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2020/0365(COD)

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ENFOPOL 438	**ESPACE 94**
RECH 485	**ATO 67**
CT 164	**CSC 371**
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WORKING DOCUMENT

From:	Presidency
To:	Working Party on Civil Protection (CER Directive)
No. prev. doc.:	WK 3341/2022, 7567/22, 7987/22, 8415/22, 9450/22, 10041/22, 10316/22, 10442/22, 10610/22, 10609/22, 10992/22, 10991/22, 11445/22
Subject:	Proposal for a Directive of the European Parliament and of the Council on the resilience of critical entities - 4-column table resulting from the technical meetings of 14 July and 1 September 2022 (recitals and articles)

Delegations will find in Annex the four-column table concerning the above legislative proposal (regarding recitals and articles). The annotations on the 4th column are the result of the technical meetings of 14 July and 1 September 2022, and prior meetings.

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Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the resilience of critical entities

2020/0365(COD)

Outcome of the technical meeting of 14 July and 1 September 2022

		Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
	Formula					
G	1	2020/0365 (COD)	2020/0365 (COD)	2020/0365 (COD)	2020/0365 (COD)	G
	Proposal Title					
G	2	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the resilience of critical entities	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the resilience of critical entities	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the resilience of critical entities	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the resilience of critical entities	G
	Formula					
G	3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p. . Text Origin: Commission Proposal
Citation 5				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
8	Having regard to the opinion of the Committee of the Regions[1], 1. OJ C […], […], p. […].	Having regard to the opinion of the Committee of the Regions[1], 1. OJ C […], […], p. […].	Having regard to the opinion of the Committee of the Regions[1], 1. OJ C […], […], p. […].	Having regard to the opinion of the Committee of the Regions[1], 1. OJ C […], […], p. […]. Text Origin: Commission Proposal
Citation 5a				
8a				*deleted*
Citation 6				
9	Acting in accordance with the ordinary legislative procedure[1], 1. Position of the European Parliament […] and of the Council […].	Acting in accordance with the ordinary legislative procedure[1], 1. Position of the European Parliament […] and of the Council […].	Acting in accordance with the ordinary legislative procedure[1], 1. Position of the European Parliament […] and of the Council […].	Acting in accordance with the ordinary legislative procedure[1], 1. Position of the European Parliament […] and of the Council […]. Text Origin: Commission Proposal
Formula				
10	Whereas:	Whereas:	Whereas:	Whereas:
Recital 0				
10a				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			(0) Critical entities, as providers of essential services, play an indispensable role in the maintenance of vital societal functions or economic activities in the internal market, in an increasingly inderdependent Union economy. The smooth operation of each critical entity heavily depends on its level of preparedness and resilience, enabling it to continue or to rapidly resume performing its activity whenever disruptions occur. It is therefore essential to set out a Union-wide framework aiming both at enhancing the resilience of critical entities in the internal market by laying down a minimal harmonised set of obligations and at assisting them through coherent, dedicated support and supervision measures.	***(-1) Technical meeting 1/09 Provisionally agreed*** ***Critical entities, as providers of essential services, play an indispensable role in the maintenance of vital societal functions or economic activities in the internal market, in an increasingly interdependent Union economy. It is therefore essential to set out a Union-wide framework with the aim of both enhancing the resilience of critical entities in the internal market by laying down harmonised minimum rules and assisting them through coherent, dedicated support and supervision measures.***
Recital 1				
11	(1) Council Directive 2008/114/EC[1] provides for a procedure for designating European critical infrastructures in the energy and transport sectors, the disruption or destruction of	(1) Council Directive 2008/114/EC[1] provides for a procedure for designating European critical infrastructures in the energy and transport sectors, the disruption or destruction of	(1) Council Directive 2008/114/EC[1] provides for a procedure for designating European critical infrastructures in the energy and transport sectors, the disruption or destruction of	(1) ***Technical meeting 14/07 Provisionally agreed*** Council Directive 2008/114/EC[1] provides for a procedure for designating European critical

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	which would have significant cross-border impact on at least two Member States. That Directive focused exclusively on the protection of such infrastructures. However, the evaluation of Directive 2008/114/EC conducted in 2019[2] found that due to the increasingly interconnected and cross-border nature of operations using critical infrastructure, protective measures relating to individual assets alone are insufficient to prevent all disruptions from taking place. Therefore, it is necessary to shift the approach towards ensuring the resilience of critical entities, that is, their ability to mitigate, absorb, accommodate to and recover from incidents that have the potential to disrupt the operations of the critical entity. _____ 1. Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection (OJ L 345, 23.12.2008, p.75). 2. SWD(2019) 308.	which would have significant cross-border impact on at least two Member States. That Directive focused exclusively on the protection of such infrastructures. However, the evaluation of Directive 2008/114/EC conducted in 2019[2] found that due to the increasingly interconnected and cross-border nature of operations using critical infrastructure, protective measures relating to individual assets alone are insufficient to prevent all disruptions from taking place. Therefore, it is necessary to shift the approach towards ensuring the resilience of critical entities, that is, their ability to mitigate, absorb, ***react,*** accommodate to and recover from incidents that have the potential to disrupt the ~~*operations of*~~ ***provision of essential services by*** the critical entity***, the free movement of essential services and the functioning of the internal market***. _____ 1. Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection (OJ L 345, 23.12.2008, p.75). 2. SWD(2019) 308.	which would have significant cross-border impact on at least two Member States. That Directive focused exclusively on the protection of such infrastructures. However, the evaluation of Directive 2008/114/EC conducted in 2019[2] found that due to the increasingly interconnected and cross-border nature of operations using critical infrastructure, protective measures relating to individual assets alone are insufficient to prevent all disruptions from taking place. Therefore, it is necessary to shift the approach towards ensuring **that risks are better accounted for, the role and duties of individual entities as providers of services essential to the functioning of the internal market are better defined and coherent, Union-wide rules are adopted to enhance** the resilience of critical entities~~, that is,~~ **. As such, critical entities should be in a position to reinforce** their ability to ~~mitigate, absorb, accommodate to~~ **prevent, protect against, respond to, resist, mitigate, absorb, accommodate** and recover from incidents that have the potential to	infrastructures in the energy and transport sectors, the disruption or destruction of which would have significant cross-border impact on at least two Member States. That Directive ~~*focused*~~***focuses*** exclusively on the protection of such infrastructures. However, the evaluation of Directive 2008/114/EC conducted in 2019[2] found that due to the increasingly interconnected and cross-border nature of operations using critical infrastructure, protective measures relating to individual assets alone are insufficient to prevent all disruptions from taking place. Therefore, it is necessary to shift the approach towards ensuring ***that risks are better accounted for, that the role and duties*** ~~*the resilience*~~ of critical entities ***as providers of services essential to the functioning of the internal market are better defined and coherent, and that Union-wide rules are adopted to enhance the resilience of critical entities. Critical entities should be in a position to reinforce*** ~~*, that is,*~~ their ability to ***prevent, protect against, respond to, resist,*** mitigate, absorb, accommodate ~~*to*~~ and recover from

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			disrupt the ~~operations of the critical entity~~ **provision of essential services**. _____ 1. Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection (OJ L 345, 23.12.2008, p.75). 2. SWD(2019) 308.	incidents that have the potential to disrupt the ~~*operations of the critical entity*~~***provision of essential services***. _____ 1. Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection (OJ L 345, 23.12.2008, p.75). 2. SWD(2019) 308.
Recital 2				
G 12	(2) Despite existing measures at Union[1] and national level aimed at supporting the protection of critical infrastructures in the Union, the entities operating those infrastructures are not adequately equipped to address current and anticipated future risks to their operations that may result in disruptions of the provision of services that are essential for the performance of vital societal functions or economic activities. This is due to a dynamic threat landscape with an evolving terrorist threat and growing interdependencies between infrastructures and sectors, as well as an increased physical risk due to	(2) Despite existing measures at Union[1] and national level aimed at supporting the protection of critical infrastructures in the Union, the entities operating those infrastructures are not ***always*** adequately equipped to address current and anticipated future risks to their operations that may result in disruptions of the provision of services that are essential for the performance of vital societal functions or economic activities. This is due to a dynamic threat landscape with ~~*an*~~ evolving ***hybrid and*** terrorist ~~*threat*~~***threats*** and growing interdependencies between infrastructures and sectors, as well as an increased	(2) ~~Despite existing~~**Currently, while a number of** measures at Union[1] and national level ~~aimed~~**aim** at supporting the protection of critical infrastructures in the Union, the entities operating those infrastructures ~~are not adequately equipped to address current and anticipated future~~ **could be legally better mandated and better equipped to address** risks to their operations that may result in disruptions of the provision of ~~services that are~~ essential ~~for the performance of vital societal functions or economic activities~~**services** . This is due to a dynamic threat landscape ~~with~~**, including** an evolving terrorist	(2) ~~*Despite existing*~~***Technical meeting 14/07 Provisionally agreed*** ***While a number of*** measures at Union[1] and national level ~~*aimed at supporting*~~***aim to support*** the protection of critical infrastructures in the Union, ***more should be done to better equip*** the entities operating those infrastructures ~~*are not adequately equipped*~~ to address ~~*current and anticipated future*~~***the*** risks to their operations that may result in ~~*disruptions of the provision of services that are essential for the performance of vital societal functions or economic activities*~~***the disruption of the*** G

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	natural disasters and climate change, which increases the frequency and scale of extreme weather events and brings long-term changes in average climate that can reduce the capacity and efficiency of certain infrastructure types if resilience or climate adaptation measures are not in place. Moreover, relevant sectors and types of entities are not recognised consistently as critical in all Member States. _____ 1. European Programme for Critical Infrastructure Protection (EPCIP).	physical risk due to natural disasters and climate change, which increases the frequency and scale of extreme weather events and brings long-term changes in average climate that can reduce the capacity***, efficiency and lifespan*** ~~*and efficiency*~~ of certain infrastructure types if resilience or climate adaptation measures are not in place. Moreover, relevant sectors and types of entities are not recognised consistently as critical in all Member States. ***At Union level there is no single recognised list of critical infrastructure sectors. Instead, different legal acts cover different sectors.*** _____ 1. European Programme for Critical Infrastructure Protection (EPCIP).	threat**,** and growing interdependencies between infrastructures and sectors, as well as an increased physical risk due to natural disasters and climate change, which ~~increases~~ **intensifies** the frequency and scale of extreme weather events and brings long-term changes in average climate ~~that can reduce the capacity and efficiency of certain infrastructure types if resilience or climate adaptation measures are not in place. Moreover,~~ **. Moreover, the internal market is characterised by fragmentation in respect of the identification of critical entities, as** relevant sectors and types of entities are not recognised consistently as critical in all Member States~~.~~ _____ 1. European Programme for Critical Infrastructure Protection (EPCIP).	***provision of essential services***. This is due to a dynamic threat landscape***, including evolving hybrid and*** ~~*with an evolving*~~ terrorist ~~*threat*~~***threats,*** and growing interdependencies between infrastructures and sectors~~*, as well as*~~***. Moreover, there is*** an increased physical risk due to natural disasters and climate change, which ~~*increases*~~***intensifies*** the frequency and scale of extreme weather events and brings long-term changes in average climate that can reduce the capacity***, efficiency and lifespan*** ~~*and efficiency*~~ of certain infrastructure types if ~~*resilience or*~~ climate adaptation measures are not in place. ***At the same time, the internal market is characterised by fragmentation in respect of the identification of critical entities, as*** ~~*Moreover,*~~ relevant sectors and ~~*types*~~***categories*** of entities are not recognised consistently as critical in all Member States. ***This directive therefore should achieve a solid level of harmonisation in terms of the sectors and categories of entities covered.*** _____ 1. European Programme for Critical

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Infrastructure Protection (EPCIP).
Recital 2a				
12a		***(2a) Certain critical infrastructures have a pan-European dimension, such as the European Organisation for the Safety of Air Navigation, Eurocontrol, and the Union's Global Satellite Navigation System, Galileo.***		***(2a) Technical meeting 14/07 Provisionally agreed to delete***
Recital 2b				
12b				***(2b) Technical meeting 14/07 Provisionally agreed*** ***While certain sectors of the economy, such as energy and transport, are already regulated by sector-specific acts of Union law, those acts contain provisions which relate only to certain aspects of resilience of entities operating in those sectors. In order to address in a comprehensive manner the resilience of those entities that are critical for the proper functioning of the internal market, this Directive creates an overarching***

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				framework that addresses critical entities' resilience in respect of all hazards, that is, natural and man-made, accidental and intentional.
Recital 3				
13	(3) Those growing interdependencies are the result of an increasingly cross-border and interdependent network of service provision using key infrastructures across the Union in the sectors of energy, transport, banking, financial market infrastructure, digital infrastructure, drinking and waste water, health, certain aspects of public administration, as well as space in as far as the provision of certain services depending on ground-based infrastructures that are owned, managed and operated either by Member States or by private parties is concerned, therefore not covering infrastructures owned, managed or operated by or on behalf of the Union as part of its space programmes. These interdependencies mean that any disruption, even one initially confined to one entity or one sector, can have cascading effects	(3) Those growing interdependencies are the result of an increasingly cross-border and interdependent network of service provision using key infrastructures across the Union in the sectors of energy, transport, banking, financial market infrastructure, digital infrastructure, drinking and waste water, ***food production, processing and delivery,*** health, certain aspects of public administration, as well as space in as far as the provision of certain services depending on ground-based infrastructures that are owned, managed and operated either by Member States or by private parties is concerned, therefore not covering infrastructures owned, managed or operated by or on behalf of the Union as part of its space programmes. These interdependencies mean that any disruption ***of essential services***,	(3) Those growing interdependencies are the result of an increasingly cross-border and interdependent network of service provision using key infrastructures across the Union in the sectors of energy, transport, banking, financial market infrastructure, digital infrastructure, drinking and waste water, health, **as well as space. In terms of the energy sector and in particular the methods of electricity generation and transmission (in respect of supply of electricity), it is understood that where deemed appropriate, electricity generation may include electricity transmission parts of nuclear power plants, but exclude the specifically nuclear elements covered by relevant nuclear legislation including treaties and Community law. The** ~~certain aspects of public administration, as well as~~ space	(3) ~~Those~~***Technical meeting 14/07 Provisionally agreed*** ***The*** growing interdependencies ***between infrastructures and sectors*** are the result of an increasingly cross-border and interdependent network of service provision using key infrastructures across the Union in the sectors of energy, transport, banking, financial market infrastructure, digital infrastructure, drinking and waste water, ***food production, processing and distribution,*** health, certain aspects of public administration, as well as space**.** ***The space sector is covered with respect to*** ~~*in as far as*~~ the provision of certain services depending on ground-based infrastructures that are owned, managed and operated either by Member States or by private parties ~~*is concerned*~~, therefore not covering infrastructures owned, managed or

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	more broadly, potentially resulting in far-reaching and long-lasting negative impacts in the delivery of services across the internal market. The COVID-19 pandemic has shown the vulnerability of our increasingly interdependent societies in the face of low-probability risks.	even one initially confined to one entity or one sector, can have cascading effects more broadly, potentially resulting in far-reaching and long-lasting negative impacts ~~*in*~~***on*** the delivery of services across the internal market. The COVID-19 pandemic has shown the vulnerability of our increasingly interdependent societies in the face of low-probability risks.	**sector is concerned,** in as far as the provision of certain services depending on ground-based infrastructures that are owned, managed and operated either by Member States or by private parties ~~is concerned~~, therefore not covering infrastructures owned, managed or operated by or on behalf of the Union as part of its space programmes. These interdependencies mean that any disruption, even one initially confined to one entity or one sector, can have cascading effects more broadly, potentially resulting in far-reaching and long-lasting negative impacts in the delivery of services across the internal market. The COVID-19 pandemic has shown the vulnerability of our increasingly interdependent societies in the face of low-probability risks.	operated by or on behalf of the Union as part of its space programmes. ***In terms of the energy sector and in particular the methods of electricity generation and transmission (in respect of supply of electricity), it is understood that where deemed appropriate, electricity generation may include electricity transmission parts of nuclear power plants, but exclude the specifically nuclear elements covered by relevant nuclear legislation including treaties and Union law. The process for identifying critical entities in the food sector should adequately reflect the nature of the Union market in that sector and the extensive Union rules relating to the general principles and requirements of food law and food safety. Therefore, in order to set out a proportionate approach, and to adequately reflect the role and importance of these entities at national level, critical entities should only be identified among food businesses, whether for profit or not and whether public or private, that are engaged exclusively in logistics and***

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				wholesale distribution, and large scale industrial production and processing with a significant market share as observed at national level. These interdependencies mean that any disruption ***of essential services***, even one ***which is*** initially confined to one entity or one sector, can have cascading effects more broadly, potentially resulting in far-reaching and ~~*long-lasting*~~***long-term*** negative impacts ~~*in*~~***on*** the delivery of services across the internal market. ***Major crises such as*** the COVID-19 pandemic ~~*has*~~***have*** shown the vulnerability of our increasingly interdependent societies in the face of ~~*low-probability*~~***high-impact-low-probability*** risks.
Recital 4				
14	(4) The entities involved in the provision of essential services are increasingly subject to diverging requirements imposed under the laws of the Member States. The fact that some Member States have less stringent security requirements on these entities not only risks impacting negatively on the	(4) The entities involved in the provision of essential services are ~~*increasingly*~~ subject to diverging requirements imposed under the laws of the Member States. The fact that some Member States have less stringent security requirements on these entities not only ~~*risks impacting*~~***creates varying levels of***	(4) The entities involved in the provision of essential services are increasingly subject to diverging requirements imposed under the laws of the Member States. The fact that some Member States have less stringent ~~security~~ **resilience-enhancing** requirements on these entities not only risks impacting	(4) ***Technical meeting 14/07 Provisionally agreed*** The entities involved in the provision of essential services are increasingly subject to diverging requirements imposed under the laws of the Member States. The fact that some Member States have

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	maintenance of vital societal functions or economic activities across the Union, it also leads to obstacles to the proper functioning of the internal market. Similar types of entities are considered as critical in some Member States but not in others, and those which are identified as critical are subject to divergent requirements in different Member States. This results in additional and unnecessary administrative burdens for companies operating across borders, notably for companies active in Member States with more stringent requirements.	***resilience but also impacts*** negatively on the maintenance of vital societal functions or economic activities across the Union, ~~*it also leads*~~***and leads to unfair competition and*** to obstacles to the proper functioning of the internal market. ***Investors and companies can rely on and trust critical entities that are resilient, and reliability and trust are cornerstones of a well-functioning internal market.*** Similar types of entities are considered as critical in some Member States but not in others, and those which are identified as critical are subject to divergent requirements in different Member States. This results in additional and unnecessary administrative burdens for companies operating across borders, notably for companies active in Member States with more stringent requirements. ***A Union framework will therefore also have the effect of levelling the playing field for critical entities across the Union.***	negatively on the maintenance of vital societal functions or economic activities across the Union, it also leads to obstacles to the proper functioning of the internal market. Similar types of entities are considered as critical in some Member States but not in others, and those which are identified as critical are subject to divergent requirements in different Member States. This results in additional and unnecessary administrative burdens for companies operating across borders, notably for companies active in Member States with more stringent requirements. **It also results in an uneven playing field and disincentives to operate across borders.**	less stringent security requirements on ~~*these*~~***those*** entities not only ***creates various levels of resilience, but also*** risks impacting negatively on the maintenance of vital societal functions or economic activities across the Union, it also leads to obstacles to the proper functioning of the internal market. ***Investors and companies can rely on and trust critical entities that are resilient, reliability and trust being the cornerstones of a well-functioning internal market.*** Similar types of entities are considered as critical in some Member States but not in others, and those which are identified as critical are subject to divergent requirements in different Member States. This results in additional and unnecessary administrative burdens for companies operating across borders, notably for companies active in Member States with more stringent requirements. ***A Union framework will therefore also have the effect of levelling the playing field for critical entities across the Union.***
Recital 5				
15				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(5) It is therefore necessary to lay down harmonised minimum rules to ensure the provision of essential services in the internal market and enhance the resilience of critical entities.	(5) It is therefore necessary to lay down harmonised minimum rules to ensure the provision ***and free movement*** of essential services in the internal market***, to enhance the resilience of critical entities and to improve cross-border cooperation between competent authorities. It is essential that those rules be future-proof. To that end, the aim of this Directive is to make critical entities resilient, thereby improving their capacity to ensure the continuous provision of essential services in the face of a diverse set of risks. By laying down minimum rules, this Directive enables Member States to adopt or maintain more stringent rules to ensure the provision of essential services in the internal market and enhance*** ~~*and enhance the*~~ resilience of critical entities.	(5) It is therefore necessary to lay down harmonised minimum rules to ensure the provision of essential services in the internal market and enhance the resilience of critical entities.	(5) ***Technical meeting 14/07*** ***Provisionally agreed*** It is therefore necessary to lay down harmonised minimum rules to ensure the provision of essential services in the internal market***, to*** ~~*and*~~ enhance the resilience of critical entities ***and to improve cross-border cooperation between competent authorities. It is important that those rules be future-proof in terms of their design and implementation, allowing for the necessary flexibility. It is also crucial to improve the capacity of critical entities to provide essential services in the face of a diverse set of risks***.
Recital 6				
G 16	(6) In order to achieve that objective, Member States should identify critical entities that should be subject to specific requirements and oversight, but also particular support and guidance aimed at	(6) In order to achieve that objective, Member States should identify critical entities that ***provide essential services in the sectors and subsectors set out in the Annex to this Directive. Those***	(6) In order to achieve ~~that objective~~**a high level of resilience**, Member States should identify critical entities that ~~should~~ **will** be subject to specific requirements and oversight, but also particular	(6) ***Technical meeting 14/07*** ***Provisionally agreed*** In order to achieve ~~*that objective*~~***a high level of resilience***, Member States should identify critical G

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	achieving a high level of resilience in the face of all relevant risks.	***critical entites*** should be subject to specific requirements and oversight, but also particular support and guidance aimed at achieving a high level of resilience in the face of all relevant risks.	support and guidance ~~aimed at achieving a high level of resilience~~ in the face of all relevant risks.	entities that ~~*should*~~***will*** be subject to specific requirements and oversight, but also particular support and guidance ~~*aimed at achieving a high level of resilience*~~ in the face of all relevant risks.
Recital 7				
17	(7) Certain sectors of the economy such as energy and transport are already regulated or may be regulated in the future by sector-specific acts of Union law that contain rules related to certain aspects of resilience of entities operating in those sectors. In order to address in a comprehensive manner the resilience of those entities that are critical for the proper functioning of the internal market, those sector-specific measures should be complemented by the ones provided for in this Directive, which creates an overarching framework that addresses critical entities' resilience in respect of all hazards, that is, natural and man-made, accidental and intentional.	(7) Certain sectors of the economy such as energy and transport are already regulated or may be regulated in the future by sector-specific acts of Union law that contain rules related to certain aspects of resilience of entities operating in those sectors. In order to address in a comprehensive manner the resilience of those entities that are critical for the proper functioning of the internal market, those sector-specific measures should be ***regarded as lex specialis and should be*** complemented by the ones provided for in this Directive, which creates an overarching framework that addresses critical entities' resilience in respect of all hazards, that is, natural and man-made, accidental and intentional.	(7) ~~Certain sectors of the economy such as energy and transport are already regulated or may be regulated in the future by sector-specific acts of Union law that contain rules related to certain aspects of resilience of~~ **Where provisions of Union or national law require critical entities to assess risks relevant for the purposes of this Directive and to take measures to ensure their own resilience, those requirements should be adequately considered for the purposes of supervising critical entities' compliance with the provisions as set out in this Directive. On that basis, national competent authorities should be able to decide to exclude those critical** entities ~~operating in those sectors. In order to address in a comprehensive manner the~~	(7) ~~*Certain sectors of the economy such as energy and transport are already regulated or may be regulated in the future by sector-specific acts of Union law that contain rules related to certain aspects of resilience of entities operating in those sectors. In order to address in a comprehensive manner the resilience of those entities that are critical for the proper functioning of the internal market, those sector-specific measures should be complemented by the ones provided for in this Directive, which creates an overarching framework that addresses critical entities' resilience in respect of all hazards, that is, natural and man-made, accidental and intentional.*~~***Technical meeting 14/07***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			~~resilience of~~**from their supervisory objectives and plans under this Directive, in line with the risk based approach and with a view to alleviate the burden on** those **critical** entities ~~that are critical for the proper functioning of the internal market, those sector-specific~~**. Member States should be empowered to decide the regime applicable to risk assessment and resilience** measures ~~should be complemented by the ones provided for in~~**if they are at least equivalent to those of** this Directive~~, which creates an overarching framework that addresses critical entities' resilience in respect of all hazards, that is, natural and man-made, accidental and intentional~~**. Member States should nevertheless include all the sectors listed in the Annex in their strategy for reinforcing the resilience of critical entities, the risk assessment and the support measures pursuant to Chapter II and be able to identify critical entities in those sectors where the applicable conditions have been met**.	***Recital 7 moved as new recital 2b***

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Recital 8				
18	(8) Given the importance of cybersecurity for the resilience of critical entities and in the interest of consistency, a coherent approach between this Directive and Directive (EU) XX/YY of the European Parliament and of the Council[1] [Proposed Directive on measures for a high common level of cybersecurity across the Union; (hereafter "NIS 2 Directive")] is necessary wherever possible. In view of the higher frequency and particular characteristics of cyber risks, the NIS 2 Directive imposes comprehensive requirements on a large set of entities to ensure their cybersecurity. Given that cybersecurity is addressed sufficiently in the NIS 2 Directive, the matters covered by it should be excluded from the scope of this Directive, without prejudice to the particular regime for entities in the digital infrastructure sector. _____ 1. [Reference to NIS 2 Directive, once adopted.]	(8) Given the importance of cybersecurity for the resilience of critical entities and in the interest of consistency, a coherent approach between this Directive and Directive (EU) XX/YY of the European Parliament and of the Council[1] [Proposed Directive on measures for a high common level of cybersecurity across the Union; (hereafter "NIS 2 Directive")] is necessary wherever possible. In view of the higher frequency and particular characteristics of cyber risks, the NIS 2 Directive imposes comprehensive requirements on a large set of entities to ensure their cybersecurity. Given that cybersecurity is addressed sufficiently in the NIS 2 Directive, the matters covered by it should be excluded from the scope of this Directive, without prejudice to the particular regime for entities in the digital infrastructure sector. ***As a result, the competent authorities designated under the NIS 2 Directive will be responsible for the supervision of entities identified as critical entities or entities equivalent to critical***	(8) Given the importance of cybersecurity for the resilience of critical entities and in the interest of consistency, a coherent approach between this Directive and Directive (EU) XX/YY of the European Parliament and of the Council[1] [Proposed Directive on measures for a high common level of cybersecurity across the Union; (hereafter "NIS 2 Directive")] is necessary wherever possible. In view of the higher frequency and particular characteristics of cyber risks, the NIS 2 Directive imposes comprehensive requirements on a large set of entities to ensure their cybersecurity. Given that cybersecurity is addressed sufficiently in the NIS 2 Directive, the matters covered by it should be excluded from the scope of this Directive, without prejudice to the particular regime for entities in the digital infrastructure sector. _____ 1. [Reference to NIS 2 Directive, once adopted.]	(8) ***Technical meeting 14/07 Provisionally agreed*** Given the importance of cybersecurity for the resilience of critical entities and in the interest of consistency, a coherent approach between this Directive and Directive (EU) XX/YY of the European Parliament and of the Council[1] [Proposed Directive on measures for a high common level of cybersecurity across the Union; (hereafter "NIS 2 Directive")] is necessary wherever possible. In view of the higher frequency and particular characteristics of cyber risks, the NIS 2 Directive imposes comprehensive requirements on a large set of entities to ensure their cybersecurity. Given that cybersecurity is addressed sufficiently in the NIS 2 Directive, the matters covered by it should be excluded from the scope of this Directive, without prejudice to the particular regime for entities in the digital infrastructure sector. _____ 1. [Reference to NIS 2 Directive, once adopted.]

