (6), (8)
Article 14 (6)	Article 20 (7)
Article 14 (7)	-
Article 15 (1)	Article 29 (2)
Article 15 (2)(a)	Article 29 (2) (e)
Article 15 (2)(b)	Article 29 (2) (g)
Article 15 (2) second indent	Article 29 (3)
Article 15 (3)	Article 29 (4) (b)
Article 15 (4)	Article 28 (2)
Article 16 (1)	Article 18 (1), (2)
Article 16 (2)	Article 18 (2)-(4)
Article 16 (3)	Article 20 (1)
Article 16 (4)	Article 20 (3)
Article 16 (5)	-
Article 16 (6)	Article 20 (6)
Article 16 (7)	Article 20 (7)

Article 16 (8), (9)	Article 20 (11)
Article 16 (10)	-
Article 16 (11)	Article 2 (1)
Article 17 (1)	-
Article 17 (2)(a)	Article 29 (2) (e)
Article 17 (2)(b)	Article 29 (4) (b)
Article 17 (3)	Article 34 (1) (a), (b)
Article 18 (1)	Article 24 (1)-(2)
Article 18 (2)	Article 24 (3)
Article 18 (3)	Article 24 (4)
Article 19	Article 22
Article 20	Article 27
Article 21	Article 33
Article 22 (1)-(2)	Article 37 (1)-(2)
Article 23	Article 35
Article 24	-
Article 25	Article 38
Article 26	Article 42
Article 27	Article 43
Annex I(1)	Article 10 (1)
Annex I (2) (a) (i)-(iv)	Article 10 (2) (a)-(d)
Annex I (2) (a) (v)	Article 10 (2) (f)
Annex I (2) (b)	Article 10 (3)
Annex I (2) (c) (i)-(ii)	Article 10 (4) (a)
Annex II	Annex I
Annex III 1, 2	Annex II, 6.

Annex III, 3	Annex I, 8.
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