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## 'I' ITEM NOTE

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From: General Secretariat of the Council

To: Permanent Representatives Committee (Part 2)

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Subject: Regulation of the European Parliament and of the Council on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014 and (EU) No 909/2014

and

Directive of the European Parliament and of the Council amending Directives 2006/43/EC, 2009/65/EC, 2009/138/EU, 2011/61/EU, EU/2013/36, 2014/65/EU, (EU) 2015/2366 and EU/2016/2341

- Confirmation of the final compromise text with a view to agreement

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## I. INTRODUCTION

1. On 24 September 2020, the Commission transmitted to the Council proposals on the “Digital Operational Resilience Act (DORA)”<sup>1</sup> and on an “amending directive”<sup>2</sup>, introducing a framework for digital operational resilience and information and communication technology (ICT) related risk management, including an oversight framework for critical third party ICT service providers.

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<sup>1</sup> Doc. 11051/20

<sup>2</sup> Doc. 11052/20

2. The European Economic and Social Committee delivered its opinion on 2 March 2021<sup>3</sup>. The European Central Bank delivered its opinion on 4 June 2021<sup>4</sup>. The European Data Protection Supervisor delivered its opinion on 10 May 2021.<sup>5</sup>
3. At its meeting on 24 November 2021, the Permanent Representatives Committee confirmed the mandates to start negotiations with the European Parliament on the amended text of the proposal as laid down in docs. ST 14068/21 and ST 14069/21.
4. The European Parliament agreed its negotiating mandate in the Plenary meeting on 15 December 2021. On that basis, the French Presidency conducted negotiations with the European Parliament with a view to a first reading agreement.
5. On 10 May 2022, a provisional agreement was reached, followed by technical work, resulting in the final compromise texts as set out in docs. 10581/22 and 10582/22.

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<sup>3</sup> Doc. 06634/21

<sup>4</sup> Doc. 09530/21

<sup>5</sup> Doc. 08717/21

## II. CONCLUSION

6. Against this background, the Permanent Representatives Committee is invited to:
- approve the text of the proposal for a Regulation and the text of the proposal for a directive as set out in docs. 10581/22 and 10582/22 with a view to reaching an agreement at first reading with the European Parliament; and
  - give to the Chairman of the Permanent Representatives Committee the mandate to inform the Chair of the European Parliament's Economic and Monetary Affairs Committee that, should the European Parliament adopt the text of the proposals in the exact form as set out in docs. 10581/22 and 10582/22, the Council would adopt the proposed Regulation and Directive thus amended, subject to legal-linguistic revision by both Institutions.
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