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		entities under this Directive as regards matters that fall under the scope of that Directive. _____ 1. [Reference to NIS 2 Directive, once adopted.]		
Recital 9				
G 19	(9) Where provisions of other acts of Union law require critical entities to assess relevant risks, take measures to ensure their resilience or notify incidents, and those requirements are at least equivalent to the corresponding obligations laid down in this Directive, the relevant provisions of this Directive should not apply, so as to avoid duplication and unnecessary burdens. In that case, the relevant provisions of such other acts should apply. Where the relevant provisions of this Directive do not apply, its provisions on supervision and enforcement should not be applicable either. Member States should nevertheless include all the sectors listed in the Annex in their strategy for reinforcing the resilience of critical entities, the risk assessment and the support	(9) Where provisions of other acts of Union law require critical entities to assess relevant risks, take measures to ensure their resilience or notify incidents, and those requirements are at least equivalent to the corresponding obligations laid down in this Directive, the relevant provisions of this Directive should not apply, so as to avoid duplication and unnecessary burdens. In that case, the relevant provisions of such other acts should apply. Where the relevant provisions of this Directive do not apply, its provisions on supervision and enforcement should not be applicable either. Member States should nevertheless include all the sectors listed in the Annex in their strategy for reinforcing the resilience of critical entities, the risk assessment and the support	(9) ~~Where provisions of other acts of Union law require critical entities to assess relevant risks, take measures to ensure their resilience or notify incidents, and those requirements are at least equivalent to the corresponding obligations laid down in this Directive, the relevant provisions of this Directive should not apply, so as to avoid duplication and unnecessary burdens. In that case, the relevant provisions of such other acts should apply. Where the relevant provisions of this Directive do not apply, its provisions on supervision and enforcement should not be applicable either.~~ **In order not to jeopardize the security of** Member States ~~should nevertheless include all the sectors listed in the Annex in their strategy~~	(9) ***Technical meeting 14/07 Provisionally agreed*** Where provisions of other acts of Union law require critical entities to assess relevant risks, take measures to ensure their resilience or notify incidents, and ***where*** those requirements are ***recognised by Member States, pursuant to [article 1.3], as*** at least equivalent to the corresponding obligations laid down in this Directive, the relevant provisions of this Directive should not apply, so as to avoid duplication and unnecessary burdens. In that case, the relevant provisions of such other acts should apply. Where the relevant provisions of this Directive do not apply, its provisions on supervision and enforcement should not be applicable either. ~~*Member States should nevertheless include all the*~~

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	measures pursuant to Chapter II and be able to identify critical entities in those sectors where the applicable conditions have been met, taking into account the particular regime for entities in the banking, financial market infrastructure and digital infrastructure sector.	measures pursuant to Chapter II and be able to identify critical entities in those sectors where the applicable conditions have been met, taking into account the particular regime for entities in the banking, financial market infrastructure and digital infrastructure sector.	~~for reinforcing the resilience~~**or the security and commercial interests** of critical entities, the ~~risk assessment and the support measures pursuant to Chapter II and be able to identify critical entities in those sectors where the applicable conditions have been met, taking into account the particular regime for entities in the banking, financial market infrastructure and digital infrastructure sector~~**access to, exchange and handling of sensitive information shall be done carefully and with particular attention to the transmission channels and storage capacities that will be used by the relevant stakeholders**.	~~*sectors listed in the Annex in their strategy for reinforcing the resilience of critical entities, the risk assessment and the support measures pursuant to Chapter II and be able to identify critical entities in those sectors where the applicable conditions have been met, taking into account the particular regime for entities in the banking, financial market infrastructure and digital infrastructure sector.*~~
Recital 9a				
G 19a			**(9a) This Directive should not be deemed to affect the competences of Member States and of their authorities in terms of administrative autonomy, organisation and functioning of the judiciary, parliaments or central banks, or affect their responsibility to safeguard**	***(9a) Technical meeting 14/07 Provisionally agreed*** ***This Directive should not be deemed to affect the competences of Member States and of their authorities in terms of administrative autonomy, or affect their responsibility to safeguard*** G

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			national interest, particularly concerning public security, defence and national security. Moreover, this Directive should not apply to any entity, either public or private, that mainly carries out activities in the areas of defence, national security, public security or law enforcement. It should also not apply to the activities of entities conducted in these areas. Member States should perform an individual assessment of entities that meet the criteria for being identified as a critical entity but also mainly carry out activities in the areas of national security, defence, public security or law enforcement. Upon that assessment of these specific activities, entities would be granted the benefit of the regime established by this Directive or fall outside of its scope. No Member State is to be obliged to supply information the disclosure of which would be contrary to the essential interests of its public security. National or Union rules for protecting classified information, non-disclosure agreements, and	***national security and defence or their power to safeguard other essential state functions, particularly concerning public security, territorial integrity and maintaining law and order. The exclusion of public administration entities from the scope of this Directive should apply to those entities whose activities are predominantly carried out in the areas of defence, national security, public security, or law enforcement. Public administration entities whose activities are only marginally related to such areas should still be covered by this Directive. For the purpose of this Directive, entities with regulatory competences are not considered as carrying out activities in the area of law enforcement and, therefore, are not excluded on these grounds from the scope of this Directive. Public administration entities that are jointly established with a country outside the EU in accordance with an international agreement, are not within the scope of this Directive. This Directive does not apply to Member States' diplomatic and***

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			informal non-disclosure agreements are of relevance.	***consular missions in third countries.*** ***Certain critical entities carry out activities in the areas of defence, national security, public security or law enforcement or provide services exclusively to the public administration entities that carry out activities predominantly in the areas of defence, national security, public security, or law enforcement. In view of the Member States' responsibility to safeguard national security and defence, Member States may decide that the obligations on critical entities pursuant to this Directive should not apply in whole or in part to those critical entities if the services they provide or the activities they perform are predominantly related to the areas of defence, national security, public security or law enforcement. Critical entities whose services or activities are only marginally related to such areas should still be covered by this Directive.*** ***No Member State should be obliged to supply information the disclosure of which would be contrary to the essential interests***

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				of its security. National or Union rules for protecting classified information and non-disclosure agreements are of relevance.
Recital 9b				
19b				***(9b) Technical meeting 14/07 Provisionally agreed*** ***In order not to jeopardize the security of Member States or the security and commercial interests of critical entities, the access to, exchange and handling of sensitive information should be done prudently and with particular attention to the transmission channels and storage capacities that will be used.***
Recital 10				
20	(10) In view of ensuring a comprehensive approach to the resilience of critical entities, each Member State should have a strategy setting out objectives and policy measures to be implemented. To achieve this, Member States should ensure that	(10) In view of ensuring a comprehensive approach to the resilience of critical entities, each Member State should have a strategy setting out objectives and policy measures to be implemented. To achieve this, ***and taking into account the hybrid***	(10) In view of ensuring a comprehensive approach to the resilience of critical entities, each Member State should have **in place** a strategy setting out objectives and policy measures to be implemented. **That strategy should be designed to seamlessly**	(10) ***Technical meeting 14/07 Provisionally agreed*** In view of ensuring a comprehensive approach to the resilience of critical entities, each Member State should have ***in place*** a strategy setting out objectives

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	their cybersecurity strategies provide for a policy framework for enhanced coordination between the competent authority under this Directive and the NIS 2 Directive in the context of information sharing on incidents and cyber threats and the exercise of supervisory tasks.	***nature of many threats and the Union's strategy on resilience prepared by the Critical Entities Resilience Group, established by this Directive,*** Member States should ensure that their ~~*cybersecurity*~~ strategies provide for a policy framework for enhanced coordination between the competent ~~*authority*~~***authorities of Member States*** under this Directive and the ***under*** NIS 2 Directive ~~*in the context of*~~***,*** ***including*** information sharing on incidents and ~~*cyber*~~ threats and the exercise of supervisory tasks.	**integrate existing policies, building wherever possible upon relevant existing national and sectoral strategies, plans or similar documents.** To achieve this, Member States should ensure that their ~~cybersecurity~~ strategies provide for a policy framework for enhanced coordination between the competent authority under this Directive and the NIS 2 Directive in the context of information sharing on **cybersecurity risks, cyber threats and** incidents and ~~cyber~~**non-cyber risks,** threats and **incidents and** the exercise of supervisory tasks.	and policy measures to be implemented. ***In the interest of coherence and efficiency, that strategy should be designed to seamlessly integrate existing policies, building wherever possible upon relevant existing national and sectoral strategies, plans or similar documents.*** To achieve ~~*this*~~***a comprehensive approach***, Member States should ensure that their ~~*cybersecurity*~~ strategies provide for a policy framework for enhanced coordination between the competent authority under this Directive and ***under*** the NIS 2 Directive in the context of information sharing on ***cybersecurity risks, cyber threats and*** incidents and ~~*cyber*~~***non-cyber risks,*** threats and ***incidents and of*** the exercise of supervisory tasks. ***When putting in place those strategies, Member States should take due account of the hybrid nature of threats to critical entities.***
Recital 10a				
20a				***(10a) Technical meeting 1/9 Provisionally agreed***

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				Member States should communicate their strategy on the resilience of critical entities and substantial updates thereof to the Commission, in particular to enable the Commission to assess the correct application of this Directive as regards policy approaches to critical entities' resilience at national level. The strategies could be communicated as classified information, if needed. The Commission should draw up a summary report of the strategies communicated by Member States to serve as a basis for exchanges to identify best practices and issues of common interest in the framework of the Critical Entities Resilience Group. Due to the sensitive nature of the aggregated information which will be contained in the summary report - whether classified or not - the Commission should manage this summary report with appropriate level of awareness with respect to the security of the critical entities, Member States and the European Union. The summary report and the strategies of Member States should be

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				safeguarded against unlawful or malicious action and should be accessible only to authorized persons in order to fulfil the objectives of this Directive. The communication of the strategies and substantial updates thereof should also help to understand developments in approaches to critical entities' resilience and feed into the monitoring of the impact and added value of this Directive, which the Commission is to review periodically.
Recital 11				
G 21	(11) The actions of Member States to identify and help ensure the resilience of critical entities should follow a risk-based approach that targets efforts to the entities most relevant for the performance of vital societal functions or economic activities. In order to ensure such a targeted approach, each Member State should carry out, within a harmonised framework, an assessment of all relevant natural and man-made risks that may affect the provision of essential services, including accidents, natural disasters, public health	(11) The actions of Member States to identify and help ensure the resilience of critical entities should follow a risk-based approach that targets efforts to the entities most relevant for the performance of vital societal functions or economic activities. In order to ensure such a targeted approach, each Member State should carry out, within a harmonised framework, an assessment of all relevant natural and man-made risks***, including cross-sectoral and cross-border risks,*** that may affect the provision of essential services, including	(11) The actions of Member States to identify and help ensure the resilience of critical entities should follow a risk-based approach that targets efforts to the entities most relevant for the performance of vital societal functions or economic activities. In order to ensure such a targeted approach, each Member State should carry out, within a harmonised framework, an assessment of ~~all~~ relevant natural and man-made risks that may affect the provision of essential services, including accidents, natural disasters, public health	(11) ***Technical meeting 1/09 Provisionally agreed*** The actions of Member States to identify and help ensure the resilience of critical entities should follow a risk-based approach that targets efforts to the entities most relevant for the performance of vital societal functions or economic activities. In order to ensure such a targeted approach, each Member State should carry out, within a harmonised framework, an assessment of ~~all~~***the*** relevant natural and man-made risks***,*** G

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	emergencies such as pandemics, and antagonistic threats, including terrorist offences. When carrying out those risk assessments, Member States should take into account other general or sector-specific risk assessment carried out pursuant to other acts of Union law and should consider the dependencies between sectors, including from other Member States and third countries. The outcomes of the risk assessment should be used in the process of identification of critical entities and to assist those entities in meeting the resilience requirements of this Directive.	accidents, ***hybrid threats,*** natural disasters, public health emergencies such as pandemics, and antagonistic threats, including terrorist offences***, criminal infiltration and sabotage***. When carrying out those risk assessments, Member States should take into account other general or sector-specific risk assessment carried out pursuant to other acts of Union law and should consider the dependencies between sectors, including from other Member States and third countries. ***Member States should not consider as a risk any regular business risk to operations arising from market conditions or any risk arising from democratic decision-making.*** The outcomes of the risk assessment should be used in the process of identification of critical entities and to assist those entities in meeting the resilience requirements of this Directive. ***At their request the Commission should also be able to provide entities based in third countries with advisory expertise.***	emergencies such as pandemics, ~~and~~**hybrid threats or other** antagonistic threats, including terrorist offences. When carrying out those risk assessments, Member States should take into account other general or sector-specific risk assessment carried out pursuant to other acts of Union law and should consider the dependencies between sectors, including from other Member States and third countries. The outcomes of the risk assessment should be used in the process of identification of critical entities and to assist those entities in meeting ~~the~~ **their** resilience requirements ~~of this Directive.~~**.**	***including those of a cross-sectoral or cross-border nature,*** that may affect the provision of essential services, including accidents, natural disasters, public health emergencies such as pandemics, ~~*and*~~***hybrid threats or other*** antagonistic threats, including terrorist offences***, criminal infiltration and sabotage***. When carrying out those risk assessments, Member States should take into account other general or sector-specific risk assessment carried out pursuant to other acts of Union law and should consider the dependencies between sectors, including from other Member States and third countries. The outcomes of the risk assessment should be used in the process of identification of critical entities and to assist those entities in meeting ~~*the*~~***their*** resilience requirements***. This Directive applies only to Member States and critical entities that operate within the Union. Nonetheless, the expertise and knowledge generated by Member States' competent authorities, notably through risk assessments, as well as by the Commission, notably through various forms of***

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				support and cooperation, could be used, where appropriate and in accordance with the applicable legal instruments, for the benefit of third countries, notably those in the direct neighborhood of the Union, by feeding into existing cooperation on resilience ~~***of this Directive***~~.
Recital 12				
22	(12) In order to ensure that all relevant entities are subject to those requirements and to reduce divergences in this respect, it is important to lay down harmonised rules allowing for a consistent identification of critical entities across the Union, while also allowing Member States to reflect national specificities. Therefore, criteria to identify critical entities should be laid down. In the interest of effectiveness, efficiency, consistency and legal certainty, appropriate rules should also be set on notification and cooperation relating to, as well as the legal consequences of, such identification. In order to enable the Commission to assess the correct application of this	(12) In order to ensure that all relevant entities are subject to those requirements and to reduce divergences in this respect, it is important to lay down harmonised ***minimum*** rules allowing for a consistent identification of critical entities across the Union, while also allowing Member States to reflect national specificities. Therefore, ***common*** criteria ***and methodologies*** to identify critical entities should be laid down ***in a transparent manner***. In the interest of effectiveness, efficiency, consistency and legal certainty, appropriate rules should also be set on notification and cooperation relating to, as well as the legal consequences of, such identification. In order to enable	(12) In order to ensure that all relevant entities are subject to those requirements and to reduce divergences in this respect, it is important to lay down harmonised rules allowing for a consistent identification of critical entities across the Union, while ~~also~~ allowing Member States to ~~reflect national specificities~~**exercise their decision making powers, adequately reflecting the role and importance of these entities as providers of services on their territory** . Therefore, criteria to identify critical entities should be laid down. In the interest of effectiveness~~, efficiency, consistency~~ and legal certainty, appropriate rules should also be set **out** on notification and cooperation	(12) ***Technical meeting 14/07 Provisionally agreed*** In order to ensure that all relevant entities are subject to ~~***those***~~***the resilience*** requirements ***of this Directive*** and to reduce divergences in this respect, it is important to lay down harmonised rules allowing for a consistent identification of critical entities across the Union, while also allowing Member States to ***adequately*** reflect ~~***national specificities. Therefore, criteria to identify critical***~~***the role and importance of these*** entities ~~***should be laid down***~~***at national level. Applying the criteria laid down in this Directive, Member States should identify entities that***

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	Directive, Member States should submit to the Commission, in a manner that is as detailed and specific as possible, relevant information and, in any event, the list of essential services, the number of critical entities identified for each sector and subsector referred to in the Annex and the essential service or services that each entity provides and any thresholds applied.	the Commission to assess the correct application of this Directive, Member States should submit to the Commission, in a manner that is as detailed and specific as possible, relevant information and, in any event, the list of essential services, the number of critical entities identified for each sector and subsector referred to in the Annex and the essential service or services that each entity provides and any thresholds applied.	relating to, as well as the legal consequences of, such identification. In order to enable the Commission to assess the correct application of this Directive, Member States should submit to the Commission, in a manner that is as ~~detailed and~~ specific as possible, relevant information and, in any event, the list of essential services, the number of critical entities identified for each sector and subsector referred to in the Annex **and, if used, thresholds , which can be presented as such or in aggregated form, meaning that the information can be averaged by geographic area, by year, sector, sub-sector, or by other means, and can include information on the range of the indicators provided** ~~and the essential service or services that each entity provides and any thresholds applied~~.	***provide one or more essential services and that operate and have critical infrastructure located on the territory of that Member State. An entity should be considered to operate on the territory of the Member State where it carries out activities necessary for the essential service or services in question, and where that entity's critical infrastructure, which is used to provide that service or those services, is located. If there is no entity meeting those criteria in a Member State, that Member State should have no obligation to identify a*** ~~*. In the interest of effectiveness, efficiency, consistency and legal certainty, appropriate rules should also be set on notification and cooperation relating to, as well as the legal consequences of, such identification. In order to enable the Commission to assess the correct application of this Directive, Member States should submit to the Commission, in a manner that is as detailed and specific as possible, relevant information and, in any event, the list of essential services, the number of*~~ critical ~~*entities identified*~~

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				~~*for each*~~***entity in the corresponding*** sector ~~*and subsector referred to in the Annex and the essential service or services that each entity provides and any thresholds applied*~~***or sub-sector. In the interest of effectiveness, efficiency, consistency and legal certainty, appropriate rules should also be set on notification of such identification***.
Recital 12a				
G 22a				***(12a) Technical meeting 1/09 Provisionally agreed*** ***Member States should submit to the Commission, in a manner that serves the objectives of this Directive, the list of essential services, the number of critical entities identified for each sector and subsector referred to in the Annex and for the essential service or services that each entity provides and, if applied, thresholds, which could be presented as such or in aggregated form, meaning that the information can be averaged by geographic area, by year,*** G

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				sector, sub-sector, or by other means, and can include information on the range of the indicators provided.
Recital 13				
23	(13) Criteria should also be established to determine the significance of a disruptive effect produced by such incidents. Those criteria should build on the criteria provided in Directive (EU) 2016/1148 of the European Parliament and of the Council[1] in order to capitalise on the efforts carried out by Member States to identify those operators and the experience gained in this regard. _____ 1. Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1).	(13) Criteria should also be established to determine the significance of a disruptive effect produced by such incidents. Those criteria should build on the criteria provided in Directive (EU) 2016/1148 of the European Parliament and of the Council[1] in order to capitalise on the efforts carried out by Member States to identify those operators and the experience gained in this regard. _____ 1. Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1).	(13) Criteria should also be established **by the Member States** to determine the significance of a disruptive effect produced by such incidents **taking into account the criteria of Article 6(1)**. Those criteria should build on the criteria provided in Directive (EU) 2016/1148 of the European Parliament and of the Council[1] in order to capitalise on the efforts carried out by Member States to identify those operators and the experience gained in this regard. _____ 1. Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1).	(13) ***Technical meeting 1/09 Provisionally agreed*** Criteria should also be established to determine the significance of a disruptive effect produced by such incidents. Those criteria should build on the criteria provided in Directive (EU) 2016/1148 of the European Parliament and of the Council[1] in order to capitalise on the efforts carried out by Member States to identify those operators and the experience gained in this regard. ***Major crises such as the COVID-19 pandemic have shown the importance of ensuring the supply chain security and demonstrated how its disruption can have negative economic and societal impacts across a large number of sectors and across borders. Therefore, Member States should also consider effects on the supply chain, to the extent possible, when determining the***

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				dependency of other sectors and subsectors. _____ 1. Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1).
Recital 13a				
G 23a			**(13a) Pursuant to sectoral Union law provisions, entities in the banking, financial market infrastructure and digital infrastructure sectors which may qualify as critical entities under this Directive are required to assess relevant risks, take measures to ensure their resilience and notify incidents. Given that those requirements are at least equivalent to the corresponding obligations laid down in this Directive, the provisions of Article 9a and Chapters III to V should not apply to those entities, so as to avoid duplication and unnecessary burdens on the entities. By consequence, the specific provisions on supervision and enforcement set out in**	***(13a) Technical meeting 1/09 Provisionally agreed to delete 13a*** G

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			Chapter VI should not be applicable either to those entities. However, in order to reinforce the resilience of the internal market as a whole and maintain the coherence and comprehensive character of the Member States' competent authorities efforts and oversight, the dedicated strategies for reinforcing the resilience of critical entities, the risk assessments and the support measures as set out in Chapter II of this Directive should also be applicable in those specific sectors. Moreover, Member States should still identify which entities in those sectors qualify as critical entities, taking into account the particular regime for entities in the banking, financial market infrastructure and digital infrastructure sectors.	
Recital 13b				
G 23b			**(13b) Moreover, with the same aim of avoiding duplication and unnecessary burdens on critical entities, this Directive should establish a generally applicable equivalence regime. Thus, in a**	***(13a) Technical meeting 1/09 Provisionally agreed to delete 13b (see line 29c)*** G

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			set of clearly identified areas, measures that are equivalent to the measures pursuant to this directive and already taken by critical entities belonging to any sector in order to comply with their obligations under sector-specific acts of Union law can be recognised as equivalent by Member States. Accordingly, Member States should be able to exempt critical entities, in respect of recognised equivalent measures, from taking the specific measures required under this Directive.	
Recital 13a				
G 23c		***(13a) In accordance with applicable Union and national law, including Regulation (EU) 2019/452 of the European Parliament and of the Council[1], which establishes a framework for the screening of foreign direct investments in the Union, the potential threat posed by foreign ownership of critical infrastructure within the Union is to be acknowledged because services, the economy and the free movement and safety of Union***		***(13c) Technical meeting 1/09 Provisionally agreed*** ***In accordance with applicable Union and national law, including Regulation (EU) 2019/452 of the European Parliament and of the Council[1], which establishes a framework for the screening of foreign direct investments in the Union, the potential threat posed by foreign ownership of critical infrastructure within the Union is to be acknowledged because*** G

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		citizens depend on the proper functioning of critical infrastructure. It is crucial that Member States and the Commission be vigilant with regard to financial investments that foreign countries make in the operation of critical entities within the Union and the consequences that such investments could have on the ability to prevent significant disruptions. _____ ***1. Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union (OJ L 79I, 21.3.2019, p. 1).***		***services, the economy and the free movement and safety of Union citizens depend on the proper functioning of critical infrastructure.*** _____ ***1. Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union (OJ L 79I, 21.3.2019, p. 1).***
Recital 14				
24	(14) Entities pertaining to the digital infrastructure sector are in essence based on network and information systems and fall within the scope of the NIS 2 Directive, which addresses the physical security of such systems as part of their cybersecurity risk management and reporting obligations. Since those matters are covered by the NIS 2 Directive, the obligations of this Directive do not	(14) Entities pertaining to the digital infrastructure sector are in essence based on network and information systems and fall within the scope of the NIS 2 Directive, which addresses the physical security of such systems as part of their cybersecurity risk management and reporting obligations. Since those matters are covered by the NIS 2 Directive, the obligations of this Directive do not	(14) ~~Entities pertaining to the digital infrastructure sector are in essence based on network and information systems and fall within the scope of the NIS 2 Directive,~~**Directive XXXX/XXXX [NIS2 Directive] requires entities to take appropriate technical and organizational measures to manage the risks posed to the security of network and information systems** which	(14) ~~*Entities pertaining to*~~***Technical meeting 1/09 Provisionally agreed*** ***Directive XXXX/XXXX [NIS2 Directive] requires entities in*** the digital infrastructure sector***, which may qualify as critical entities under this Directive, to take appropriate technical, operational and organisational measures to manage the risks posed to the***

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	apply to such entities. However, considering the importance of the services provided by entities in the digital infrastructure sector for the provision of other essential services, Member States should identify, based on the criteria and using the procedure provided for in this Directive mutatis mutandis, entities pertaining to the digital infrastructure sector that should be treated as equivalent to critical entities for the purposes of Chapter II only, including the provision on Member States' support in enhancing the resilence of these entities. Consequently, such entities should not be subject to the obligations laid down in Chapters III to VI. Since the obligations for critical entities laid down in Chapter II to provide certain information to the competent authorities relate to the application of Chapters III and IV, those entities should not be subject to those obligations either.	apply to such entities. However, considering the importance of the services provided by entities in the digital infrastructure sector for the provision of other essential services, Member States should identify, based on the criteria and using the procedure provided for in this Directive mutatis mutandis, entities pertaining to the digital infrastructure sector that should be treated as equivalent to critical entities for the purposes of Chapter II only, including the provision on Member States' support in enhancing the resilence of these entities. Consequently, such entities should not be subject to the obligations laid down in Chapters III to VI. Since the obligations for critical entities laid down in Chapter II to provide certain information to the competent authorities relate to the application of Chapters III and IV, those entities should not be subject to those obligations either.	~~addresses the physical security of such systems as part of their cybersecurity risk management and reporting obligations~~**those providers use in the provision of their services as wellas to notify significant incidents and cyber threats**. Since ~~those matters are covered by the NIS 2 Directive, the obligations of this Directive do not apply to such entities. However, considering the importance of the services provided by entities in the digital infrastructure sector for the provision of other essential services, Member States should identify,~~**threats to the security of network and information systems can have different origins, therefore [NIS2 Directive] applies an "all-hazard" approach that includes the protection of network and information systems and their physical environment. The entities pertaining to the digital infrastructure sector are in essence** based on ~~the criteria and using the procedure provided for in this Directive mutatis mutandis,~~**network and information systems and therefore the obligations imposed**	***security of*** ~~*are in essence based on*~~ network and information systems ***as well as to notify significant incidents and cyber threats. Since threats to the security of network and information systems can have different origins, the [NIS2 Directive] applies an "all-hazard" approach that includes the resilience of network and information*** ~~*and fall within the scope of the NIS 2 Directive, which addresses the physical security of such*~~ systems***, as well as*** ~~*as part of*~~ their ~~*cybersecurity risk management and reporting obligations. Since*~~***physical components and environments. Given that*** those ~~*matters are covered by the NIS 2*~~***requirements are at least equivalent to the corresponding obligations laid down in this*** Directive, ***Article 9a and Chapters III, IV and VI should*** ~~*the obligations of this Directive do*~~ not apply to ~~*such*~~***those*** entities***, to avoid duplication and unnecessary administrative burden***. However, considering the importance of the services provided by entities in the digital infrastructure sector ~~*for the provision of other essential*~~

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			on those entities ~~pertaining to the digital infrastructure sector that should be treated as equivalent to critical entities for the purposes of Chapter II only, including the provision on Member States' support in enhancing the resilience of these entities. Consequently, such~~**by [the NIS2 Directive] address in a comprehensive manner the physical security of such systems as part of their cybersecurity risk management and reporting obligations. However, considering the importance of the services provided by** entities ~~should not be subject to the obligations laid down in Chapters III to VI. Since the obligations for critical entities laid down in Chapter II to provide certain information to the competent authorities relate to the application of Chapters III and IV, those~~ **in the digital infrastructure sector to critical entities belonging to all other relevant economic sectors, Member States should identify, based on the criteria and using the procedure provided for in this Directive mutatis mutandis,** entities ~~should not be subject to those obligations~~	~~*services*~~***to critical entities belonging to all other sectors***, Member States should identify, based on the criteria and using the procedure provided for in this Directive mutatis mutandis, entities ~~*pertaining*~~ to the digital infrastructure sector ~~*that should be treated as equivalent to*~~***as*** critical entities ~~*for the purposes of Chapter II only, including the provision on Member States' support in enhancing the resilience of these*~~***. Consequently, the dedicated strategies for reinforcing the resilience of critical*** entities~~. Consequently, such entities should not be subject to the obligations laid down in Chapters III to VI. Since the obligations for critical entities laid down in Chapter II to provide certain information to the competent authorities relate to the application of Chapters III and IV.~~***, the risk assessments and the support measures as set out in Chapter II of this Directive should be applicable.*** ***Member States may adopt or maintain provisions of national law to achieve a higher level of resilience for those critical entities provided that*** those ~~*entities should*~~

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			~~either~~**pertaining to the digital infrastructure sector as critical entities**.	***~~not be subject to those obligations either~~national provisions are consistent with applicable Union law***.
Recital 15				
25	(15) The EU financial services acquis establishes comprehensive requirements on financial entities to manage all risks they face, including operational risks and ensure business continuity. This includes Regulation (EU) No 648/2012 of the European Parliament and of the Council[1], Directive 2014/65/EU of the European Parliament and of the Council[2] and Regulation (EU) No 600/2014 of the European Parliament and of the Council [3] as well as Regulation (EU) No 575/2013 of the European Parliament and of the Council[4] and Directive 2013/36/EU of the European Parliament and of the Council[5]. The Commission has recently proposed to complement this framework with Regulation XX/YYYY of the European Parliament and of the Council [proposed Regulation on digital operational resilience for the	(15) The EU financial services acquis establishes comprehensive requirements on financial entities to manage all risks they face, including operational risks and ensure business continuity. This includes Regulation (EU) No 648/2012 of the European Parliament and of the Council[1], Directive 2014/65/EU of the European Parliament and of the Council[2] and Regulation (EU) No 600/2014 of the European Parliament and of the Council [3] as well as Regulation (EU) No 575/2013 of the European Parliament and of the Council[4] and Directive 2013/36/EU of the European Parliament and of the Council[5]. The Commission has recently proposed to complement this framework with Regulation XX/YYYY of the European Parliament and of the Council [proposed Regulation on digital operational resilience for the	(15) The EU financial services acquis establishes comprehensive requirements on financial entities to manage all risks they face, including operational risks and ensure business continuity. This includes Regulation (EU) No 648/2012 of the European Parliament and of the Council[1], Directive 2014/65/EU of the European Parliament and of the Council[2] and Regulation (EU) No 600/2014 of the European Parliament and of the Council [3] as well as Regulation (EU) No 575/2013 of the European Parliament and of the Council[4] and Directive 2013/36/EU of the European Parliament and of the Council[5]. The ~~Commission has recently proposed to complement this framework with~~ **legal framework will be complemented with** Regulation XX/YYYY of the European Parliament and of the Council	(15) ***Technical meeting 1/09 Provisionally agreed*** The EU financial services acquis establishes comprehensive requirements on financial entities to manage all risks they face, including operational risks and ensure business continuity. This includes Regulation (EU) No 648/2012 of the European Parliament and of the Council[1], Directive 2014/65/EU of the European Parliament and of the Council[2] and Regulation (EU) No 600/2014 of the European Parliament and of the Council-[3] as well as Regulation (EU) No 575/2013 of the European Parliament and of the Council[4] and Directive 2013/36/EU of the European Parliament and of the Council[5]. The ***~~Commission has recently proposed to complement this framework with~~ legal framework is complemented with***

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	financial sector (hereafter "DORA Regulation")[6], which lays down requirements for financial firms to manage ICT risks, including the protection of physical ICT infrastructures. Since the resilience of entities listed in points 3 and 4 of the Annex is comprehensively covered by the EU financial services acquis, those entities should also be treated as equivalent to critical entities for the purposes of Chapter II of this Directive only. To ensure a consistent application of the operational risk and digital resilience rules in the financial sector, Member States' support to enhancing the overall resilience of financial entities equivalent to critical entities should be ensured by the authorities designated pursuant to Article 41 of [DORA Regulation], and subject to the procedures set out in that legislation in a fully harmonised manner. _____ 1. 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). 2. Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments	financial sector (hereafter "DORA Regulation")[6], which lays down requirements for financial firms to manage ICT risks, including the protection of physical ICT infrastructures. Since the resilience of entities listed in points 3 and 4 of the Annex is comprehensively covered by the EU financial services acquis, those entities should also be treated as equivalent to critical entities for the purposes of Chapter II of this Directive only ***and, consequently, such entities should not be subject to the obligations laid down in Chapters III to VI of this Directive***. To ensure a consistent application of the operational risk and digital resilience rules in the financial sector, Member States' support to enhancing the overall resilience of financial entities equivalent to critical entities should be ensured by the authorities designated pursuant to Article 41 of [DORA Regulation], and subject to the procedures set out in that legislation in a fully harmonised manner. _____ 1. Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central	[proposed Regulation on digital operational resilience for the financial sector (hereafter "DORA Regulation")[6], which lays down requirements for financial firms to manage ICT risks, including the protection of physical ICT infrastructures. Since the resilience of entities listed in points 3 and 4 of the Annex is comprehensively covered by the EU financial services acquis, those entities should also**, similar to entities in the digital infrastructure sector, be identified as** ~~be treated as equivalent to~~ critical entities **exclusively** for the purposes of **Articles 1-9** ~~Chapter II~~ of this Directive ~~only~~. To ensure a consistent application of the operational risk and digital resilience rules in the financial sector, Member States' support to enhancing the overall resilience of financial entities equivalent to critical entities ~~should~~ **could** be ensured by the authorities designated pursuant to Article 41 of [DORA Regulation] **or those designated persuant to this Directive**, and subject to the	Regulation XX/YYYY of the European Parliament and of the Council [proposed Regulation on digital operational resilience for the financial sector (hereafter ~~"~~***"***DORA Regulation~~"~~***"***)[6], which lays down requirements for financial firms to manage ICT risks, including the protection of physical ICT infrastructures. Since the resilience of entities ~~*listed in points 3 and 4 of the Annex is comprehensively covered by the EU financial services acquis, those entities should also be treated as equivalent*~~***is therefore comprehensively covered, Article 9a and Chapters III, IV and VI of this directive should not apply to those entities, to avoid duplication and unnecessary administrative burden. However, considering the importance of the services provided by entities in the financial sectors*** to critical entities ~~*for the purposes of Chapter II of this Directive only. To ensure a consistent application of the operational risk and digital resilience rules*~~***belonging to all other sectors, Member States should identify, based on the criteria and using the procedure***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349). 3. Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84). 4. 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). 5. Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338). 6. Proposal for a 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, COM(2020) 595.	counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1). 2. 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). 3. Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84). 4. 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). 5. Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338). 6. Proposal for a 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, COM(2020) 595.	procedures set out in **the applicable** ~~that~~ legislation in a ~~fully harmonised~~ **coherent** manner. _____ 1. 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). 2. 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). 3. Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84). 4. 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). 5. Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338). 6. Proposal for a 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,	***provided for in this Directive mutatis mutandis, entities*** in the financial ~~*sector, Member States' support to enhancing the overall*~~***sectors as critical entities. Consequently, the dedicated strategies for reinforcing the*** resilience of ~~*financial*~~***critical*** entities***, the risk assessments and the support measures as set out in Chapter II of this Directive*** ~~*equivalent to critical entities*~~ should be ~~*ensured by the authorities designated pursuant to Article 41 of [DORA Regulation], and subject to the procedures set out in that legislation in a fully harmonised manner*~~***applicable. Member States may adopt or maintain provisions of national law to achieve a higher level of resilience for those critical entities provided that those national provisions are consistent with applicable Union law***. _____ 1. 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). 2. 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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			(EU) No 600/2014 and (EU) No 909/2014, COM(2020) 595.	Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349). 3. Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84). 4. 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). 5. Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338). 6. Proposal for a 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, COM(2020) 595.
Recital 16				
G 26	(16) Member States should designate authorities competent to supervise the application of and, where necessary, enforce the rules of this Directive and ensure that those authorities are adequately empowered and resourced. In view	(16) Member States should designate authorities competent to supervise the application of and~~,~~ ~~*where necessary,*~~ enforce the rules of this Directive and ensure that those authorities are adequately empowered and resourced. In view	(16) Member States should designate authorities competent to supervise the application of and, where necessary, enforce the rules of this Directive and ensure that those authorities are adequately empowered and resourced. In view	(16) ***Technical meeting 1/09 Provisionally agreed*** Member States should designate authorities competent to supervise the application of and, where necessary, enforce the rules of this G

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	of the differences in national governance structures and in order to safeguard already existing sectoral arrangements or Union supervisory and regulatory bodies, and to avoid duplication, Member States should be able to designate more than one competent authority. In that case, they should however clearly delineate the respective tasks of the authorities concerned and ensure that they cooperate smoothly and effectively. All competent authorities should also cooperate more generally with other relevant authorities, both at national and Union level.	of the differences in national governance structures and in order to safeguard already existing sectoral arrangements or Union supervisory and regulatory bodies, and to avoid duplication, Member States should be able to designate more than one competent authority. In that case, they should however clearly delineate the respective tasks of the authorities concerned and ensure that they cooperate smoothly and effectively***, including with competent authorities of other Member States***. All competent authorities should also cooperate more generally with other relevant authorities, both at national and Union level***, including with competent authorities of other Member States***.	of the differences in national governance structures and in order to safeguard already existing sectoral arrangements or Union supervisory and regulatory bodies, and to avoid duplication, Member States should be able to designate more than one competent authority. In that case, they should however clearly delineate the respective tasks of the authorities concerned and ensure that they cooperate smoothly and effectively. All competent authorities should also cooperate more generally with other relevant authorities, both at national and Union level.	Directive and ensure that those authorities are adequately empowered and resourced. In view of the differences in national governance structures and in order to safeguard already existing sectoral arrangements or Union supervisory and regulatory bodies, and to avoid duplication, Member States should be able to designate more than one competent authority. In that case, they should however clearly delineate the respective tasks of the authorities concerned and ensure that they cooperate smoothly and effectively. All competent authorities should also cooperate more generally with other relevant authorities, both at national and Union level.
Recital 17				
27	(17) In order to facilitate cross-border cooperation and communication and to enable the effective implementation of this Directive, each Member State should, without prejudice to sector-specific Union legal requirements, designate, within one of the	(17) In order to facilitate cross-border cooperation and communication and to enable the effective implementation of this Directive, each Member State should, without prejudice to sector-specific Union legal requirements, designate, within one of the	(17) In order to facilitate cross-border cooperation and communication and to enable the effective implementation of this Directive, each Member State should, without prejudice to sector-specific Union legal requirements, designate, ~~within one of the~~	(17) ***Technical meeting 1/09 Provisionally agreed*** In order to facilitate cross-border cooperation and communication and to enable the effective implementation of this Directive, each Member State should, without

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	authorities it designated as competent authority under this Directive, a single point of contact responsible for coordinating issues related to the resilience of critical entities and cross-border cooperation at Union level in this regard.	authorities it designated as competent authority under this Directive, a single point of contact responsible for coordinating issues related to the resilience of critical entities and cross-border cooperation at Union level in this regard. ***Each single point of contact should liaise and coordinate all communication, with the competent authorities of its Member State, with the single points of contact of other Member States and with the Critical Entities Resilience Group. The single points of contact should use efficient, secure and standardised reporting channels.***	~~authorities it designated as competent authority under this Directive,~~ a **one national** single point of contact responsible for coordinating issues related to the resilience of critical entities and cross-border cooperation at Union level in this regard.	prejudice to sector-specific Union legal requirements, designate~~,~~ ~~within~~ one ***national single point of contact, where relevant within a~~~~of~~~~ the authorities it designated as*** competent authority ~~under this Directive, a single point of contact~~ **,** responsible for coordinating issues related to the resilience of critical entities and cross-border cooperation at Union level in this regard. ***Each single point of contact should liaise and coordinate communication, where relevant, with the competent authorities of its Member State, with the single points of contact of other Member States and with the Critical Entities Resilience Group.***
Recital 18				
G 28	(18) Given that under the NIS 2 Directive entities identified as critical entities, as well as identified entities in the digital infrastructure sector that are to be treated as equivalent under the present Directive are subject to the cybersecurity requirements of the NIS 2 Directive, the competent authorities designated under the	(18) ~~Given that under the NIS 2 Directive~~ Entities identified as critical entities~~,~~ ***under this Directive*** as well as ~~identified~~ entities in the digital infrastructure sector that are to be treated as equivalent ~~under the present Directive~~ are subject to the cybersecurity requirements of the NIS 2 Directive~~.~~ The competent	(18) ~~Given that under the NIS 2~~ **The competent authorities designated under this** Directive ~~entities identified as critical entities, as well as identified entities in the digital infrastructure sector that are to be treated as equivalent under the present Directive are subject to the cybersecurity requirements of the~~	(18) ~~Given that~~***Technical meeting 1/09*** ***Provisionally agreed*** ***The competent authorities designated*** under ~~the~~ ***this Directive and those designated under [***NIS 2 Directive***] should cooperate and exchange information, in relation to cybersecurity risks, cyber*** G

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	two Directives should cooperate, particularly in relation to cybersecurity risks and incidents affecting those entities.	authorities designated under the two Directives should ***therefore*** cooperate ***in an effective and consistent manner***, particularly in relation to ~~*cybersecurity*~~ risks and incidents affecting those entities. ***It is important that Member States take measures to avoid double reporting and checks and to ensure that the strategies and requirements provided for in this Directive and the NIS 2 Directive are complementary and that critical entities are not subject to an administrative burden beyond that which is necessary to achieve the objectives of this Directive.***	~~NIS 2 Directive, the~~**and those designated under [NIS 2 Directive] should cooperate and exchange information nationally, in relation to cybersecurity risks, cyber threats and incidents and non-cyber risks, threats and incidents affecting critical entities as well as on relevant measures taken by** competent authorities designated under **[the NIS 2 Directive] and this Directive**~~the two Directives should cooperate, particularly in relation to cybersecurity risks and incidents affecting those entities~~.	***threats and incidents and non-cyber risks, threats and incidents affecting critical entities as well as on relevant measures taken by competent authorities designated*** ~~*entities identified as critical entities, as well as identified entities in the digital infrastructure sector that are to be treated as equivalent*~~ under ***[the NIS 2*** ~~*the present*~~ Directive***] and this Directive. It is important that Member States ensure that*** ~~*are subject to the cybersecurity*~~ requirements ~~*of*~~***provided for in this Directive and*** the NIS 2 Directive~~, the competent authorities designated under the two Directives should cooperate, particularly in relation to cybersecurity risks and incidents affecting those entities~~ ***are implemented in a complementary way and that critical entities are not subject to an administrative burden beyond that which is necessary to achieve the objectives of these Directives***.
Recital 19				
29	(19) Member States should support critical entities in	(19) Member States should support critical entities in	(19) Member States should support critical entities in	(19) ***Technical meeting 1/09 Provisionally agreed***

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	strengthening their resilience, in compliance with their obligations under this Directive, without prejudice to the entities' own legal responsibility to ensure such compliance. Member States could in particular develop guidance materials and methodologies, support the organisation of exercises to test their resilience and provide training to personnel of critical entities. Moreover, given the interdependencies between entities and sectors, Member States should establish information sharing tools to support voluntary information sharing between critical entities, without prejudice to the application of competition rules laid down in the Treaty on the Functioning of the European Union.	strengthening their resilience, in ***particular those that qualify as small or medium-sized enterprises (SMEs), in*** compliance with their obligations under this Directive, without prejudice to the entities' own legal responsibility to ensure such compliance. Member States ~~could~~***should*** in particular develop guidance materials and methodologies, support the organisation of exercises to test their resilience and provide training to personnel of critical entities. ***Where necessary and justified by public interest objectives, Member States should be able to provide financial resources to critical entities, without prejudice to applicable rules on State aid.*** Moreover, given the interdependencies between entities and sectors, Member States should establish information sharing tools to support ~~voluntary~~ information sharing ***and good practices*** between critical entities, without prejudice to the application of competition rules laid down in the Treaty on the Functioning of the European Union.	strengthening their resilience, in compliance with their obligations under this Directive, without prejudice to the entities' own legal responsibility to ensure such compliance. Member States could in particular develop guidance materials and methodologies, support the organisation of exercises to test their resilience and provide **advice and** training to personnel of critical entities. Moreover, given the interdependencies between entities and sectors, Member States should ~~establish information sharing tools to support~~ **facilitate** voluntary information sharing between critical entities, without prejudice to the application of competition rules laid down in the Treaty on the Functioning of the European Union.	Member States should support critical entities***, including those that qualify as small or medium-sized enterprises (SMEs),*** in strengthening their resilience, in compliance with their obligations under this Directive, without prejudice to the entities' own legal responsibility to ensure such compliance ***and in doing so, prevent excessive administrative burdens***. Member States could in particular develop guidance materials and methodologies, support the organisation of exercises to test their resilience and provide ***advice and*** training to personnel of critical entities. ~~*Moreover, given the interdependencies between entities and sectors*~~***Where necessary and justified by public interest objectives***, Member States ~~*should establish information sharing tools to support*~~***could provide financial resources and should facilitate*** voluntary information sharing ***and good practices exchange*** between critical entities, without prejudice to the application of competition rules laid down in the Treaty on the Functioning of the European

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				Union.
Recital 19a				
29a			**(19a) With the aim of enhancing the resilience of critical entities identified by Member States and to reduce the administrative burden for those entities, the designated competent authorities of Member States should engage in consultations whenever appropriate for the consistent application of the Directive. Those consultations should be entered into at the request of any interested competent authority, and should focus on ensuring a convergent approach regarding inter-linked critical entities that use critical infrastructure which is physically connected between two or more Member States, that belong to the same groups or corporate structures, or that have been identified in one Member State and provide essential services to or in other Member States.**	***(19a) Technical meeting 1/09 Provisionally agreed*** ***With the aim of enhancing the resilience of critical entities identified by Member States and in order to reduce the administrative burden for those entities, the designated competent authorities of Member States should engage in consultations whenever appropriate for the consistent application of this Directive. Those consultations should be entered into at the request of any interested competent authority, and should focus on ensuring a convergent approach regarding inter-linked critical entities that use critical infrastructure which is physically connected between two or more Member States, that belong to the same groups or corporate structures, or that have been identified in one Member State and provide essential services to or in other Member States.***

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Recital 19a				
29b		***(19a) When implementing this Directive, it is important that Member States take all the necessary actions to prevent any excessive administrative burdens, particularly on SMEs, and avoid duplications or unnecessary obligations. It is crucial that Member States assist with and facilitate the provision of adequate support to SMEs, when requested, by taking the technical and organisational measures required under this Directive.***		***(19b) Technical meeting 1/09 Provisionally agreed to delete***
Recital 19c				
29c				***(19c) Technical meeting 1/09 Provisionally agreed (moved from recital 13b):*** ***Where provisions of Union or national law require critical entities to assess risks relevant for the purposes of this Directive and to take measures to ensure their own resilience, those requirements should be adequately considered for the purposes of supervising critical entities' compliance with***

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				this Directive.
Recital 20				
30	(20) In order to be able to ensure their resilience, critical entities should have a comprehensive understanding of all relevant risks to which they are exposed and analyse those risks. To that aim, they should carry out risks assessments, whenever necessary in view of their particular circumstances and the evolution of those risks, yet in any event every four years. The risk assessments by critical entities should be based on the risk assessment carried out by Member States.	(20) In order to be able to ensure their resilience, critical entities should have a comprehensive understanding of all relevant risks to which they are exposed and analyse those risks. To that aim, they should carry out risks assessments, whenever necessary in view of their particular circumstances and the evolution of those risks, yet in any event every four years. The risk assessments by critical entities should be based on the risk assessment carried out by Member States ***and should be in line with common criteria and methodologies***.	(20) ~~In order to be able to ensure their resilience,~~ Critical entities should have a comprehensive understanding of ~~all~~ relevant risks to which they are exposed and **a duty to** analyse those risks. To that aim, they should carry out risks assessments, whenever necessary in view of their particular circumstances and the evolution of those risks, yet in any event every four years. The risk assessments by critical entities should be based on the risk assessment carried out by Member States. **If critical entities have already conducted an assessment of these risks and dependencies as set out in Article 10 under other acts of Union or national law, Member States may recognise equivalence, in whole or in part, of these exisiting risk assessments.**	(20) ~~*In order to be able to ensure their resilience,*~~ ***Technical meeting 1/09*** ***Provisionally agreed*** Critical entities should have a comprehensive understanding of ~~*all*~~***the*** relevant risks to which they are exposed and ***a duty to*** analyse those risks. To that ~~*aim*~~***effect***, they should carry out risks assessments, whenever necessary in view of their particular circumstances and the evolution of those risks, ~~*yet*~~***and*** in any event every four years. ***Where critical entities have undertaken assessments of risk or drawn up documents pursuant to obligations in other acts of law that are relevant for*** the risk ***assessment pursuant to this Directive, they may use those*** assessments ~~*by critical entities should be based on the*~~ ***and documents to meet the requirements set out in this Directive. With the same aim, a competent authority may declare an existing*** risk assessment ~~*carried*~~

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				~~*out by Member States*~~***of a critical entity that addresses those risks and dependencies as compliant with the requirements of this Directive in whole or in part***.
Recital 21				
G 31	(21) Critical entities should take organisational and technical measures that are appropriate and proportionate to the risks they face so as to prevent, resist, mitigate, absorb, accommodate to and recover from an incident. Although critical entities should take measures on all points specified in this Directive, the details and extent of the measures should reflect the different risks that each entity has identified as part of its risk assessment and the specificities of such entity in an appropriate and proportionate way.	(21) Critical entities should take organisational and technical measures that are appropriate and proportionate to the risks they face so as to prevent, resist, mitigate, absorb, accommodate to and recover from an incident. Although critical entities should take measures on all points specified in this Directive, the details and extent of the measures should reflect the different risks that each entity has identified as part of its risk assessment and the specificities of such entity in an appropriate and proportionate way.	(21) Critical entities should take organisational**, security** and technical measures that are appropriate and proportionate to the risks they face so as to prevent, **protect against, respond to,** resist, mitigate, absorb, accommodate ~~to~~ and recover from an incident. ~~Although~~ **While** critical entities should take measures ~~on all points specified in this Directive~~ **in accordance with Article 11**, the details and extent of the measures should reflect the different risks that each entity has identified as part of its risk assessment and the specificities of such entity in an appropriate and proportionate way. **To promote a coherent Union-wide approach, the Commission should, after consultation of the Critical Entities Resilience Group, adopt non-binding guidelines to further specify those technical, security and**	(21) ***Technical meeting 1/09 Provisionally agreed*** Critical entities should take organisational***, security*** and technical measures that are appropriate and proportionate to the risks they face so as to prevent, ***protect against, respond to,*** resist, mitigate, absorb, accommodate ~~*to*~~ and recover from an incident. ~~*Although*~~***While*** critical entities should take measures ~~*on all points specified in this Directive*~~***in accordance with Article [11]***, the details and extent of the measures should reflect the different risks that each entity has identified as part of its risk assessment and the specificities of such entity in an appropriate and proportionate way. ***To promote a coherent Union-wide approach, the Commission should, after consultation of the Critical Entities Resilience Group,*** G

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			organisational measures. In the performance of its duties under this Directive, each critical entity should designate a liaison officer or equivalent as point of contact with the national competent authorities.	***adopt non-binding guidelines to further specify those technical, security and organisational measures. In the performance of its duties under this Directive, each critical entity should designate a liaison officer or equivalent as point of contact with the national competent authorities.***
Recital 22				
G 32	(22) In the interest of effectiveness and accountability, critical entities should describe those measures, with a level of detail to sufficiently achieve those aims, having regard to the risks identified, in a resilience plan or in a document or documents that are equivalent to a resilience plan, and apply that plan in practice. Such equivalent document or documents may be drawn up in accordance with requirements and standards developed in the context of international agreements on physical protection to which Member States are parties, including the Convention on the physical protection of nuclear material and nuclear facilities, as	(22) In the interest of effectiveness and accountability, critical entities should describe those measures, with a level of detail to sufficiently achieve those aims, having regard to the risks identified, in a resilience plan or in a document or documents that are equivalent to a resilience plan, and apply that plan in practice. Such equivalent document or documents may be drawn up in accordance with requirements and standards developed in the context of international agreements on physical protection to which Member States are parties, including the Convention on the physical protection of nuclear material and nuclear facilities, as	(22) In the interest of effectiveness and accountability, critical entities should describe **the measures they take** ~~those measures~~, with a level of detail to sufficiently achieve those aims, having regard to the risks identified, in a resilience plan or in a document or documents that are equivalent to a resilience plan, and apply that plan in practice. Such equivalent document or documents may be drawn up in accordance with **national law or with** requirements and standards developed in the context of international agreements on physical protection to which Member States are parties, including the Convention on the physical protection of nuclear	(22) ***Technical meeting 1/09 Provisionally agreed*** In the interest of effectiveness and accountability, critical entities should describe ~~***those***~~***the*** measures ***they take***, with a level of detail ~~***to***~~***that*** sufficiently ~~***achieve***~~***achieves*** those aims, having regard to the risks identified, in a resilience plan or in a document or documents that are equivalent to a resilience plan, and apply that plan in practice. ~~*Such equivalent document or documents may be*~~***If critical entities have already taken technical, security and organisational measures and*** drawn up ~~*in accordance with requirements and standards*~~ G

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	appropriate.	appropriate.	material and nuclear facilities, as appropriate.	~~*developed in the context of international agreements on physical protection to which Member States are parties, including the Convention on the physical protection of nuclear material and nuclear facilities, as appropriate*~~***documents pursuant to other acts of law that are relevant for resilience-enhancing measures under this Directive, they may use those measures and documents to meet their obligations to avoid unnecessary duplications. With the same aim, a competent authority may declare existing resilience measures of a critical entity that address those obligations as compliant with the requirements of this Directive in whole or in part***.
Recital 23				
33	(23) Regulation (EC) No 300/2008 of the European Parliament and of the Council[1], Regulation (EC) No 725/2004 of the European Parliament and of the Council[2] and Directive 2005/65/EC of the European Parliament and of the Council[3] establish requirements applicable to entities in the aviation	(23) Regulation (EC) No 300/2008 of the European Parliament and of the Council[1], Regulation (EC) No 725/2004 of the European Parliament and of the Council[2] and Directive 2005/65/EC of the European Parliament and of the Council[3] establish requirements applicable to entities in the aviation	(23) ~~Regulation (EC) No 300/2008 of the European Parliament and of the Council[1], Regulation (EC) No 725/2004 of the European Parliament and of the Council[2] and Directive 2005/65/EC of the European Parliament and of the Council[3] establish requirements applicable to~~	(23) ***Technical meeting 1/09 Provisionally agreed*** Regulation (EC) No 300/2008 of the European Parliament and of the Council[1], Regulation (EC) No 725/2004 of the European Parliament and of the Council[2] and Directive 2005/65/EC of the

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	and maritime transport sectors to prevent incidents caused by unlawful acts and to resist and mitigate the consequences of such incidents. While the measures required in this Directive are broader in terms of risks addressed and types of measures to be taken, critical entities in those sectors should reflect in their resilience plan or equivalent documents the measures taken pursuant to those other Union acts. Moreover, when implementing resilience measures under this Directive, critical entities may consider referring to non-binding guidelines and good practices documents developed under sectorial workstreams, such as the EU Rail Passenger Security Platform[4]. 1. 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 97/72, 9.4.2008, p. 72). 2. 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.). 3. Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security	and maritime transport sectors to prevent incidents caused by unlawful acts and to resist and mitigate the consequences of such incidents. While the measures required in this Directive are broader in terms of risks addressed and types of measures to be taken, critical entities in those sectors should reflect in their resilience plan or equivalent documents the measures taken pursuant to those other Union acts. Moreover, ***critical entities ar also to take into consideration Directive 2008/96/EC of the European Parliament and of the Council[4], which introduces a network-wide road assessment to map the risks of accidents and a targeted road safety inspection to identify hazardous conditions, defects and problems that increase the risk of accidents and injuries, based on a site visit of an existing road or section of road. Ensuring the protection and resilience of critical entities is of the utmost importance for the railway sector and,*** when implementing resilience measures under this Directive, critical entities ~~*may consider referring*~~***are encouraged to refer***	**Other acts of national or Union law may require critical** entities ~~in the aviation and maritime transport sectors to prevent incidents caused by unlawful acts and to resist and mitigate the consequences of such incidents. While the~~**to establish resilience measures equivalent to those under Article 11. Member States may choose to recognise equivalence, in whole or in part, between these** measures ~~required in this Directive are broader in terms of risks addressed and types of measures to be taken,~~**and those referred to in Article 11, or to ensure that** critical entities ~~in~~**describe** those ~~sectors should reflect in their~~**measures in the** resilience plan or equivalent ~~documents the measures taken pursuant to those other Union acts. Moreover, when implementing resilience measures under this Directive, critical entities may consider referring to non-binding guidelines and good practices documents developed under sectorial workstreams, such as the EU Rail Passenger Security Platform[4].~~**document or documents.**	European Parliament and of the Council[3] establish requirements applicable to entities in the aviation and maritime transport sectors to prevent incidents caused by unlawful acts and to resist and mitigate the consequences of such incidents. While the measures required in this Directive are broader in terms of risks addressed and types of measures to be taken, critical entities in those sectors should reflect in their resilience plan or equivalent documents the measures taken pursuant to those other Union acts. Moreover, ***critical entities are also to take into consideration Directive 2008/96/EC of the European Parliament and of the Council[4], which introduces a network-wide road assessment to map the risks of accidents and a targeted road safety inspection to identify hazardous conditions, defects and problems that increase the risk of accidents and injuries, based on a site visit of an existing road or section of road. Ensuring the protection and resilience of critical entities is of the utmost importance for the railway sector and,*** when implementing resilience

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	(OJ L 310, 25.11.2005, p. 28). 4. Commission Decision of 29 June 2018 setting up the EU Rail Passenger Security Platform C/2018/4014.	to non-binding guidelines and good practices documents developed under sectorial workstreams, such as the EU Rail Passenger Security Platform[4][5]. _____ 1. 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 97/72, 9.4.2008, p. 72). 2. 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.). 3. 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). 4. ~~*Commission Decision of 29 June 2018 setting up the EU Rail Passenger Security Platform C/2018/4014*~~***Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management (OJ L 319, 29.11.2008, p. 59)***. ***5. Commission Decision of 29 June 2018 setting up the EU Rail Passenger Security Platform C/2018/4014.***	_____ ~~1. 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 97/72, 9.4.2008, p. 72).~~ ~~2. 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.).~~ ~~3. 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).~~ ~~4. Commission Decision of 29 June 2018 setting up the EU Rail Passenger Security Platform C/2018/4014.~~	measures under this Directive, critical entities ~~*may consider referring*~~***are encouraged to refer*** to non-binding guidelines and good practices documents developed under sectorial workstreams, such as the EU Rail Passenger Security Platform[45]. _____ 1. 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 97/72, 9.4.2008, p. 72). 2. 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.). 3. 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). 4. ~~*Commission Decision of 29 June 2018 setting up the EU Rail Passenger Security Platform C/2018/4014*~~***Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management (OJ L 319, 29.11.2008, p. 59)***. ***5. Commission Decision of 29 June 2018 setting up the EU Rail Passenger Security Platform C/2018/4014.***
Recital 24				
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	(24) The risk of employees of critical entities misusing for instance their access rights within the entity's organisation to harm and cause damage is of increasing concern. That risk is exacerbated by the growing phenomenon of radicalisation leading to violent extremism and terrorism. It is therefore necessary to enable critical entities to request background checks on persons falling within specific categories of its personnel and to ensure that those requests are assessed expeditiously by the relevant authorities, in accordance with the applicable rules of Union and national law, including on the protection of personal data.	(24) The risk of employees of critical entities misusing for instance their access rights within the entity's organisation to harm and cause damage is of increasing concern. That risk is exacerbated by the growing phenomenon of radicalisation leading to violent extremism and terrorism. It is therefore necessary to enable critical entities to request background checks on persons falling within specific categories of its personnel and to ensure that those requests are assessed expeditiously by the relevant authorities, in accordance with the applicable rules of Union and national law, including on the protection of personal data***, in particular Regulation (EU) 2016/679***.	(24) The risk of employees **or contractors** of critical entities misusing ~~for instance~~ their access rights within the entity's organisation to harm and cause damage is of increasing concern. That risk ~~is exacerbated by the growing phenomenon of radicalisation leading to violent extremism and terrorism~~**may substantiate a need to make provision for a specific procedure for performing background checks for persons designated to undertake sensitive roles or access certain spaces within the critical entities**. It is therefore necessary to enable **Member States, where appropriate, to allow** critical entities to request background checks on ~~persons falling within specific~~**clearly defined** categories of ~~its personnel~~ **persons** and to ensure that those requests are assessed ~~expeditiously by the~~**in accordance with criteria set out in national legislation and procedures. Such background checks should, where** relevant ~~authorities, in accordance with the applicable rules of Union and national law, including on the~~	(24) ***Technical meeting 1/09 Provisionally agreed*** The risk of employees of critical entities ***or contractors*** misusing for instance their access rights within the entity's organisation to harm and cause damage is of increasing concern. ~~*That risk is exacerbated by the growing phenomenon of radicalisation leading to violent extremism and terrorism. It is therefore necessary to enable critical entities to request*~~***Member States should therefore specify the conditions according to which critical entities are permitted, in duly reasoned cases and taking into account the risk assessments at national level, to submit requests for*** background checks on persons falling within specific categories of its personnel***. It should be ensured that*** ~~*and to ensure that those*~~ requests are assessed ~~*expeditiously*~~***within a reasonable timeframe*** by the relevant authorities~~*,*~~ ***and processed*** in accordance with ~~*the applicable rules of Union and national*~~***national legislation and procedures, as well as relevant and applicable Union*** law,

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			~~protection of personal data~~**and applicable, draw upon information obtained from the European Criminal Records Information System (ECRIS)[1] and can also, where relevant and applicable, draw upon the Second Generation Schengen Information System (SIS II)[2], intelligence as well as any other objective information available that may be necessary to determine to suitability of the person concerned to work in the position in relation to which the critical entity has requested a background check**. _____ **1. Council Framework Decision 2009/315/JHA and Regulation (EU) 2019/816 of the European Parliament and of the Council of 22 May 2019, OJ L 135, p.1** **2. Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU, OJ L 312, p.56**	including on the protection of personal data. ***In order to corroborate the identity of a person that is subject to a background check, it is appropriate for Member States to require a proof of identity, such as a passport, national identity card or digital forms of identification, in accordance with applicable law. Such background check should also include criminal records and for that purpose draw on information obtained from the European Criminal Records Information System (ECRIS) in accordance with the procedures set out in Council Framework Decision 2009/315/JHA, and, where relevant and applicable, Regulation (EU) 2019/816 of the European Parliament and of the Council[1]. Member States might also, where relevant and applicable, draw on the Second Generation Schengen Information System (SIS II)[2], intelligence as well as any other objective information available that might be necessary to determine the suitability of the person concerned to work in the position in relation to which the critical entity has***

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				requested a background check. *1. Council Framework Decision 2009/315/JHA and Regulation (EU) 2019/816 of the European Parliament and of the Council of 22 May 2019, OJ L 135, p.1* *2. Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU, OJ L 312, p.56*
Recital 25				
G 35	(25) Critical entities should notify, as soon as reasonably possible under the given circumstances, Member States' competent authorities of incidents that significantly disrupt or have the potential to significantly disrupt their operations. The notification should allow the competent authorities to respond to the incidents rapidly and adequately and to have a comprehensive overview of the overall risks that	(25) Critical entities should notify, as soon as reasonably possible under the given circumstances ***and, in any event, no later than 24 hours after becoming aware of the incident in question***, Member States' competent authorities of ~~*incidents*~~***any incident*** that significantly ~~*disrupt or have*~~***disrupts or has*** the potential to significantly disrupt their operations. The ***competent authority should inform the public***	(25) Critical entities should notify, as soon as reasonably possible under the given circumstances, Member States' competent authorities of incidents that significantly disrupt or have the potential to significantly disrupt **the provision of essential services** ~~their operations~~. The notification should allow the competent authorities to respond to the incidents rapidly and adequately and to have a comprehensive	(25) ~~*Critical entities*~~***Technical meeting 1/09*** ***Provisionally agreed*** ***A mechanism for the notification of certain incidents*** should ~~*notify, as soon as reasonably*~~***be established to allow the competent authorities to respond to the incidents rapidly and adequately and to have a comprehensive overview of impacts, nature, cause and*** possible ~~*under the given*~~ G

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	critical entities face. For that purpose, a procedure should be established for the notification of certain incidents and parameters should be provided for to determine when the actual or potential disruption is significant and the incidents should thus be notified. Given the potential cross-border impacts of such disruptions, a procedure should be established for Member States to inform other affected Member States via single points of contacts.	***of such an incident where it determines that it would be in the public interest to do so. The competent authority should ensure that the critical entity concerned inform users of its services that might be affected by such an incident of the incident and, where relevant, of any possible safety measures or remedies. The*** notification should allow the competent authorities to respond to the incidents rapidly and adequately and to have a comprehensive overview of the overall risks that critical entities face. For that purpose, a procedure should be established for the notification of certain incidents and parameters should be provided for to determine when the actual or potential disruption is significant and the incidents should thus be notified. Given the potential cross-border impacts of such disruptions, a procedure should be established for Member States to inform other affected Member States via single points of contacts***, without undue delay. Information on incidents should be treated in a way that respects confidentiality and the security and commercial interests***	overview of the overall risks that critical entities face. For that purpose, a procedure should be established for the notification of certain incidents and parameters should be provided for to determine when the actual or potential disruption is significant and the incidents should thus be notified. Given the potential cross-border impacts of such disruptions, a procedure should be established for Member States to inform other affected Member States via single points of contacts.	~~*circumstances,*~~***consequences of an incident which the critical entities deal with. Critical entities should notify without undue delay*** Member States' competent authorities of incidents that significantly disrupt or ~~*have*~~***has*** the potential to significantly disrupt ~~*their operations. The notification*~~***the provision of essential services. Unless operationally unable to do so, critical entities*** should ~~*allow the competent authorities to respond to the incidents rapidly and adequately and to have a comprehensive overview*~~***send an initial notification no later than 24 hours after becoming aware of the incident. The initial notification should only include the information strictly necessary to make the competent authority aware*** of the ~~*overall risks that critical entities face. For that purpose, a procedure*~~***incident and allow the entity to seek assistance, if required. Such notification*** should ~~*be established for the notification of certain incidents and parameters*~~***indicate, where possible, the presumed cause of an incident. Member States*** should ~~*be*~~

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		of the critical entity concerned.		~~*provided for to determine when the actual or potential disruption is significant and the incidents should thus be notified. Given the potential cross-border impacts of such disruptions, a procedure should be established for Member States to inform other affected Member States via single points of contacts*~~***ensure that the requirement to submit this initial notification does not divert the reporting entity's resources from activities related to incident handling that should be prioritised. The initial notification should be followed, where relevant, by a detailed report no later than one month after the incident. The detailed report should complement the initial notification and provide a more complete overview of the incident***.
Recital 26				
36	(26) While critical entities generally operate as part of an increasingly interconnected network of service provision and infrastructures and often provide essential services in more than one Member State, some of those	(26) While critical entities generally operate as part of an increasingly interconnected network of service provision and infrastructures and often provide essential services in more than one Member State, some of those	(26) While critical entities generally operate as part of an increasingly interconnected network of service provision and infrastructures and often provide essential services in more than one Member State, some of those	(26) ***Technical meeting 1/09 Provisionally agreed*** While critical entities generally operate as part of an increasingly interconnected network of service provision and infrastructures and

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	entities are of particular significance for the Union because they provide essential services to a large number of Member States, and therefore require specific oversight at Union level. Rules on the specific oversight in respect of such critical entities of particular European significance should therefore be established. Those rules are without prejudice to the rules on supervision and enforcement set out in this Directive.	entities are of particular significance for the Union ***and the internal market*** because they provide essential services to ~~*a large number of*~~***several*** Member States, and therefore require specific oversight at Union level. Rules on the specific oversight in respect of such critical entities of particular European significance should therefore be established. Those rules are without prejudice to the rules on supervision and enforcement set out in this Directive.	entities are of particular significance for the Union because they provide essential services to ~~a large numbers~~ **or in more than one third** of Member States, and therefore ~~require~~**could benefit from** specific ~~oversight~~**support** at Union level. Rules on **advisory missions** ~~the specific oversight~~ in respect of such critical entities of particular European significance should therefore be established. Those rules are without prejudice to the rules on supervision and enforcement set out in this Directive.	often provide essential services in more than one Member State, some of those entities are of particular significance for the Union ***and its internal market*** because they provide essential services to ~~*a large number of*~~***or in six*** Member States~~,~~ ***or more of*** and therefore ~~*require*~~***could benefit from*** specific ~~*oversight*~~***support*** at Union level. Rules on ~~*the specific oversight*~~***advisory missions*** in respect of such critical entities of particular European significance should therefore be established. Those rules are without prejudice to the rules on supervision and enforcement set out in this Directive.
Recital 27				
37	(27) Where any Member State considers that additional information is necessary to be able to advise a critical entity in meeting its obligations under Chapter III or to assess the compliance of a critical entity of particular European significance with those obligations, in agreement with the Member State where the infrastructure of that	(27) Where any Member State considers that additional information is necessary to be able to advise a critical entity in meeting its obligations under Chapter III or to assess the compliance of a critical entity of particular European significance with those obligations, in agreement with the Member State where the infrastructure of that	(27) ~~Where any~~**Upon the reasoned request of one or more** Member ~~State considers that~~**States to or in which the essential service is provided or of the Commission, where** additional information is necessary to be able to advise a critical entity in meeting its obligations ~~under Chapter III~~ or to assess the compliance of a critical entity of	(27) ~~*Where any*~~***Technical meeting 1/09 Provisionally agreed*** ***Upon the reasoned request of one or more*** Member ~~*State considers that*~~***States to or in which the essential service is provided or the Commission, where*** additional information is necessary to be able to advise a critical entity in

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	entity is located, the Commission should organise an advisory mission to assess the measures put in place by that entity. In order to ensure that such advisory missions are carried out properly, complementary rules should be established, notably on their organisation and conduct, the follow-up to be given and the obligations for the critical entities of particular European significance concerned. The advisory missions should, without prejudice to the need for the Member State where the advisory mission is conducted and the entity concerned to comply with the rules of this Directive, be conducted subject to the detailed rules of the law of that Member State, for instance on the precise conditions to be fulfilled to obtain access to relevant premises or documents and on judicial redress. Specific expertise required for such missions could, where relevant, be requested through the Emergency Response Coordination Centre.	entity is located, the Commission should organise an advisory mission to assess the measures put in place by that entity. In order to ensure that such advisory missions are carried out properly, complementary rules should be established, notably on their organisation and conduct, the follow-up to be given and the obligations for the critical entities of particular European significance concerned. The advisory missions should, without prejudice to the need for the Member State where the advisory mission is conducted and the entity concerned to comply with the rules of this Directive, be conducted subject to the detailed rules of the law of that Member State, for instance on the precise conditions to be fulfilled to obtain access to relevant premises or documents and on judicial redress. Specific expertise required for such missions could, where relevant, be requested through the Emergency Response Coordination Centre.	particular European significance with those obligations, in agreement with the Member State where the ~~infrastructure of that~~ entity is located, the Commission should **be enabled to** organise an advisory mission to assess the measures put in place by that entity. In order to ensure that such advisory missions are carried out properly, complementary rules should be established, notably on their organisation and conduct, the follow-up to be given and the obligations for the critical entities of particular European significance concerned. The advisory missions should, without prejudice to the need for the Member State where the advisory mission is conducted and the entity concerned to comply with the rules of this Directive, be conducted subject to the detailed rules of the law of that Member State, for instance on the precise conditions to be fulfilled to obtain access to relevant premises or documents and on judicial redress. Specific expertise required for such missions could, where relevant, be requested through the Emergency Response Coordination Centre.	meeting its obligations under ~~*Chapter III*~~***this Directive*** or to assess the compliance of a critical entity of particular European significance with those obligations, ***the Member State that has identified a critical entity of particular European significance as critical entity shall provide the Commission with certain information.*** In agreement with the Member State ~~*where the infrastructure of that entity is located*~~***that identified the critical entity of European significance as critical entity***, the Commission should ***be able to*** organise an advisory mission to assess the measures put in place by that entity. In order to ensure that such advisory missions are carried out properly, complementary rules should be established, notably on their organisation and conduct, the follow-up to be given and the obligations for the critical entities of particular European significance concerned. The advisory missions should, without prejudice to the need for the Member State where the advisory mission is conducted and the entity concerned to comply

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				with the rules of this Directive, be conducted subject to the detailed rules of the law of that Member State, for instance on the precise conditions to be fulfilled to obtain access to relevant premises or documents and on judicial redress. Specific expertise required for such missions could, where relevant, be requested through the Emergency Response Coordination Centre.
Recital 27a				
G 37a		***(27a) Standardisation should remain primarily a market-driven process. However, there might still be situations where it is appropriate to require compliance with specified standards at Union level. The Commission and the Member States should support and promote the development and implementation of standards and specifications relevant to the resilience of critical entities as set by the European Standardisation Organisations for the undertaking of technical and organisational measures aimed at ensuring critical entities' resilience. Member States should also encourage the use of***		***(27a) Technical meeting 1/09 Provisionally agreed*** ***Standardisation should remain primarily a market-driven process. However, there might still be situations where it is appropriate to require compliance with specified standards. Member States should, where useful, encourage the use of European and internationally recognised standards and specifications relevant to resilience measures applicable to critical entities.*** G

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		internationally accepted standards and specifications relevant to resilience measures applicable to critical entities.		
Recital 28				
38	(28) In order to support the Commission and facilitate strategic cooperation and the exchange of information, including best practices, on issues relating to this Directive, a Critical Entities Resilience Group, which is a Commission expert group, should be established. Member States should endeavour to ensure effective and efficient cooperation of the designated representatives of their competent authorities in the Critical Entities Resilience Group. The group should begin to perform its tasks from six months after the entry into force of this Directive, so as to provide additional means for appropriate cooperation during the transposition period of this Directive.	(28) In order to support the Commission and facilitate strategic cooperation and the exchange of information, including best practices, on issues relating to this Directive, a Critical Entities Resilience Group, which is a Commission expert group, should be established. Member States should endeavour to ensure effective and efficient cooperation of the designated representatives of their competent authorities in the Critical Entities Resilience Group. The group should begin to perform its tasks from six months after the entry into force of this Directive, so as to provide additional means for appropriate cooperation during the transposition period of this Directive.	(28) In order to support the Commission and facilitate **cooperation among Member States** ~~strategic cooperation~~ and the exchange of information, including best practices, on issues relating to this Directive, a Critical Entities Resilience Group, ~~which is~~ **as** a Commission expert group, should be established. Member States should endeavour to ensure effective and efficient cooperation of the designated representatives of their competent authorities in the Critical Entities Resilience Group**, including by designating members holding the appropriate security clearance**. The group should begin to perform its tasks from six months after the entry into force of this Directive, so as to provide additional means for appropriate cooperation during the transposition period of this Directive. **The group should interact with relevant other**	(28) ***Technical meeting 1/09 Provisionally agreed*** In order to support the Commission and facilitate ~~*strategic cooperation and*~~***cooperation among Member Statesand*** the exchange of information, including best practices, on issues relating to this Directive, a Critical Entities Resilience Group~~*, which is*~~ ***as*** a Commission expert group, should be established. Member States should endeavour to ensure effective and efficient cooperation of the designated representatives of their competent authorities in the Critical Entities Resilience Group**,** ***including by designating representatives holding security clearance, where appropriate***. The group should begin to perform its tasks from six months after the entry into force of this Directive, so as to provide additional means for appropriate cooperation during

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			sector specific expert working groups.	the transposition period of this Directive. ***The group should interact with relevant other sector specific expert working groups.***
Recital 28a				
38a				***(28a) Technical meeting 1/09 Provisionally agreed*** ***The Critical Entities Resilience Group should cooperate with the Cooperation Group established under the [NIS 2 Directive] with a view to supporting a comprehensive framework for non-cyber and cyber resilience of critical entities. The Critical Entities Resilience Group and the Cooperation Group established under the [NIS 2 Directive] should engage in a regular dialogue to promote cooperation between the competent authorities designated under this Directive and the [NIS 2 Directive] and to facilitate the exchange of information notably on topics of relevance to both groups.***
Recital 29				
39				

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	(29) In order to achieve the objectives of this Directive, and without prejudice to the legal responsibility of Member States and critical entities to ensure compliance with their respective obligations set out therein, the Commission should, where it considers it appropriate, undertake certain supporting activities aimed at facilitating compliance with those obligations. When providing support to Member States and critical entities in the implementation of obligations under this Directive, the Commission should build on existing structures and tools, such as those under the Union Civil Protection mechanism and the European Reference Network for Critical Infrastructure Protection.	(29) In order to achieve the objectives of this Directive, and without prejudice to the legal responsibility of Member States and critical entities to ensure compliance with their respective obligations set out therein, the Commission should, where it considers it appropriate, undertake certain supporting activities aimed at facilitating compliance with those obligations. When providing support to Member States and critical entities in the implementation of obligations under this Directive, the Commission should build on existing structures and tools, such as those under the Union Civil Protection mechanism and the European Reference Network for Critical Infrastructure Protection.	(29) In order to achieve the objectives of this Directive, and without prejudice to the legal responsibility of Member States and critical entities to ensure compliance with their respective obligations set out therein, the Commission should, where it considers it appropriate, undertake certain supporting activities aimed at facilitating compliance with those obligations. When providing support to Member States and critical entities in the implementation of obligations under this Directive, the Commission should build on existing structures and tools, such as those under the Union Civil Protection mechanism and the European Reference Network for Critical Infrastructure Protection. **The financial resources for these supporting activities should be provided in line with the agreed allocations in the Multiannual Financial Framework and should be covered in particular from the available envelope foreseen under the Internal Security Fund for the period 2021-2027.**	(29) ***Technical meeting 1/09 Provisionally agreed*** In order to achieve the objectives of this Directive, and without prejudice to the legal responsibility of Member States and critical entities to ensure compliance with their respective obligations set out therein, the Commission should, where it considers it appropriate, undertake certain supporting activities aimed at facilitating compliance with those obligations. When providing support to Member States and critical entities in the implementation of obligations under this Directive, the Commission should build on existing structures and tools, such as those under the Union Civil Protection mechanism and the European Reference Network for Critical Infrastructure Protection. ***In addition, it should inform Member States about resources available at EU-level, such as within the Internal Security Fund, Horizon Europe or other instruments relevant for the resilience of critical entities.***
Recital 30				

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G 40	(30) Member States should ensure that their competent authorities have certain specific powers for the proper application and enforcement of this Directive in relation to critical entities, where those entities fall under their jurisdiction as specified in this Directive. Those powers should include, notably, the power to conduct inspections, supervision and audits, require critical entities to provide information and evidence relating to the measures they have taken to comply with their obligations and, where necessary, issue orders to remedy identified infringements. When issuing such orders, Member States should not require measures which go beyond what is necessary and proportionate to ensure compliance of the critical entity concerned, taking account of in particular the seriousness of the infringement and the economic capacity of the critical entity. More generally, those powers should be accompanied by appropriate and effective safeguards to be specified in national law, in accordance with the requirements resulting from Charter of Fundamental Rights of	(30) Member States should ensure that their competent authorities have certain specific powers for the proper application and enforcement of this Directive in relation to critical entities, where those entities fall under their jurisdiction as specified in this Directive. Those powers should include, notably, the power to conduct inspections, supervision and audits, require critical entities to provide information and evidence relating to the measures they have taken to comply with their obligations and, where necessary, issue orders to remedy identified infringements. When issuing such orders, Member States should not require measures which go beyond what is necessary and proportionate to ensure compliance of the critical entity concerned, taking account of in particular the seriousness of the infringement and the economic capacity of the critical entity. More generally, those powers should be accompanied by appropriate and effective safeguards to be specified in national law, in accordance with the requirements resulting from Charter of Fundamental Rights of	(30) Member States should ensure that their competent authorities have certain specific powers for the proper application and enforcement of this Directive in relation to critical entities, where those entities fall under their jurisdiction as specified in this Directive. Those powers should include, notably, the power to conduct inspections, supervision and audits, require critical entities to provide information and evidence relating to the measures they have taken to comply with their obligations and, where necessary, issue orders to remedy identified infringements. When issuing such orders, Member States should not require measures which go beyond what is necessary and proportionate to ensure compliance of the critical entity concerned, taking account of in particular the seriousness of the infringement and the economic capacity of the critical entity. More generally, those powers should be accompanied by appropriate and effective safeguards to be specified in national law, in accordance with the requirements resulting from Charter of Fundamental Rights of	(30) ***Technical meeting 1/09 Provisionally agreed*** Member States should ensure that their competent authorities have certain specific powers for the proper application and enforcement of this Directive in relation to critical entities, where those entities fall under their jurisdiction as specified in this Directive. Those powers should include, notably, the power to conduct inspections, supervision and audits, require critical entities to provide information and evidence relating to the measures they have taken to comply with their obligations and, where necessary, issue orders to remedy identified infringements. When issuing such orders, Member States should not require measures which go beyond what is necessary and proportionate to ensure compliance of the critical entity concerned, taking account of in particular the seriousness of the infringement and the economic capacity of the critical entity. More generally, those powers should be accompanied by appropriate and effective safeguards to be specified G

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	the European Union. When assessing the compliance of a critical entity with its obligations under this Directive, competent authorities designated under this Directive should be able to request the competent authorities designated under the NIS 2 Directive to assess the cybersecurity of those entities. Those competent authorities should cooperate and exchange information for that purpose.	the European Union. ***The assessment of critical entities under this Directive, in matters that fall under the scope of the NIS 2 Directive such as physical and non-physical cybersecurity, is the responsibility of the competent authorities designated under the NIS 2 Directive. Furthermore,*** when assessing the compliance of a critical entity with its obligations under this Directive, competent authorities designated under this Directive should be able to request the competent authorities designated under the NIS 2 Directive to assess the cybersecurity of those entities. Those competent authorities should cooperate and exchange information for that purpose.	the European Union. When assessing the compliance of a critical entity with its obligations under this Directive, competent authorities designated under this Directive should be able to request the competent authorities designated under the NIS 2 Directive to **exercise their supervisory and enforcement powers in relation to an essential entity under the scope of [NIS 2 Directive] that is also identified as critical under this Directive** ~~assess the cybersecurity of those entities~~. Those competent authorities should cooperate and exchange information for that purpose.	in national law, in accordance with the requirements resulting from Charter of Fundamental Rights of the European Union. When assessing the compliance of a critical entity with its obligations under this Directive, competent authorities designated under this Directive should be able to request the competent authorities designated under the NIS 2 Directive to ~~*assess the cybersecurity of those entities*~~***exercise their supervisory and enforcement powers in relation to an entity under the scope of [NIS 2 Directive] that is also identified as critical under this Directive***. Those competent authorities should cooperate and exchange information for that purpose.
Recital 31				
G 41	(31) In order to take into account new risks, technological developments or specificities of one or more of the sectors, the power to adopt acts in accordance with Article 290 Treaty on the Functioning of the European Union should be delegated to the	(31) In order to take into account new risks, technological developments or specificities of one or more of the sectors, the power to adopt acts in accordance with Article 290 Treaty on the Functioning of the European Union should be delegated to the	(31) ~~In order to take into account new risks, technological developments or specificities of one or more of the sectors, the power to adopt acts in accordance with Article 290 Treaty on the Functioning of the European Union should be delegated to the~~	(31) ***Technical meeting 1/09 Provisionally agreed*** In order to ~~*take into account new risks, technological developments or specificities of one or more of the sectors*~~***apply this Directive in an effective and consistent*** G

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	Commission to supplement the resilience measures critical entities are to take by further specifying some or all of those measures. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. _____ 1. OJ L 123, 12.5.2016, p. 1.	Commission to supplement the resilience measures critical entities are to take by further specifying some or all of those measures. ***In order to avoid the divergent application of this Directive and to improve the functioning of the internal market, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to supplement this Directive by drawing up a common list of essential services.*** It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert	~~Commission to supplement the resilience measures critical entities are to take by further specifying some or all of those measures. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.~~ _____ ~~1. OJ L 123, 12.5.2016, p. 1.~~	***manner***, the power to adopt acts in accordance with Article 290 ***of the*** Treaty on the Functioning of the European Union should be delegated to the Commission to supplement ***this Directive by drawing up a list of essential services. That list should be used by Member States' competent authorities for the purpose of conducting risk assessments pursuant to Article 4 and for the identification of*** ~~*the resilience measures*~~ critical entities ~~*are*~~***pursuant to Article 5. In light of the minimum harmonisation approach of this Directive, this list is non-exhaustive and Member States could complement it with additional essential services at national level in order*** to take ~~*by further specifying some or all of those measures*~~***into account national specificities in the provision of essential services***. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid

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		groups dealing with the preparation of delegated acts. _____ 1. OJ L 123, 12.5.2016, p. 1.		down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. _____ 1. OJ L 123, 12.5.2016, p. 1.
Recital 32				
G 42	(32) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[1]. _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of	(32) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[1]. _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of	(32) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[1]. _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of	(32) ***Technical meeting 1/09 Provisionally agreed*** In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[1]. _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of G

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	implementing powers (OJ L 55, 28.2.2011, p. 13).	implementing powers (OJ L 55, 28.2.2011, p. 13).	implementing powers (OJ L 55, 28.2.2011, p. 13).	16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).
Recital 33				
G 43	(33) Since the objectives of this Directive, namely to ensure the provision in the internal market of services essential for the maintenance of vital societal functions or economic activities and to enhance the resilience of critical entities providing such services, cannot be sufficiently achieved by the Member States, but can rather, by reason of the effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality as set out in that Article 5, this Directive does not go beyond what is necessary in order to achieve those objectives.	(33) Since the objectives of this Directive, namely to ensure the provision in the internal market of services essential for the maintenance of vital societal functions or economic activities and to enhance the resilience of critical entities providing such services, cannot be sufficiently achieved by the Member States, but can rather, by reason of the effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality as set out in that Article 5, this Directive does not go beyond what is necessary in order to achieve those objectives.	(33) Since the objectives of this Directive, namely to ensure the provision in the internal market of services essential for the maintenance of vital societal functions or economic activities and to enhance the resilience of critical entities providing such services,– cannot be sufficiently achieved by the Member States, but can rather, by reason of the effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality as set out in that Article 5, this Directive does not go beyond what is necessary in order to achieve those objectives.	(33) ***Technical meeting 1/09 Provisionally agreed*** Since the objectives of this Directive, namely to ensure the provision in the internal market of services essential for the maintenance of vital societal functions or economic activities and to enhance the resilience of critical entities providing such services,– cannot be sufficiently achieved by the Member States, but can rather, by reason of the effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality as set out in that Article 5, this Directive does not go beyond what is necessary in order to achieve those objectives. G

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Recital 33a				
43a				***(33a) Technical meeting 1/09 Provisionally agreed*** ***The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on 11 August 2021 [*].*** _____ ****. [OJ C 20, 21.1.2019, p. 1./…]]***
Recital 34				
44	(34) Directive 2008/114/EC should therefore be repealed,	(34) Directive 2008/114/EC should therefore be repealed,	(34) Directive 2008/114/EC should therefore be repealed,	(34) ***Technical meeting 1/09 Provisionally agreed*** Directive 2008/114/EC should therefore be repealed,
Formula				
45	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE: Text Origin: Commission Proposal

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Chapter I				
46	Chapter I Subject matter , Scope and definitions	Chapter I Subject matter , Scope and definitions	Chapter I Subject matter , Scope and definitions	Chapter I Subject matter , Scope and definitions Text Origin: Commission Proposal
Article 1				
47	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope Text Origin: Commission Proposal
Article 1(1), introductory part				
48	1. This Directive:	1. ***This Directive lays down measures with a view to achieving a high level of resilience of critical entities in order to ensure the provision of essential services within the Union and to improve the functioning of the internal market. To that end,*** this Directive:	1. This Directive:	1. ***Technical meeting 22/04 Provisionally agreed*** ***1.*** This Directive:
Article 1(1), point (a)				
49	(a) lays down obligations for	(a) lays down obligations for	(a) lays down obligations for	(a) ***Technical meeting 22/04***

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	Member States to take certain measures aimed at ensuring the provision in the internal market of services essential for the maintenance of vital societal functions or economic activities, in particular to identify critical entities and entities to be treated as equivalent in certain respects, and to enable them to meet their obligations;	Member States to take certain measures aimed at ensuring the ***continuous*** provision in the internal market of services essential for the maintenance of vital societal functions or economic activities, in particular to identify critical entities and entities to be treated as equivalent in certain respects, and to enable them to meet their obligations;	Member States to take ~~certain~~ **specific** measures aimed at ensuring the provision in the internal market of services essential for the maintenance of vital societal functions or economic activities, ~~in particular to identify critical entities and entities to be treated as equivalent in certain respects,~~ **within the scope of Article 114 TFEU, in particular to identify critical entities** and to ~~enable~~**support** them to meet their obligations;	***Provisionally agreed*** ***(a)*** lays down obligations for Member States to take ~~*certain*~~***specific*** measures aimed at ensuring the ***unobstructed*** provision in the internal market of services essential for the maintenance of vital societal functions or economic activities~~, *in particular to identify critical entities and entities to be treated as equivalent in certain respects,*~~ ***within the scope of Article 114 TFEU, in particular to identify critical entities*** and to ~~*enable*~~***support*** them to meet their obligations;
Article 1(1), point (b)				
50	(b) establishes obligations for critical entities aimed at enhancing their resilience and improving their ability to provide those services in the internal market;	(b) establishes obligations for critical entities aimed at enhancing their resilience and improving their ability to provide those services in the internal market;	(b) establishes obligations for critical entities aimed at enhancing their resilience and ~~improving their~~ ability to provide those services in the internal market;	(b) ***Technical meeting 22/04*** ***Provisionally agreed*** ***(b)*** establishes obligations for critical entities aimed at enhancing their resilience and ~~*improving their*~~ ability to provide those services in the internal market;
Article 1(1), point (c)				
51				

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	(c) establishes rules on supervision and enforcement of critical entities, and specific oversight of critical entities considered to be of particular European significance.	(c) establishes rules on supervision and enforcement of critical entities, and specific oversight of critical entities considered to be of particular European significance.	(c) establishes rules on supervision and enforcement ~~of critical entities, and specific oversight of critical entities considered to be of particular European significance.~~**;**	(c) ***Technical meeting 22/04 Provisionally agreed*** ***(c)*** establishes rules on supervision ~~*and enforcement*~~ of critical entities~~*, and specific oversight of critical entities considered to be of particular European significance.*~~ ***and enforcement;***
Article 1(1), point (d)				
G 51a			**(d) establishes rules for the identification of critical entities of particular European significance and advisory missions thereto.**	***(ca) Technical meeting 22/04 Provisionally agreed*** ***(d) establishes rules for the identification of critical entities of particular European significance and advisory missions thereto;*** G
Article 1(1), point (e)				
G 51b			**(e) establishes common procedures for cooperation and reporting for the application of the provisions of this Directive.**	***(cb) Technical meeting 22/04 Provisionally agreed*** ***(e) establishes common procedures for cooperation and reporting for the application of the provisions of this Directive;*** G
Article 1(1), point (cc)				

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51c				***(cc) Technical meeting 22/04 Provisionally agreed*** ***(f) lays down measures with a view to achieving a high level of resilience of critical entities in order to ensure the provision of essential services within the Union and to improve the functioning of the internal market.***
Article 1(2)				
52	2. This Directive shall not apply to matters covered by Directive (EU) XX/YY [proposed Directive on measures for a high common level of cybersecurity across the Union; ('NIS 2 Directive')], without prejudice to Article 7.	2. This Directive shall not apply to matters covered by Directive (EU) XX/YY [proposed Directive on measures for a high common level of cybersecurity across the Union; ('NIS 2 Directive')], without prejudice to Article 7. ***In view of the interlinkages between cybersecurity and the physical security of entities, Member States shall ensure a coherent implementation of this Directive and the NIS 2 Directive.***	2. This Directive shall not apply to matters covered by Directive (EU) XX/YY [proposed Directive on measures for a high common level of cybersecurity across the Union; ('NIS 2 Directive')], without prejudice to Article 7.	2. ***Technical meeting 21/06 Provisionally agreed*** ***2.*** This Directive shall not apply to matters covered by Directive (EU) XX/YY [proposed Directive on measures for a high common level of cybersecurity across the Union; ('NIS 2 Directive')], without prejudice to Article 7. ***In view of the relationship between cybersecurity and the physical security of critical entities, Member states shall ensure a coordinated implementation of this Directive and the NIS 2 Directive.***

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Article 1(3)				
G 53	3. Where provisions of sector-specific acts of Union law require critical entities to take measures as set out in Chapter III, and where those requirements are at least equivalent to the obligations laid down in this Directive, the relevant provisions of this Directive shall not apply, including the provisions on supervision and enforcement laid down in Chapter VI.	3. Where provisions of sector-specific acts of Union law require critical entities to take measures as set out in Chapter III, and where those requirements are at least equivalent to the obligations laid down in this Directive, the relevant provisions of this Directive shall not apply, including the provisions on supervision and enforcement laid down in Chapter VI.	3. Where provisions of sector-specific acts of Union law require critical entities to take measures ~~as set out in Chapter III~~, and where those requirements are **recognised as** at least equivalent to the obligations laid down in this Directive, the relevant provisions of this Directive shall not apply, including the provisions on supervision and enforcement laid down in Chapter VI.	3. ***Technical meeting 14/7 Provisionally agreed*** ***3.*** Where provisions of sector-specific acts of Union law require critical entities to take measures ~~*as set out in Chapter III*~~***to enhance their resilience***, and where those requirements are ***recognised by Member States as*** at least equivalent to the obligations laid down in this Directive, the relevant provisions of this Directive shall not apply, including the provisions on supervision and enforcement laid down in Chapter VI.
Article 1(4)				
G 54	4. Without prejudice to Article 346 TFEU, information that is confidential pursuant to Union and national rules, such as rules on business confidentiality, shall be exchanged with the Commission and other relevant authorities only where that exchange is necessary for the application of this Directive. The information exchanged shall be limited to that	4. Without prejudice to Article 346 TFEU, information that is confidential pursuant to Union and national rules, such as rules on business confidentiality, shall be exchanged with the Commission and other relevant authorities only where that exchange is necessary for the application of this Directive. The information exchanged shall be limited to that	4. Without prejudice to Article 346 TFEU, information that is confidential pursuant to Union and national rules, such as rules on business confidentiality, shall be exchanged with the Commission and other relevant authorities only where that exchange is necessary for the application of this Directive. The information exchanged shall be limited to that	4. ***Technical meeting 22/04 Provisionally agreed*** ***4.*** Without prejudice to Article 346 TFEU, information that is confidential pursuant to Union and national rules, such as rules on business confidentiality, shall be exchanged with the Commission and other relevant authorities only where that exchange is necessary

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	which is relevant and proportionate to the purpose of that exchange. The exchange of information shall preserve the confidentiality of that information and protect the security and commercial interests of critical entities.	which is relevant and proportionate to the purpose of that exchange. The exchange of information shall preserve the confidentiality of that information and protect the security and commercial interests of critical entities.	which is relevant and proportionate to the purpose of that exchange. The exchange of information shall preserve the confidentiality of that information and **respect the security of Member States as well as** ~~protect~~ the security and commercial interests of critical entities.	for the application of this Directive. The information exchanged shall be limited to that which is relevant and proportionate to the purpose of that exchange. The exchange of information shall preserve the confidentiality of that information and ~~*protect*~~ the security and commercial interests of critical entities***, while respecting the security of Member States***.
Article 1(5)				
G 54a			**5. This Directive is without prejudice to the Member States' responsibility to safeguard national security and defence or their power to safeguard other essential state functions, including ensuring the territorial integrity of the State and maintaining law and order.** **This Directive does not apply to:**	***4a. Political trilogue 28/06:*** ***This Directive is without prejudice to the Member States' responsibility to safeguard national security and defence or their power to safeguard other essential state functions, including ensuring the territorial integrity of the State and maintaining law and order.*** G
Article 1(5), point (a)				
G 54b			**(a) entities that fall outside the scope of Union law and, in any event, entities that mainly carry out activities in the areas of**	***(a) Political trilogue 28/06:*** ***(a) This Directive does not apply to public administration entities*** G

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			defence, national security, public security or law enforcement, regardless of which entity is carrying out those activities and whether it is a public entity or a private entity;	***that carry out their activities in the areas of defence, national security, public security or law enforcement, including the investigation, detection and prosecution of criminal offences.***
Article 1(5), point (b)				
G 54c			**(b) entities that carry out activities in the areas of the judiciary, parliaments, or central banks;**	***(b) Political trilogue 28/06:*** ***Deleted (moved to Annex)***
Article 1(5), point (c)				
G 54d			**(c) activities of entities which fall outside the scope of Union law and, in any event, all activities concerning national security or defence, regardless of which entity is carrying out those activities and whether it is a public entity or a private entity.**	***(c) Political trilogue 28/6:*** ***(b) Member States may decide that for specific critical entities which carry out activities in the areas of defence, national security, public security or law enforcement, including activities relating to the investigation, detection and prosecution of criminal offences, or which provide services exclusively to the public administration entities referred to in point a, the provisions laid down in Article 9a and in Chapters III to VI, in whole or in***

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				part, shall not apply.
Article 1(4b)				
G 54e			**The obligations laid down in this Directive do not entail the supply of information, the disclosure of which is contrary to the Member States' essential interests of national security, public security or defence.**	***4b. Political trilogue 28/6:*** ***The obligations laid down in this Directive do not entail the supply of information, the disclosure of which is contrary to the Member States' essential interests of national security, public security or defence.*** G
Article 1(4c)				
G 54f			**6. This Directive is without prejudice to Union law on the protection of personal data, in particular Regulation (EU) 2016/679[1] and Directive 2002/58/EC.[2]** **1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC; OJ L 119, 4.5.2016, p. 1** **2. Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of**	***4c. Technical meeting 22/04*** ***Provisionally agreed*** ***This Directive is without prejudice to Union law on the protection of personal data, in particular Regulation (EU) 2016/679[1] and Directive 2002/58/EC.[2]*** ***1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC; OJ L 119, 4.5.2016, p. 1*** G

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			personal data and the protection of privacy in the electronic communications sector; OJ L 201, 31.7.2002, p. 37	***2. Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector; OJ L 201, 31.7.2002, p. 37***
Article 2				
55	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions ***Technical trilogue 8/02*** ***Provisionally agreed***
Article 2, first paragraph, introductory part				
56	For the purposes of this Directive, the following definitions apply:	For the purposes of this Directive, the following definitions apply:	For the purposes of this Directive, the following definitions apply:	***Technical trilogue 8/02*** ***Provisionally agreed*** For the purposes of this Directive, the following definitions apply:
Article 2, first paragraph, point (1)				
57	(1) "critical entity" means a public or private entity of a type referred to in the Annex, which has been identified as such by a Member State in accordance with Article 5;	(1) "critical entity" means a public or private entity of a type referred to in the Annex, which has been identified as such by a Member State in accordance with Article 5;	(1) "critical entity" means a public or private entity **belonging to the categories** ~~of a type~~ referred to in the **third column of the table in the** Annex, ~~which~~**and** has been identified as such by a Member State in accordance with Article 5;	(1) ***Technical meeting 31/05*** ***Provisionally agreed*** ***(1)*** "critical entity" means a public or private entity ~~*of a type referred to in the Annex, which*~~***that*** has been identified ~~*as such*~~ by a Member

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				State in accordance with Article 5 ***as belonging to one of the categories referred to in the third column of the table in the Annex***;
Article 2, first paragraph, point (2)				
58	(2) "resilience" means the ability to prevent, resist, mitigate, absorb, accommodate to and recover from an incident that disrupts or has the potential to disrupt the operations of a critical entity;	(2) "resilience" means the ability to prevent, resist, mitigate, absorb, accommodate to and recover from an incident that disrupts or has the potential to disrupt the operations of a critical entity;	(2) "resilience" means ~~the~~ **a critical entity's** ability to prevent, **protect against, respond to,** resist, mitigate, absorb, accommodate ~~to~~ and recover from an incident ~~that disrupts or has the potential to disrupt the operations of a critical entity~~;	(2) ***"Technical meeting 31/05: Provisionally agreed*** ***(2) "***resilience***"*** means ~~***the***~~***a critical entity's*** ability to prevent, ***protect against, respond to,*** resist, mitigate, absorb, accommodate ~~*to*~~ and recover from an incident ~~*that disrupts or has the potential to disrupt the operations of a critical entity*~~;
Article 2, first paragraph, point (3)				
59	(3) "incident" means any event having the potential to disrupt, or that disrupts, the operations of the critical entity;	(3) "incident" means any event having the potential to disrupt, or that disrupts~~, the operations of the~~ ***the provision of an essential service by a*** critical entity;	(3) "incident" means any event having the potential to **significantly** disrupt, or that disrupts, the ~~operations of the critical entity~~ **provision of an essential service**;	(3) ***"Political trilogue 28/6:*** ***(3) "***incident***"*** means any event having the potential to ***significantly*** disrupt, or that disrupts, the ~~*operations of the critical entity*~~***provision of an essential service, including when it affects the national systems that safeguard the rule of law***;

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Article 2, first paragraph, point (4)				
60	(4) “infrastructure” means an asset, system or part thereof, which is necessary for the delivery of an essential service;	(4) "infrastructure" means ~~an asset, system or part~~***assets, including facilities, systems and equipment, or parts*** thereof, which ~~is~~***are*** necessary for the delivery of an essential service;	(4) "**critical** infrastructure" means an asset, **facility, equipment, network,** system or part thereof, which is necessary for the ~~delivery~~ **provision** of an essential service;	(4) ***"Technical meeting 31/05: Provisionally agreed*** ***(4) "critical*** infrastructure***""*** means an asset, ***a facility, equipment, a network, a*** system or part thereof, which is necessary for the ~~*delivery*~~***provision*** of an essential service;
Article 2, first paragraph, point (5)				
61	(5) “essential service” means a service which is essential for the maintenance of vital societal functions or economic activities;	(5) "essential service" means a service which is essential for the maintenance of vital societal functions***, economic activities, public health and safety, the environment or the rule of law*** ~~*or economic activities*~~;	(5) "essential service" means a service which is ~~essential~~ **indispensable** for the maintenance of vital societal functions or economic activities;	(5) ***"Political trilogue 28/6:*** ***(5) "***essential service***""*** means a service which is ~~*essential*~~***crucial*** for the maintenance of vital societal functions ~~*or*~~***,*** economic activities***, public health and safety or the environment***;
Article 2, first paragraph, point (6)				
62	(6) “risk” means any circumstance or event having a potential adverse effect on the resilience of critical entities;	(6) ~~"~~risk" means any circumstance or event having a potential adverse effect on the ~~*resilience of*~~***ability of a*** critical ~~*entities*~~***entity to provide an essential service***;	(6) ~~"risk" means any circumstance or event having a potential adverse effect on the resilience of critical entities;~~	(6) ***Technical meeting 31/05 Provisionally agreed*** ***(6)*** "risk" means ***the potential for loss or disruption caused by an incident and shall be expressed as***

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				a combination of the magnitude of such loss or disruption and the likelihood of occurrence of said incident ~~***any circumstance or event having a potential adverse effect on the resilience of critical entities***~~;
Article 2, first paragraph, point (7)				
G 63	(7) "risk assessment" means a methodology to determine the nature and extent of a risk by analysing potential threats and hazards and evaluating existing conditions of vulnerability that could disrupt the operations of the critical entity.	(7) "risk assessment" means a methodology to determine the nature and extent of a risk by ~~*analysing*~~***assessing*** potential threats and hazards ~~*and evaluating*~~***against the resilience of a critical entity, analysing*** existing conditions of vulnerability that could ~~*disrupt*~~***lead to the disruption of*** the operations of ~~*the*~~***a*** critical entity~~***.*~~ ***and evaluating the potential adverse effect the disruption of operations could have on the provision of essential services;***	(7) "risk assessment" means **the overall process undertaken by the national competent authorities pursuant to Article 4, or by the critical entities pursuant to Article 10, in order to determine the nature and extent of relevant threats, vulnerabilities and risks that could lead to an incident** ~~a methodology to determine the nature and extent of a risk by analysing potential threats and hazards and evaluating existing conditions of vulnerability that could disrupt the operations of the critical entity~~.	(7) ***Technical meeting 21/06 Provisionally agreed*** ***(7)*** "risk assessment~~***"***~~ means ~~*a methodology*~~***the overall process*** to determine the nature and extent of a risk by ***identifying and*** analysing potential ***relevant*** threats***, vulnerabilities*** and hazards ***that could lead to an incident*** and evaluating ~~*existing conditions of vulnerability that could disrupt the operations of the critical entity*~~***the potential loss or disruption of the provision of an essential service caused by the incident***.
Article 2, first paragraph, point (7)(a)				
G 63a		***(a) 'standard' means standard as defined in Article 2, point (1), of Regulation (EU) No 1025/2012 of***		***(a) Technical meeting 21/06 Provisionally agreed***

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		the European Parliament and of the Council[1]; ***1. Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12)***		***(a) 'standard' means standard as defined in Article 2, point (1), of Regulation (EU) No 1025/2012 of the European Parliament and of the Council[1];*** ***1. Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12).***
Article 2, first paragraph, point (7)(b)				
G 63b		***(b) 'technical specification' means technical specification as defined in Article 2 point (4), of Regulation (EU) No 1025/2012;***		***(b) Technical meeting 21/06 Provisionally agreed*** ***(b) 'technical specification' means technical specification as defined in Article 2 point (4), of Regulation (EU) No 1025/2012;*** G
Article 2, first paragraph, point (7)(c)				
G 63c				***(c) Political trilogue 28/6: add*** G

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				new point 7(c) in Art 2: ***'public administration entity' means an entity recognised as such in a Member State in accordance with national law, that complies with the following criteria:*** ***a) it is established for the purpose of meeting needs in the general interest and does not have an industrial or commercial character;*** ***b) it has legal personality or it is entitled by law to act on behalf of another entity with legal personality;*** ***c) it is financed, for the most part, by the State or by other central-level bodies governed by public law; or it is subject to management supervision by those authorities or bodies; or it has an administrative, managerial or supervisory board, more than half of whose members are appointed by the State or by other central-level bodies governed by public law;*** ***d) it has the power to address to natural or legal persons administrative or regulatory decisions affecting their rights in***

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				the cross-border movement of persons, goods, services or capital.
Article 2a				
63d			**Article 2a** **Minimum harmonisation**	***Article 2a*** ***Minimum harmonisation*** ***Technical meeting 21/06*** ***Provisionally agreed***
Article 2a, first paragraph				
63e			**Without prejudice to their obligations under Union law, Member States may adopt or maintain provisions of national law with a view to achieving a higher level of resilience of critical entities.**	***Technical meeting 21/06*** ***Provisionally agreed*** ***Without prejudice to their obligations under Union law, Member States may adopt or maintain provisions of national law with a view to achieving a higher level of resilience of critical entities.***
Chapter II				
64	Chapter II National Frameworks on the Resilience of Critical Entities	Chapter II National Frameworks on the Resilience of Critical Entities	Chapter II National Frameworks on the Resilience of Critical Entities	Chapter II National Frameworks on the Resilience of Critical Entities ***Technical trilogue 8/02***

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				Provisionally agreed
Article 3				
65	Article 3 Strategy on the resilience of critical entities	Article 3 Strategy on the resilience of critical entities	Article 3 Strategy on the resilience of critical entities	Article 3 Strategy on the resilience of critical entities ***Technical trilogue 8/02*** ***Provisionally agreed***
Article 3(1)				
66	1. Each Member State shall adopt by [three years after entry into force of this Directive] a strategy for reinforcing the resilience of critical entities. This strategy shall set out strategic objectives and policy measures with a view to achieving and maintaining a high level of resilience on the part of those critical entities and covering at least the sectors referred to in the Annex.	1. ***Following a consultation open to all affected stakeholders,*** each Member State shall adopt by [three years after entry into force of this Directive] a strategy for reinforcing the resilience of critical entities. This strategy shall ***take into account the Union strategy on resilience prepared by the Critical Entities Resilience Group, referred to in Article 16, and*** set out strategic objectives and policy measures with a view to achieving and maintaining a high level of resilience on the part of those critical entities and covering at least the sectors referred to in the Annex.	1. Each Member State shall adopt by [three years after entry into force of this Directive] a strategy for ~~reinforcing~~ **enhancing** the resilience of critical entities. This strategy shall set out strategic objectives and policy measures**, building upon relevant existing national and sectoral strategies or documents,** with a view to achieving and maintaining a high level of resilience on the part of those critical entities and covering at least the sectors referred to in the Annex.	1. ***Technical meeting 31/05*** ***Provisionally agreed*** ***1. Following a consultation that is, to the extent practically possible, open to relevant stakeholders,*** each Member State shall adopt by [three years after entry into force of this Directive] a strategy for ~~*reinforcing*~~***enhancing*** the resilience of critical entities. This strategy shall set out strategic objectives and policy measures**,** ***building upon relevant existing national and sectoral strategies or documents,*** with a view to achieving and maintaining a high level of resilience on the part of those critical entities and covering

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				at least the sectors referred to in the Annex.
Article 3(2), introductory part				
67	2. The strategy shall contain at least the following elements:	2. The strategy shall contain at least the following elements:	2. The strategy shall contain at least the following elements:	2. ***Technical trilogue 18/02 Provisionally agreed*** ***2.*** The strategy shall contain at least the following elements:
Article 3(2), point (a)				
68	(a) strategic objectives and priorities for the purposes of enhancing the overall resilience of critical entities taking into account cross-border and cross-sectoral interdependencies;	(a) strategic objectives and priorities for the purposes of enhancing the overall resilience of critical entities taking into account cross-border and cross-sectoral interdependencies;	(a) strategic objectives and priorities for the purposes of enhancing the overall resilience of critical entities taking into account cross-border and cross-sectoral **dependencies and** interdependencies;	(a) ***Technical trilogue 18/02 Provisionally agreed*** ***(a)*** strategic objectives and priorities for the purposes of enhancing the overall resilience of critical entities taking into account cross-border and cross-sectoral ***dependencies and*** interdependencies;
Article 3(2), point (b)				
69	(b) a governance framework to achieve the strategic objectives and priorities, including a description of the roles and responsibilities of the different authorities, critical	(b) a governance framework to achieve the strategic objectives and priorities, including a description of the roles and responsibilities of the different authorities, critical	(b) a governance framework to achieve the strategic objectives and priorities, including a description of the roles and responsibilities of the different authorities, critical	(b) ***Technical trilogue 18/02 Provisionally agreed*** ***(b)*** a governance framework to achieve the strategic objectives and

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	entities and other parties involved in the implementation of the strategy;	entities and other parties involved in the implementation of the strategy;	entities and other parties involved in the implementation of the strategy;	priorities, including a description of the roles and responsibilities of the different authorities, critical entities and other parties involved in the implementation of the strategy;
Article 3(2), point (c)				
70	(c) a description of measures necessary to enhance the overall resilience of critical entities, including a national risk assessment, the identification of critical entities and of entities equivalent to critical entities, and the measures to support critical entities taken in accordance with this Chapter;	(c) a description of measures necessary to enhance the overall resilience of critical entities, including a national risk assessment ***as referred to in Article 4***, the identification of critical entities and of entities equivalent to critical entities, and the measures to support critical entities taken in accordance with this Chapter, ***including measures to enhance cooperation between the public sector and the private sector and public and private entities***;	(c) a description of measures necessary to enhance the overall resilience of critical entities, including a **description of a** national risk assessment, the identification ~~of critical entities and of entities equivalent to~~ **process of** critical entities **s**, and the measures to support critical entities taken in accordance with this Chapter;	(c) ***Technical meeting 31/05 Provisionally agreed*** ***(c)*** a description of measures necessary to enhance the overall resilience of critical entities, including a ~~*national risk assessment, the identification of critical entities and of entities equivalent to critical entities, and the measures to support critical entities taken in accordance with this Chapter*~~***description of the national risk assessment as referred to in Article 4***;
Article 3(2), point (ca)				
70a				***(ca) Technical meeting 31/05 Provisionally agreed*** ***(ca) a description of the process by which critical entities are***

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				identified;
Article 3(2), point (cb)				
70b				***(cb) Technical meeting 31/05 Provisionally agreed*** ***(cb) a description of the process supporting critical entities in accordance with this Chapter, including measures to enhance cooperation between the public sector, on the one hand, and the private sector and public and private entities on the other hand;***
Article 3(2), point (ca)				
70c		***(ca) a list of all authorities and stakeholders involved in the implementation of the strategy;***		***(cc) Technical meeting 31/05 Provisionally agreed*** ***(cc) a list of the main authorities and relevant stakeholders, other than critical entities, involved in the implementation of the strategy;***
Article 3(2), point (d)				
71	(d) a policy framework for enhanced coordination between the	(d) a policy framework for enhanced coordination between the	(d) a policy framework for ~~enhanced~~ coordination between	(d) ***Technical trilogue on 8/02 Provisionally agreed***

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	competent authorities designated pursuant to Article 8 of this Directive and pursuant to [the NIS 2 Directive] for the purposes of information sharing on incidents and cyber threats and the exercise of supervisory tasks.	competent authorities designated pursuant to Article 8 of this Directive and pursuant to [the NIS 2 Directive] for the purposes of information sharing on incidents and cyber threats and the exercise of supervisory tasks.	the competent authorities designated pursuant to Article 8 of this Directive and pursuant to [the NIS 2 Directive] for the purposes of information sharing on **cybersecurity risks, cyber threats and** incidents and ~~cyber~~**non-cyber risks,** threats **and incidents** and the exercise of supervisory tasks.	***(d)*** a policy framework for ~~*enhanced*~~ coordination between the competent authorities designated pursuant to Article 8 of this Directive and pursuant to [the NIS 2 Directive] for the purposes of information sharing on ***cybersecurity risks, cyber threats and*** incidents and ~~*cyber*~~***non-cyber risks,*** threats ***and incidents*** and the exercise of supervisory tasks.
Article 3(2), point (da)				
G 71a		***(da) a policy framework addressing the specific needs and characteristics of small and medium-sized enterprises identified as critical entities to improve their resilience;***		***(da) Technical meeting 6/05 Provisionally agreed*** ***(da) a description of measures already in place aimed to facilitate the implementation of obligations pursuant to chapter III by small and medium-sized enterprises within the meaning of the Annex to Commission Recommendation 2003/361/EC[1] that Member States identified as critical entities.*** _____ ***1. [Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).]*** G

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Article 3(2), point (db)				
71b		***(db) the relevant aspects of the national cybersecurity strategy provided for in the NIS 2 Directive and any other sectoral national strategy with a view to achieving coordination, complementarity and synergies.***		***(db) Technical meeting 21/06*** ***Provisionally agreed to delete this amendment as it is already covered.***
Article 3(2), first paragraph				
72	The strategy shall be updated where necessary and at least every four years.	***Following a consultation open to all affected stakeholders,*** the strategy shall be updated ~~*where necessary and*~~ at least every four years.	The strategy shall be updated ~~where~~ **when** necessary and at least every four years.	***Technical meeting 31/05*** ***Provisionally agreed*** ***Following a consultation that is, to the extent practically possible, open to relevant stakeholders,*** the strategy shall be updated ~~*where necessary and*~~ at least every four years.
Article 3(3)				
73	3. Member States shall communicate their strategies, and any updates of their strategies, to the Commission within three months from their adoption.	3. Member States shall communicate their strategies, and any updates of their strategies, to the Commission within three months from their adoption.	3. Member States shall communicate **the relevant aspects of** their strategies, **including of elements referred to in paragraph 2,** and any updates ~~of their strategies~~**thereof** , to the	3. ***Technical meeting 14/7*** ***Provisionally agreed*** Member States shall communicate their strategies, and ~~*any*~~***substantial*** updates of their strategies, to the

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			Commission within three months from their adoption.	Commission within three months from their adoption.
Article 4				
74	Article 4 Risk assessment by Member States	Article 4 Risk assessment by Member States	Article 4 Risk assessment by Member States	Article 4 Risk assessment by Member States Text Origin: Commission Proposal
Article 4(1), introductory part				
75	1. Competent authorities designated pursuant to Article 8 shall establish a list of essential services in the sectors referred to in the Annex. They shall carry out by [three years after entry into force of this Directive], and subsequently where necessary, and at least every four years, an assessment of all relevant risks that may affect the provision of those essential services, with a view to identifying critical entities in accordance with Article 5(1), and assisting those critical entities to take measures pursuant to Article 11.	1. ~~*Competent authorities designated pursuant to*~~ ***The Commission is empowered to adopt a delegated act in accordance with*** Article ~~*8 shall establish*~~***21 to supplement this Directive by establishing*** a list of essential services in the sectors ***and subsectors*** referred to in the Annex. ~~*They*~~***The Commission shall adopt the delegated act no later than... [six months after the date of entry into force of this Directive]. Competent authorities designated pursuant to Article 8*** shall carry out by [three years after entry into force of this Directive], and subsequently where necessary, and at least every four years, an	1. Competent authorities designated pursuant to Article 8 shall establish a list of essential services in the sectors referred to in the Annex. They shall carry out by [three years after entry into force of this Directive], and subsequently where necessary, and at least every four years, **a risk** ~~an~~ assessment ~~of all relevant risks that may affect the provision of those essential services,~~ with a view to identifying critical entities in accordance with Article ~~5(1),~~**5** and assisting those critical entities to take measures pursuant to Article 11.	1. ~~*Competent authorities designated pursuant to*~~ ***Political trilogue 28/6:*** ***1. The Commission shall be empowered to adopt a delegated act by [10 months from the date of entry into force of this Directive], in accordance with*** Article ~~*8 shall establish a*~~***21 to supplement this Directive by establishing a non-exhaustive*** list of essential services in the sectors ***and subsectors*** referred to in the Annex. ***Competent authorities designated pursuant to Article 8*** ~~*They*~~ shall ~~*carry out*~~ ***use this list of essential services for the purpose of carrying out a risk assessment*** by

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		assessment of all relevant risks that may affect the provision of ~~those~~***the*** essential services ***listed in the delegated act***, with a view to identifying critical entities in accordance with Article 5(1), and assisting those critical entities to take measures pursuant to Article 11.		[three years after entry into force of this Directive], and subsequently where necessary, and at least every four years~~, an assessment of all relevant risks that may affect the provision of those essential services, with a view to~~***. Competent authorities shall use this risk assessment for*** identifying critical entities in accordance with Article ~~5(1),~~***5*** and assisting those critical entities to take measures pursuant to Article 11.
Article 4(1), first paragraph				
G 76	The risk assessment shall account for all relevant natural and man-made risks, including accidents, natural disasters, public health emergencies, antagonistic threats, including terrorist offences pursuant to Directive (EU) 2017/541 of the European Parliament and of the Council[1]. _____ 1. Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).	The risk assessment shall account for all relevant natural and man-made risks, including ***those of a cross-sectoral or cross-border nature,*** accidents, natural disasters, public health emergencies, antagonistic threats, including terrorist offences pursuant to Directive (EU) 2017/541 of the European Parliament and of the Council[1]. _____ 1. Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88,	The risk assessment shall account for ~~all~~ relevant natural and man-made risks, including accidents, natural disasters, public health emergencies, **hybrid threats or other** antagonistic threats, including terrorist offences pursuant to Directive (EU) 2017/541 of the European Parliament and of the Council[1]. _____ 1. Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).	***Technical meeting 31/05 Provisionally agreed*** The risk assessment shall account for ~~all~~***the*** relevant natural and man-made risks, including ***those of a cross-sectoral or cross-border nature,*** accidents, natural disasters, public health emergencies, ***hybrid threats or other*** antagonistic threats, including terrorist offences pursuant to Directive (EU) 2017/541 of the European Parliament and of the Council[1]. _____ 1. Directive (EU) 2017/541 of the European Parliament and of the Council of G

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		31.3.2017, p. 6).		15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).
Article 4(2), introductory part				
77	2. In carrying out the risk assessment, Member States shall take into account as a minimum:	2. In carrying out the risk assessment, Member States shall take into account as a minimum:	2. In carrying out the risk assessment, Member States shall take into account **at least the following** ~~as a minimum~~:	2. ***Technical meeting 1/03 Provisionally agreed*** ***2.*** In carrying out the risk assessment, Member States shall take into account ~~***as a minimum***~~***at least the following***:
Article 4(2), point (a)				
78	(a) the general risk assessment carried out pursuant to Article 6(1) of Decision No 1313/2013/EU of the European Parliament and of the Council[1]; _____ 1. Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ L 347, 20.12.2013, p. 924).	(a) the general risk assessment carried out pursuant to Article 6(1) of Decision No 1313/2013/EU of the European Parliament and of the Council[1]; _____ 1. Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ L 347, 20.12.2013, p. 924).	(a) the general risk assessment carried out pursuant to Article 6(1) of Decision No 1313/2013/EU of the European Parliament and of the Council[1]; _____ 1. Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ L 347, 20.12.2013, p. 924).	(a) ***Technical meeting 1/03 Provisionally agreed*** ***(a)*** the general risk assessment carried out pursuant to Article 6(1) of Decision No 1313/2013/EU of the European Parliament and of the Council[1]; _____ 1. Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ L 347, 20.12.2013, p. 924).

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Article 4(2), point (b)				
79	(b) other relevant risk assessments, carried out in accordance with the requirements of the relevant sector-specific acts of Union law, including Regulation (EU) 2019/941 of the European Parliament and of the Council[1] and Regulation (EU) 2017/1938 of the European Parliament and of the Council[2]; _____ 1. Regulation (EU) 2019/941 of the European Parliament and of the Council of 5 June 2019 on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC (OJ L 158, 14.6.2019, p. 1). 2. Regulation (EU) 2017/1938 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010 (OJ L 280, 28.10.2017, p. 1).	(b) other relevant risk assessments, carried out in accordance with the requirements of the relevant sector-specific acts of Union law, including Regulation (EU) 2019/941 of the European Parliament and of the Council[1] and Regulation (EU) 2017/1938 of the European Parliament and of the Council[2]; _____ 1. Regulation (EU) 2019/941 of the European Parliament and of the Council of 5 June 2019 on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC (OJ L 158, 14.6.2019, p. 1). 2. Regulation (EU) 2017/1938 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010 (OJ L 280, 28.10.2017, p. 1).	(b) other relevant risk assessments, carried out in accordance with the requirements of the relevant sector-specific acts of Union law, including Regulation (EU) 2019/941 of the European Parliament and of the Council[1] ~~and~~ **,** Regulation (EU) 2017/1938 of the European Parliament and of the Council[2]**, Directive 2012/18/EU of the European Parliament and of the Council[3] and Directive 2007/60/EC of the European Parliament and of the Council[4]**; _____ 1. Regulation (EU) 2019/941 of the European Parliament and of the Council of 5 June 2019 on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC (OJ L 158, 14.6.2019, p. 1). 2. Regulation (EU) 2017/1938 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010 (OJ L 280, 28.10.2017, p. 1). **3. Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (OJ L 197, 24.7.2012, p. 1).** **4. Directive 2007/60/EC of the European Parliament and of the Council of 23**	(b) ***Technical meeting 1/03 Provisionally agreed*** ***(b)*** other relevant risk assessments, carried out in accordance with the requirements of the relevant sector-specific acts of Union law, including Regulation (EU) 2019/941 of the European Parliament and of the Council[1] ~~*and*~~ ***,*** Regulation (EU) 2017/1938 of the European Parliament and of the Council[2]***, Directive 2012/18/EU of the European Parliament and of the Council[3] and Directive 2007/60/EC of the European Parliament and of the Council[4]***; _____ 1. Regulation (EU) 2019/941 of the European Parliament and of the Council of 5 June 2019 on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC (OJ L 158, 14.6.2019, p. 1). 2. Regulation (EU) 2017/1938 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010 (OJ L 280, 28.10.2017, p. 1). ***3. Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing***

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			October 2007 on the assessment and management of flood risks (OJ L 288, 6.11.2007, p. 27).	***Council Directive 96/82/EC (OJ L 197, 24.7.2012, p. 1).*** ***4. Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks (OJ L 288, 6.11.2007, p. 27).***
Article 4(2), point (c)				
80	(c) any risks arising from the dependencies between the sectors referred to in the Annex, including from other Member States and third countries, and the impact that a disruption in one sector may have on other sectors;	(c) any risks arising from the dependencies between the sectors referred to in the Annex, including from other Member States and third countries, and the impact that a disruption in one sector may have on other sectors***, including any risks to citizens and the internal market***;	(c) any **relevant** risks arising from the dependencies between the sectors referred to in the Annex, including ~~from~~**dependencies on entities located within** other Member States and third countries, and the impact that a **significant** disruption in one sector may have on other sectors;	(c) ~~*any*~~***Technical meeting 31/05 Provisionally agreed*** ***(c) The relevant*** risks arising from the dependencies between the sectors referred to in the Annex, including from ***dependencies on entities located within*** other Member States and third countries, and the impact that a ***significant*** disruption in one sector may have on other sectors***, including any significant risks to citizens and the internal market***;
Article 4(2), point (d)				
81	(d) any information on incidents notified in accordance with Article 13.	(d) any information on incidents notified in accordance with Article 13.	(d) any **relevant** information on incidents notified in accordance with Article 13.	(d) ***Technical meeting 1/03 Provisionally agreed*** ***(d)*** any information on incidents notified in accordance with Article 13.

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Article 4(2), first paragraph				
82	For the purposes of point (c) of the first subparagraph, Member States shall cooperate with the competent authorities of other Member States and third countries, as appropriate.	For the purposes of point (c) of the first subparagraph, Member States shall cooperate with the competent authorities of other Member States and third countries, as appropriate.	For the purposes of point (c) of the first subparagraph, Member States shall cooperate with the competent authorities of other Member States and third countries, as appropriate.	***Technical meeting 1/03*** ***Provisionally agreed*** For the purposes of point (c) of the first subparagraph, Member States shall cooperate with the competent authorities of other Member States and third countries, as appropriate.
Article 4(3)				
83	3. Member States shall make the relevant elements of the risk assessment referred to in paragraph 1 available to the critical entities that they identified in accordance with Article 5 in order to assist those critical entities in carrying out their risk assessment, pursuant to Article 10, and in taking measures to ensure their resilience pursuant to Article 11.	3. Member States shall make the relevant elements of the risk assessment referred to in paragraph 1 available***, through their single point of contact referred to in Article 8(2),*** to the critical entities that they identified in accordance with Article 5 in order to assist those critical entities in carrying out their risk assessment, pursuant to Article 10, and in taking measures to ensure their resilience pursuant to Article 11.	3. Member States shall make the relevant elements of the risk assessment referred to in paragraph 1 available to the critical entities that they identified in accordance with Article 5**. The information provided to** ~~in order to assist those~~ critical entities **shall assist them** in carrying out their risk assessment, pursuant to Article 10, and in taking measures to ensure their resilience pursuant to Article 11.	3. ***Technical meeting 1/03*** ***Provisionally agreed*** ***3.*** Member States shall make the relevant elements of the risk assessment referred to in paragraph 1 available***, where relevant through their single points of contact,*** to the critical entities that they identified in accordance with Article 5 ~~*in order to assist those*~~***. The information provided to*** critical entities ***shall assist them*** in carrying out their risk assessment, pursuant to Article 10, and in taking measures to ensure their resilience pursuant to Article 11.

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Article 4(4)				
84	4. Each Member State shall provide the Commission with data on the types of risks identified and the outcomes of the risk assessments, per sector and sub-sector referred to in the Annex, by [three years after entry into force of this Directive] and subsequently where necessary and at least every four years.	4. Each Member State shall provide the Commission with data on the types of risks identified and the outcomes of the risk assessments, per sector and sub-sector referred to in the Annex, by [three years after entry into force of this Directive] and subsequently where necessary and at least every four years.	4. Each Member State shall provide the Commission with ~~data on~~ the types of risks identified and the **summarised** outcomes of the risk assessments, ~~per sector and sub-sector referred to in the Annex~~ , ~~by~~ **within** [three ~~years~~**months** after ~~entry into force of this Directive~~**carrying out the risk assessment**] and subsequently where necessary and at least every four years.	4. ***Technical meeting 24/06 Provisionally agreed*** ***4.*** Each Member State shall provide the Commission with ~~*data*~~***relevant information*** on the types of risks identified and the outcomes of the risk assessments, per sector and sub-sector referred to in the Annex, ~~*by [three years*~~***within 3 months*** after ~~*entry into force of this Directive]*~~***carrying out the risk assessment*** and subsequently where necessary and at least every four years.
Article 4(5)				
85	5. The Commission may, in cooperation with the Member States, develop a voluntary common reporting template for the purposes of complying with paragraph 4.	5. The Commission ~~*may*~~***shall***, in cooperation with the Member States, develop a voluntary common reporting template for the purposes of complying with paragraph 4.	5. The Commission ~~may~~ **shall**, in cooperation with the Member States, develop a voluntary common reporting template for the purposes of complying with paragraph 4.	5. ***Technical meeting 1/03 Provisionally agreed*** ***5.*** The Commission ~~*may*~~***shall***, in cooperation with the Member States, develop a voluntary common reporting template for the purposes of complying with paragraph 4.
Article 5				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
86	Article 5 Identification of critical entities	Article 5 Identification of critical entities	Article 5 Identification of critical entities	Article 5 Identification of critical entities Text Origin: Commission Proposal
Article 5(1)				
87	1. By [three years and three months after entry into force of this Directive] Member States shall identify for each sector and subsector referred to in the Annex, other than points 3, 4 and 8 thereof, the critical entities.	1. By [three years and three months after entry into force of this Directive] Member States shall identify for each sector and subsector referred to in the Annex, other than points 3, 4 and 8 thereof, the critical entities.	1. By [~~three~~**four** years ~~and three months~~ after entry into force of this Directive] Member States shall identify for ~~each sector and subsector~~ **sectors and subsectors** referred to in the Annex, ~~other than points 3, 4 and 8 thereof,~~ the critical entities.	1. ***Technical meeting 24/06*** ***Provisional agreement*** ***1. By [3~~By [three~~*** years and ***~~three~~6*** months after entry into force of this Directive] Member States shall identify ***the critical entities for the sectors and subsectors~~for each sector and subsector~~*** referred to in the Annex***~~, other than points 3, 4 and 8 thereof, the critical entities~~***.
Article 5(2), introductory part				
88	2. When identifying critical entities pursuant to paragraph 1, Member States shall take into account the outcomes of the risk assessment pursuant to Article 4 and apply the following criteria:	2. When identifying critical entities pursuant to paragraph 1, Member States shall take into account the outcomes of the risk assessment pursuant to Article 4 and ***the strategy on the resilience of critical entities referred to in Article 3 and shall*** apply the following criteria:	2. When identifying critical entities pursuant to paragraph 1, Member States shall take into account the outcomes of the risk assessment pursuant to Article 4 and apply ~~the~~ **all** following criteria:	2. ***Technical meeting 1/03*** ***Provisional agreement*** ***2.*** When identifying critical entities pursuant to paragraph 1, Member States shall take into account the outcomes of the risk assessment pursuant to Article 4 and ***the strategy on the resilience of***

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				critical entities referred to in Article 3 and shall apply ~~***the***~~***all*** following criteria:
Article 5(2), point (a)				
89	(a) the entity provides one or more essential services;	(a) the entity provides one or more essential services;	(a) the entity provides one or more essential services;	(a) ***Technical meeting 1/03 Provisional agreement*** ***(a)*** the entity provides one or more essential services;
Article 5(2), point (b)				
90	(b) (the provision of that service depends on infrastructure located in the Member State; and	(b) ~~(~~the provision of that ***essential*** service depends on infrastructure located in the Member State; and	(b) ~~(the provision of that service depends on infrastructure located in~~ **the entity and its critical infrastructure are located on the territory of** the Member State **performing the identification**; and	(b) ~~***(the provision of that service depends on***~~***Technical meeting 21/06 Provisionally agreed*** ***(b) The entity operates on the territory of the Member State performing the identification and its critical*** infrastructure ***is*** located ~~***in the***~~***on the territory of this*** Member State; and
Article 5(2), point (c)				
91	(c) an incident would have significant disruptive effects on the provision of the service or of other	(c) an incident would have significant disruptive effects on the provision of the ***essential*** service	(c) an incident would have significant disruptive effects on the provision of **these essential**	(c) ***Technical meetings 6/05 and 31/05 Provisional agreement***

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	essential services in the sectors referred to in the Annex that depend on the service.	or of other essential services in the sectors referred to in the Annex that depend on the service.	**services** ~~the service~~ or of other essential services in the sectors referred to in the Annex ~~that depend on the service~~ **pursuant to Article 6(1)**.	***(c)*** An incident would have significant disruptive effects***, as determined in accordance with Article 6(1),*** on the provision of ~~*the service or of other*~~ ***one or more of these*** essential services in the sectors referred to in the Annex that depend on the service.
Article 5(3), introductory part				
92	3. Each Member State shall establish a list of the critical entities identified and ensure that those critical entities are notified of their identification as critical entities within one month of that identification, informing them of their obligations pursuant to Chapters II and III and the date from which the provisions of those Chapters apply to them.	3. Each Member State shall establish a list of the critical entities identified and ensure that those critical entities are notified of their identification as critical entities within one month of that identification, informing them of their obligations pursuant to Chapters II and III and the date from which the provisions of those Chapters apply to them.	3. Each Member State shall establish a list of the critical entities identified and ensure that those critical entities are notified of their identification as critical entities within one month of that identification~~, informing them~~**. Member States shall inform those critical entities** of their obligations pursuant to Chapters ~~II and III~~**III and IV** and the date from which ~~the~~ **these** provisions **apply to them, without prejudice to Article 7** ~~of those Chapters apply to them~~.	3. ***Technical meeting 21/06 Provisional agreement*** ***3.*** Each Member State shall establish a list of the critical entities identified and ensure that those critical entities are notified of their identification as critical entities within one month of that identification~~*, informing them.*~~ ***Member States shall inform those critical entities*** of their obligations pursuant to Chapters ~~*II and III*~~***III and IV*** and the date from which ~~*the*~~***these*** provisions ***apply to them, without prejudice to Article 7. Member States shall inform critical entities in the sectors referred to in points 3, 4 and 8 of the Annex that they have no obligations pursuant to Chapters***

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				III and IV, unless national provisions provide otherwise~~of those Chapters apply to them~~.
Article 5(3), first paragraph				
93	For the critical entities concerned, the provisions of this Chapter shall apply from the date of the notification and the provisions of Chapter III shall apply from six months after that date.	For the critical entities concerned, the provisions of this Chapter shall apply from the date of the notification and the provisions of Chapter III shall apply from six months after that date.	For the critical entities concerned, the provisions of **Chapters III and IV** ~~this Chapter~~ shall apply from **twelve months after that date, except for** ~~the date of the notification and~~ the provisions of ~~Chapter III~~**Article 14(2)(a) which** shall apply from ~~six months after that date~~**the date of the notification**.	***Technical meeting 24/06 Provisional agreement*** For the critical entities concerned, the provisions of ~~*this Chapter*~~***Chapter III*** shall apply from ***10 months after*** the date of the notification ~~*and the provisions of Chapter III shall apply from six months after that date*~~***referred to in the first sentence***.
Article 5(4)				
94	4. Member States shall ensure that their competent authorities designated pursuant to Article 8 of this Directive notify the competent authorities that the Member States designated in accordance with Article 8 of [the NIS 2 Directive], of the identity of the critical entities that they identified under this Article within one month of that identification.	4. Member States shall ensure that their competent authorities designated pursuant to Article 8 of this Directive notify the competent authorities that the Member States designated in accordance with Article 8 of [the NIS 2 Directive], of the identity of the critical entities that they identified under this Article within one month of that identification.	4. Member States shall ensure that their competent authorities designated pursuant to Article 8 of this Directive notify the competent authorities ~~that the Member States~~ designated in accordance with Article 8 of [the NIS 2 Directive], of the identity of the critical entities that they identified under this Article within one month of that identification.	4. ***Technical meeting 14/03 Provisionally agreed*** ***4.*** Member States shall ensure that their competent authorities designated pursuant to Article 8 of this Directive notify the competent authorities ~~*that the Member States*~~ designated in accordance with Article ~~*8*~~***[X]*** of [the NIS 2 Directive], of the identity of the critical entities that they identified

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				under this Article within one month of that identification. ***That notification shall specify, where applicable, that the critical entities concerned are entities in the sectors referred to in points 3, 4 and 8 of the Annex to this Directive and have no obligations under Chapters III and IV thereof.***
Article 5(5)				
G 95	5. Following the notification referred in paragraph 3, Member States shall ensure that critical entities provide information to their competent authorities designated pursuant to Article 8 of this Directive on whether they have been identified as a critical entity in one or more other Member States. Where an entity has been identified as critical by two or more Member States, these Member States shall engage in consultation with each other with a view to reduce the burden on the critical entity in regard to the obligations pursuant to Chapter III.	5. Following the notification referred in paragraph 3, Member States shall ensure that critical entities provide information to their competent authorities designated pursuant to Article 8 of this Directive on whether they have been identified as a critical entity in one or more other Member States. Where an entity has been identified as critical by two or more Member States, these Member States shall engage in consultation with each other with a view to ~~reduce~~***achieving the highest possible degree of coherence and to reducing*** the burden on the critical entity in regard to the obligations pursuant to Chapter III.	5. ~~Following the notification referred in paragraph 3, Member States shall ensure that critical entities provide information to their competent authorities designated pursuant to Article 8 of this Directive on whether they have been identified as a critical entity in one or more other Member States. Where an entity has been identified as critical by two or more Member States, these Member States shall engage in consultation with each other with a view to reduce the burden on the critical entity in regard to the obligations pursuant to Chapter III.~~	5. ~~*Following the notification referred in paragraph 3, Member States shall ensure that critical entities provide information to their competent authorities designated pursuant to Article 8 of this Directive on whether they have been identified as a critical entity in one or more other Member States. Where an entity has been identified as critical by two or more Member States, these Member States shall engage in consultation with each other with a view to reduce the burden on the critical entity in regard to the obligations pursuant to Chapter III.*~~***Technical meeting 14/7 Provisionally agreed*** G

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				Agree to delete
Article 5(6)				
96	6. For the purposes of Chapter IV, Member States shall ensure that critical entities, following the notification referred in paragraph 3, provide information to their competent authorities designated pursuant to Article 8 of this Directive on whether they provide essential services to or in more than one third of Member States. Where that is so, the Member State concerned shall notify, without undue delay, to the Commission the identity of those critical entities.	6. For the purposes of Chapter IV, Member States shall ensure that critical entities, following the notification referred in paragraph 3, provide information to their competent authorities designated pursuant to Article 8 of this Directive on whether they provide ***the same or similar*** essential services to or in more than ~~*one third of*~~***three*** Member States. Where that is so, the Member State concerned shall notify, without undue delay, to the Commission the identity of those critical entities.	6. ~~For the purposes of Chapter IV, Member States shall ensure that critical entities, following the notification referred in paragraph 3, provide information to their competent authorities designated pursuant to Article 8 of this Directive on whether they provide essential services to or in more than one third of Member States. Where that is so, the Member State concerned shall notify, without undue delay, to the Commission the identity of those critical entities.~~	6. ~~*For the purposes of Chapter IV, Member States shall ensure that critical entities, following the notification referred in paragraph 3, provide information to their competent authorities designated pursuant to Article 8 of this Directive on whether they provide essential services to or in more than one third of Member States. Where that is so, the Member State concerned shall notify, without undue delay, to the Commission the identity of those critical entities.*~~***Technical meeting 14/7 Provisionally agreed*** ***Agree to delete***
Article 5(7), introductory part				
97	7. Member States shall, where necessary and in any event at least every four years, review and, where appropriate, update the list of identified critical entities.	7. Member States shall, where necessary and in any event at least every four years, review and, where appropriate, update the list of identified critical entities.	7. Member States shall, where necessary and in any event at least every four years, review and, where appropriate, update the list of identified critical entities.	7. ***Technical meeting 14/03 Provisionally agreed*** ***7.*** Member States shall, where necessary and in any event at least every four years, review and, where appropriate, update the list

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				of identified critical entities.
Article 5(7), first paragraph				
98	Where those updates lead to the identification of additional critical entities, paragraphs 3, 4, 5 and 6 shall apply. In addition, Member States shall ensure that entities that are no longer identified as critical entities pursuant to any such update are notified thereof and are informed that they are no longer subject to the obligations pursuant to Chapter III as from the reception of that information.	Where those updates lead to the identification of additional critical entities, paragraphs 3, 4, 5 and 6 shall apply. In addition, Member States shall ensure that entities that are no longer identified as critical entities pursuant to any such update are notified thereof and are informed ***in due time*** that they are no longer subject to the obligations pursuant to Chapter III as from the reception of that information.	Where those updates lead to the identification of additional critical entities, paragraphs 3~~, 4, 5 and 6~~ **and 4** shall apply. In addition, Member States shall ensure that entities that are no longer identified as critical entities pursuant to any such update are notified thereof and are informed that they are no longer subject to the obligations pursuant to Chapter III as from the reception of that information.	***Technical meeting 14/03 Provisionally agreed*** Where those updates lead to the identification of additional critical entities, paragraphs 3~~, 4, 5 and 6~~ ***and 4*** shall apply. In addition, Member States shall ensure that entities that are no longer identified as critical entities pursuant to any such update are notified thereof and are informed ***in due time*** that they are no longer subject to the obligations pursuant to Chapter III as from the reception of that information.
Article 5(7a)				
98a		***7a. The Commission shall, in cooperation with the Member States, develop recommendations and guidelines to support Member States in identifying critical entities.***		***7a. Technical meeting 6/05 Provisionally agreed*** ***7a. The Commission shall, in cooperation with the MS, develop recommendations and non binding guidelines to support MS in identifying critical entities.***

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Article 6				
99	Article 6 Significant disruptive effect	Article 6 Significant disruptive effect	Article 6 Significant disruptive effect	Article 6 Significant disruptive effect ***Technical meeting 14/03*** ***Provisionally agreed***
Article 6(1), introductory part				
100	1. When determining the significance of a disruptive effect as referred to in point (c) of Article 5(2), Member States shall take into account the following criteria:	1. When determining the significance of a disruptive effect as referred to in point (c) of Article 5(2), Member States shall take into account the following criteria:	1. When determining the significance of a disruptive effect as referred to in point (c) of Article 5(2), Member States shall take into account the following criteria:	1. ***Technical meeting 14/03*** ***Provisionally agreed*** ***1.*** When determining the significance of a disruptive effect as referred to in point (c) of Article 5(2), Member States shall take into account the following criteria:
Article 6(1), point (a)				
101	(a) the number of users relying on the service provided by the entity;	(a) the number of users relying on the ***essential*** service provided by the entity;	(a) the number of users relying on the **essential** service provided by the entity;	(a) ***Technical meeting 14/03*** ***Provisionally agreed*** ***(a)*** the number of users relying on the ***essential*** service provided by the entity;
Article 6(1), point (b)				
102	(b) the dependency of other	(b) the dependency of other	(b) the dependency of other	(b) ***Technical meeting 06/05***

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	sectors referred to in the Annex on that service;	sectors ***and subsectors*** referred to in the Annex ***or of the supply chain*** on that ***essential*** service;	sectors referred to in the Annex on that **essential** service;	***Provisionally agreed*** ***(b)*** the dependency of other sectors ***and subsectors*** referred to in the Annex on that ***essential*** service;
Article 6(1), point (c)				
103	(c) the impacts that incidents could have, in terms of degree and duration, on economic and societal activities, the environment and public safety;	(c) the impacts that incidents could have, in terms of degree and duration, on economic and societal activities, the environment and public safety;	(c) the impacts that incidents could have, in terms of degree and duration, on economic and societal activities, the environment**, public safety and security, and health of the population** ~~and public safety~~;	(c) ***Technical meeting 14/7*** ***Provisionally agreed*** ***(c)*** the impacts that incidents could have, in terms of degree and duration, on economic and societal activities, the environment***, public safety and security, and health of the population*** ~~*and public safety*~~;
Article 6(1), point (d)				
104	(d) the market share of the entity in the market for such services;	(d) the market share of the entity in the market for such services;	(d) the market share of the entity in the market for such services;	(d) ***Technical meeting 14/03:*** ***Provisionally agreed*** ***(d)*** the market share of the entity in the market for such services;
Article 6(1), point (e)				
105	(e) the geographic area that could be affected by an incident, including any cross-border	(e) the geographic area that could be affected by an incident, including any cross-border	(e) the geographic area that could be affected by an incident, including any cross-border	(e) ***Technical meeting 14/03*** ***Provisionally agreed***

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	impacts;	impacts***, taking into account the vulnerability associated with the degree of isolation of certain types of geographic areas, such as insular regions, outermost regions or mountainous areas***;	impacts;	***(e)*** the geographic area that could be affected by an incident, including any cross-border impacts***, taking into account the vulnerability associated with the degree of isolation of certain types of geographic areas, such as insular regions, remote regions or mountainous areas***;
Article 6(1), point (f)				
106	(f) the importance of the entity in maintaining a sufficient level of the service, taking into account the availability of alternative means for the provision of that service.	(f) the importance of the entity in maintaining a sufficient level of the ***essential*** service, taking into account the availability of alternative means for the provision of that ***essential*** service.	(f) the importance of the entity in maintaining a sufficient level of the **essential** service, taking into account the availability of alternative means for the provision of that service.	(f) ***Technical meeting 14/03 Provisionally agreed*** ***(f)*** the importance of the entity in maintaining a sufficient level of the ***essential*** service, taking into account the availability of alternative means for the provision of that ***essential*** service.
Article 6(2), introductory part				
107	2. Member States shall submit to the Commission by [three years and three months after the entry into force of this Directive] the following information:	2. Member States shall submit to the Commission by [three years and three months after the entry into force of this Directive] the following information:	2. Member States shall submit to the Commission ~~by [three years and~~**within [** three months~~ after the entry into force of this Directive~~ **of the identification of the critical entities**] the following information:	2. ~~*Member States shall submit to the Commission by [three years and three months after the entry into force of this Directive] the following information*~~***Technical meeting 24/06 Provisionally agreed***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				2. After the identification of the critical entities, Member States shall submit to the Commission the following information without undue delay:
Article 6(2), point (a)				
108	(a) the list of services referred to in Article 4(1);	(a) the list of services referred to in Article 4(1);	(a) the list of **essential** services referred to in Article 4(1);	(a) ***Technical meeting 14/3 Provisionally agreed*** ***(a)*** the list of ***essential*** services referred to in Article 4(1);
Article 6(2), point (b)				
109	(b) the number of critical entities identified for each sector and subsector referred to in the Annex and the service or services referred to in Article 4(1) that each entity provides;	(b) the number of critical entities identified for each sector and subsector referred to in the Annex and the service or services referred to in Article 4(1) that each entity provides;	(b) the number of critical entities identified for each sector and subsector referred to in the Annex ~~and the service or services referred to in Article 4(1) that each entity provides~~;	(b) ***Technical meeting 14/7 Provisionally agreed:*** ***(b)*** the number of critical entities identified for each ~~*sector and subsector*~~***sectors and subsectors*** referred to in the Annex and ~~*the service or services*~~***for each essential service*** referred to in article 4(1) ~~*that each entity provides*~~;
Article 6(2), point (c)				
110	(c) any thresholds applied to	(c) any thresholds applied to	(c) any thresholds applied to	(c) ***Technical meeting 21/06***

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	specify one or more of the criteria in paragraph 1.	specify one or more of the criteria in paragraph 1.	specify one or more of the criteria in paragraph 1~~.~~**, which can be presented as such or in aggregated form.**	***Provisionally agreed*** ***(c)*** any thresholds applied to specify one or more of the criteria in paragraph 1~~.~~***, which can be presented as such or in aggregated form.***
Article 6(2), first paragraph				
111	They shall subsequently submit that information where necessary, and at least every four years.	They shall subsequently submit that information where necessary, and at least every four years.	They shall subsequently submit that information where necessary, and at least every four years.	***Technical meeting 14/03*** ***Provisionally agreed*** They shall subsequently submit that information where necessary, and at least every four years.
Article 6(3)				
112	3. The Commission may, after consultation of the Critical Entities Resilience Group, adopt guidelines to facilitate the application of the criteria referred to in paragraph 1, taking into account the information referred to in paragraph 2.	3. The Commission ~~may~~***shall***, after consultation of the Critical Entities Resilience Group, adopt guidelines to facilitate the application of the criteria referred to in paragraph 1, taking into account the information referred to in paragraph 2.	3. The Commission ~~may~~**shall**, after consultation of the Critical Entities Resilience Group, adopt **non-binding** guidelines to facilitate the application of the criteria referred to in paragraph 1, taking into account the information referred to in paragraph 2.	3. ***Technical meeting 14/03*** ***Provisionally agreed*** ***3.*** The Commission ~~may~~***shall***, after consultation of the Critical Entities Resilience Group, adopt ***non-binding*** guidelines to facilitate the application of the criteria referred to in paragraph 1, taking into account the information referred to in paragraph 2.

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Article 7				
113	Article 7 Entities equivalent to critical entities under this Chapter	Article 7 Entities equivalent to critical entities under this Chapter	Article 7 **Critical** entities ~~equivalent to critical entities under this Chapter~~**in the banking, financial market infrastructure and digital infrastructure sectors**	Article 7 ~~*Entities equivalent to*~~***Technical meeting 14/7*** ***Provisionally agreed*** ***Article 7*** Critical entities ~~*under this Chapter*~~***in the banking, financial market infrastructure and digital infrastructure sectors***
Article 7(1)				
114	1. As regards the sectors referred to in points 3, 4 and 8 of the Annex, Member States shall, by [three years and three months after entry into force of this Directive], identify the entities that shall be treated as equivalent to critical entities for the purposes of this Chapter. They shall apply the provisions of Articles 3, 4, 5(1) to (4) and (7), and 9 in respect of those entities.	1. As regards the sectors referred to in points 3, 4 and 8 of the Annex, Member States shall, by [~~*three years and three*~~***one year and six*** months after entry into force of this Directive], identify the entities that shall be treated as equivalent to critical entities for the purposes of this Chapter. They shall apply the provisions of Articles 3, 4, 5(1) to (4) and (7), and 9 in respect of those entities.	1. ~~As regards the sectors referred to in points 3, 4 and 8 of the Annex, Member States shall, by [three years and three months after entry into force of this Directive], identify the entities that shall be treated as equivalent to critical entities for the purposes of this Chapter. They shall apply the provisions of Articles 3, 4, 5(1) to (4) and (7), and 9 in respect of those entities.~~	1. ~~*As regards the sectors referred to in points 3, 4 and 8 of the Annex, Member States shall, by [three years and three months after entry into force of this Directive], identify the entities that shall be treated as equivalent to critical entities for the purposes of this Chapter. They shall apply the provisions of Articles 3, 4, 5(1) to (4) and (7), and 9 in respect of those entities.*~~***Technical meeting 31/05: line deleted (see line 116a)***
Article 7(2)				
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	2. In respect of the entities in the sectors referred to in points 3 and 4 of the Annex identified pursuant to paragraph 1, Member States shall ensure that, for the purposes of the application of Article 8(1), the authorities designated as competent authorities are the competent authorities designated pursuant to Article 41 of [DORA Regulation].	2. In respect of the entities in the sectors referred to in points 3 and 4 of the Annex identified pursuant to paragraph 1, Member States shall ensure that, for the purposes of the application of Article 8(1), the authorities designated as competent authorities are the competent authorities designated pursuant to Article 41 of [DORA Regulation].	2. ~~In respect of the entities in the sectors referred to in points 3 and 4 of the Annex identified pursuant to paragraph 1, Member States shall ensure that, for the purposes of the application of Article 8(1), the authorities designated as competent authorities are the competent authorities designated pursuant to Article 41 of [DORA Regulation].~~	2. ~~*In respect of the entities in the sectors referred to in points 3 and 4 of the Annex identified pursuant to paragraph 1, Member States shall ensure that, for the purposes of the application of Article 8(1), the authorities designated as competent authorities are the competent authorities designated pursuant to Article 41 of [DORA Regulation].*~~ ***Technical meeting 31/05: line deleted (see line 116a)***
Article 7(3)				
G 116	3. Member States shall ensure that the entities referred to in paragraph 1 are, without undue delay, notified of their identification as entities referred to in this Article.	3. Member States shall ensure that the entities referred to in paragraph 1 are, without undue delay, notified of their identification as entities referred to in this Article.	3. ~~Member States shall ensure that the entities referred to in paragraph 1 are, without undue delay, notified of their identification as entities referred to in this Article.~~	3. ~~*Member States shall ensure that the entities referred to in paragraph 1 are, without undue delay, notified of their identification as entities referred to in this Article.*~~ ***Technical meeting 31/05: line deleted (see line 116a)***
Article 7				
G 116a			**Member States shall ensure that the provisions of Article 9a and Chapters III to VI shall not apply in respect of designated critical entities in the sectors referred to in points 3, 4 and 8 of the table in the Annex.**	***3a. Technical meeting 31/05 Provisionally agreed*** ***Member States shall ensure that Article 9a and Chapters III, IV and VI do not apply to identified critical entities in the sectors***

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				referred to in points 3, 4 and 8 of the table in the Annex. Member States may adopt or maintain provisions of national law to achieve a higher level of resilience for those critical entities, provided that those national provisions are consistent with applicable Union law.
Article 7a				
116b				***Article 7a*** ***Political trilogue 28/6:*** ***[deleted]***
Article 8				
117	Article 8 Competent authorities and single point of contact		Article 8 Competent authorities and single point of contact	Article 8 Competent authorities and single point of contact ***Technical meeting 1/04*** ***Provisionally agreed***
Article 8(1), introductory part				
118	1. Each Member State shall designate one or more competent authorities responsible for the correct application, and where	1. Each Member State shall designate one or more competent authorities responsible for the correct application, and where	1. Each Member State shall designate one or more competent authorities responsible for the correct application, and where	1. ***Technical meeting 1/04*** ***Provisionally agreed*** ***1.*** Each Member State shall

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	necessary enforcement, of the rules of this Directive at national level ('competent authority'). Member States may designate an existing authority or authorities.	necessary enforcement, of the rules of this Directive at national level ('competent authority'). Member States may designate an existing authority or authorities.	necessary enforcement, of the rules of this Directive at national level ('competent authority'). Member States may designate an existing authority or authorities.	designate one or more competent authorities responsible for the correct application, and where necessary enforcement, of the rules of this Directive at national level ('competent authority'). Member States may designate an existing authority or authorities.
Article 8(1), second paragraph				
G 118a			**In respect of the critical entities in the sectors referred to in points 3 and 4 of the table in the Annex, the authorities designated as competent authorities shall, where appropriate, be the competent authorities designated pursuant to Article 41 of [DORA Regulation]. In respect of critical entities referred to in point 8 of the table in the Annex, the designated competent authorities shall, where appropriate, be the competent authorities designated pursuant to Article 8 of [NIS 2 Directive].**	***Technical meeting 21/06 Provisionally agreed*** ***In respect of the critical entities in the sectors referred to in points 3 and 4 of the table in the Annex, the authorities designated as competent authorities shall, in principle, be the competent authorities referred to in Article 41 of [DORA Regulation]. In respect of the critical entities referred to in point 8 of the table in the Annex, the designated competent authorities shall, in principle, be the competent authorities designated pursuant to Article 8 of [NIS 2 Directive]. […] Member States may designate a different competent national authority for those sectors in accordance with existing national*** G

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				frameworks [...].
Article 8(1), first paragraph				
119	Where they designate more than one authority, they shall clearly set out the respective tasks of the authorities concerned and ensure that they cooperate effectively to fulfil their tasks under this Directive, including with regard to the designation and activities of the single point of contact referred to in paragraph 2.	Where they designate more than one authority, they shall clearly set out the respective tasks of the authorities concerned and ensure that they cooperate effectively to fulfil their tasks under this Directive, including with regard to the designation and activities of the single point of contact referred to in paragraph 2.	Where they designate more than one authority, they shall clearly set out the respective tasks of the authorities concerned and ensure that they cooperate effectively to fulfil their tasks under this Directive, including with regard to the designation and activities of the single point of contact referred to in paragraph 2.	***Technical meeting 1/04 Provisionally agreed*** Where they designate more than one authority, they shall clearly set out the respective tasks of the authorities concerned and ensure that they cooperate effectively to fulfil their tasks under this Directive, including with regard to the designation and activities of the single point of contact referred to in paragraph 2.
Article 8(2)				
120	2. Each Member State shall, within the competent authority, designate a single point of contact to exercise a liaison function to ensure cross-border cooperation with competent authorities of other Member States and with the Critical Entities Resilience Group referred to in Article 16 ('single point of contact').	2. Each Member State shall, within the competent authority, designate a single point of contact to exercise a liaison function to ensure cross-border cooperation with competent authorities of other Member States and with the ***Commission and the*** Critical Entities Resilience Group referred to in Article 16 ('single point of contact') ***and, where relevant, to ensure cooperation with third***	2. Each Member State shall~~,~~ ~~within the competent authority,~~ designate **one national** ~~a~~ single point of contact to exercise a liaison function to ensure cross-border cooperation with **the single points of contact** ~~competent authorities~~ of other Member States and with the Critical Entities Resilience Group referred to in Article 16 ('single point of contact').	2. ***Technical meeting 23/06 Provisionally agreed*** ***2.*** Each Member State shall~~, within the competent authority, designate a single point of contact~~ ***designate one national single point of contact, where relevant within a competent authority,*** to exercise a liaison function to ensure cross-border cooperation with ~~competent authorities~~***the single points of***

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		countries.		***contact*** of other Member States and ~~*with*~~ the Critical Entities Resilience Group referred to in Article 16 (~~"~~"single point of contact~~"~~"). ***Where relevant, it could also ensure a liaison function with the Commission and cooperation with third countries.***
Article 8(3)				
G 121	3. By [three years and six months after entry into force of this Directive], and every year thereafter, the single points of contact shall submit a summary report to the Commission and to the Critical Entities Resilience Group on the notifications received, including the number of notifications, the nature of notified incidents and the actions taken in accordance with Article 13(3).	3. By ***...*** [~~*three*~~***four*** years and six months after entry into force of this Directive], and ***in the first trimester of*** every year thereafter, the single points of contact shall submit a summary report to the Commission and to the Critical Entities Resilience Group on the notifications received, including the number of notifications, the nature of notified incidents and the actions taken in accordance with Article 13(3).	3. By [~~three years and six months~~ **seven years** after entry into force of this Directive], and every ~~year~~**two years** thereafter, the single points of contact shall submit a summary report to the Commission and to the Critical Entities Resilience Group on the notifications received, including the number of notifications, the nature of notified incidents and the actions taken in accordance with Article 13(3).	3. ***Technical meeting 24/06 Provisionally agreed*** ***3. By [five~~By [three~~*** years and six months after entry into force of this Directive], and every ~~*year*~~***two years*** thereafter, the single points of contact shall submit a summary report to the Commission and to the Critical Entities Resilience Group on the notifications received, including the number of notifications, the nature of notified incidents and the actions taken in accordance with Article 13(3). G
Article 8(3)				
G 121a			**The Commisison shall, in cooperation with the Critical Entities Resilience Group,**	***3a. Technical meeting 31/05 Provisionally agreed*** G

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			develop a voluntary common reporting template for the summary report referred to in the subpargaraph above.	***The Commission shall, in cooperation with the Critical Entities Resilience Group, develop a common reporting template, which the competent authorities of the Member States may use, on a voluntary basis, for the purposes of submitting summary reports as referred to in the first subparagraph.***
Article 8(4)				
122	4. Each Member State shall ensure that the competent authority, including the single point of contact designated therein, has the powers and the adequate financial, human and technical resources to carry out, in an effective and efficient manner, the tasks assigned to it.	4. Each Member State shall ensure that the competent authority, including the single point of contact designated therein, has the powers and the adequate financial, human and technical resources to carry out, in an effective and efficient manner, the tasks assigned to it.	4. Each Member State shall ensure that the competent authority~~,~~ ~~including~~ **and** the single point of contact ~~designated therein, has~~ **have** the powers and the adequate financial, human and technical resources to carry out, in an effective and efficient manner, the tasks assigned to ~~it~~**them**.	4. ***Technical meeting 23/06 Provisionally agreed*** ***4.*** Each Member State shall ensure that the competent authority~~,~~ ~~*including*~~ ***and*** the single point of contact ~~*designated therein, has*~~***have*** the powers and the adequate financial, human and technical resources to carry out, in an effective and efficient manner, the tasks assigned to ~~*it*~~***them***.
Article 8(5)				
123	5. Member States shall ensure that their competent authorities, whenever appropriate, and in accordance with Union and	5. Member States shall ensure that their competent authorities, whenever appropriate, and in accordance with Union and	5. Member States shall ensure that their competent authorities, whenever appropriate, and in accordance with Union and	5. ***Technical meeting 1/04 Provisionally agreed*** ***5.*** Member States shall ensure that

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	national law, consult and cooperate with other relevant national authorities, in particular those in charge of civil protection, law enforcement and protection of personal data, as well as with relevant interested parties, including critical entities.	national law, consult and cooperate with other relevant national authorities, in particular those in charge of civil protection, law enforcement and protection of personal data, as well as with relevant interested parties, including critical entities.	national law, consult and cooperate with other relevant national authorities, ~~in particular~~ **including** those in charge of civil protection, law enforcement and protection of personal data, as well as ~~with~~ **critical entities and** relevant interested parties~~, including critical entities~~.	their competent authorities, whenever appropriate, and in accordance with Union and national law, consult and cooperate with other relevant national authorities, ~~*in particular*~~***including*** those in charge of civil protection, law enforcement and protection of personal data, as well as ~~*with*~~***critical entities and*** relevant interested parties~~*, including critical entities*~~.
Article 8(6)				
G 124	6. Member States shall ensure that their competent authorities designated pursuant to this Article cooperate with competent authorities designated pursuant to [the NIS 2 Directive] on cybersecurity risks and cyber incidents affecting critical entities, as well as the measures taken by competent authorities designated under [the NIS 2 Directive] relevant for critical entities.	6. Member States shall ensure that their competent authorities designated pursuant to this Article cooperate with competent authorities designated pursuant to [the NIS 2 Directive] on cybersecurity risks and cyber incidents affecting critical entities, as well as the measures taken by competent authorities designated under [the NIS 2 Directive] relevant for critical entities.	6. Member States shall ensure that their competent authorities designated pursuant to this Article cooperate **and exchange information** with competent authorities designated pursuant to [the NIS 2 Directive] on cybersecurity risks**, cyber threats and incidents and non-cyber risks, threats and**~~and cyber~~ incidents affecting critical entities, as well as ~~the~~ **relevant** measures taken by competent authorities designated under [the NIS 2 Directive] ~~relevant for critical entities~~**and this Directive** .	6. ***Technical meeting 1/04 Provisionally agreed*** ***6.*** Member States shall ensure that their competent authorities designated pursuant to this Article cooperate ***and exchange information*** with competent authorities designated pursuant to [the NIS 2 Directive] on cybersecurity risks~~*and*~~***,*** cyber ***threats and*** incidents ***and non-cyber risks, threats and incidents*** affecting critical entities, as well as ~~*the*~~***relevant*** measures taken by competent authorities designated under [the NIS 2 Directive] ~~*relevant for critical entities*~~***and this*** G

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				Directive.
Article 8(7)				
125	7. Each Member State shall notify the Commission of the designation of the competent authority and single point of contact within three months from that designation, including their precise tasks and responsibilities under this Directive, their contact details and any subsequent change thereto. Each Member State shall make public its designation of the competent authority and single point of contact.	7. Each Member State shall notify the Commission of the designation of the competent authority and single point of contact within three months from that designation, including their precise tasks and responsibilities under this Directive, their contact details and any subsequent change thereto. Each Member State shall make public its designation of the competent authority and single point of contact.	7. Each Member State shall notify the Commission of the designation of the competent authority and single point of contact within three months from that designation, including their ~~precise~~ tasks and responsibilities under this Directive, their contact details and any subsequent change thereto**. Where Member States decided to appoint other authorities than those indicated under paragraph 1, second subparagrah, as the designated competent authorities in respect of the critical entities referred to in points 3, 4 and 8 of the table in the Annex, they shall also specify that to the Commission**. Each Member State shall make public its designation of the competent authority and single point of contact.	7. ***Technical meeting 23/06 Provisionally agreed*** ***7.*** Each Member State shall notify the Commission of the designation of the competent authority and single point of contact within three months from that designation, including their ~~*precise*~~ tasks and responsibilities under this Directive, their contact details and any subsequent change thereto***. Where Member States decided to appoint other authorities than those indicated under paragraph 1, second subparagrah, as the designated competent authorities in respect of the critical entities referred to in points 3, 4 and 8 of the table in the Annex, they shall also specify that to the Commission***. Each Member State shall make public its designation of the competent authority and single point of contact.
Article 8(8)				
126				

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	8. The Commission shall publish a list of Member States' single points of contacts.	8. The Commission shall publish a list of Member States' single points of contacts.	8. The Commission shall publish a list of Member States' single points of contacts.	8. ***Technical meeting 1/04 Provisionally agreed*** ***8.*** The Commission shall publish a list of Member States' single points of contacts.
Article 9				
G 127	Article 9 Member States' support to critical entities	Article 9 Member States' support to critical entities	Article 9 Member States' support to critical entities	Article 9 Member States' support to critical entities ***Technical meeting 1/04 Provisionally agreed***
Article 9(1)				
G 128	1. Member States shall support critical entities in enhancing their resilience. That support may include developing guidance materials and methodologies, supporting the organisation of exercises to test their resilience and providing training to personnel of critical entities.	1. Member States shall support critical entities in enhancing their resilience. That support ~~*may*~~***shall*** include developing guidance materials and methodologies, supporting the organisation of exercises to test their resilience and providing training to personnel of critical entities. ***Member States may provide financial resources to critical entities, without prejudice to applicable rules on State aid, where necessary and justified by public interest objectives.***	1. Member States shall support critical entities in enhancing their resilience. That support may include developing guidance materials and methodologies, supporting the organisation of exercises to test their resilience and providing **advice and** training to personnel of critical entities.	1. ***Technical meeting 1/04 Provisionally agreed*** ***1.*** Member States shall support critical entities in enhancing their resilience. That support may include developing guidance materials and methodologies, supporting the organisation of exercises to test their resilience and providing ***advice and*** training to personnel of critical entities. ***Member States may provide financial resources to critical***

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				entities, without prejudice to applicable rules on State aid, where necessary and justified by public interest objectives.
Article 9(2)				
129	2. Member States shall ensure that the competent authorities cooperate and exchange information and good practices with critical entities of the sectors referred to in the Annex.	2. Member States shall ensure that the competent authorities cooperate and exchange information and good practices with critical entities of the sectors referred to in the Annex.	2. Member States shall ensure that the competent authorities cooperate and exchange information and good practices with critical entities of the sectors referred to in the Annex.	2. ***Technical meeting 1/04 Provisionally agreed*** ***2.*** Member States shall ensure that the competent authorities cooperate and exchange information and good practices with critical entities of the sectors referred to in the Annex.
Article 9(3)				
130	3. Member States shall establish information sharing tools to support voluntary information sharing between critical entities in relation to matters covered by this Directive, in accordance with Union and national law on, in particular, competition and protection of personal data.	3. Member States shall establish information sharing tools to support voluntary information sharing between critical entities in relation to matters covered by this Directive, in accordance with Union and national law on, in particular, competition and protection of personal data.	3. Member States shall ~~establish information sharing tools to support~~ **facilitate** voluntary information sharing between critical entities in relation to matters covered by this Directive, in accordance with Union and national law on, in particular**, classified and sensitive information**, competition and protection of personal data.	3. ~~*Member States shall establish information sharing tools to support*~~***Technical meeting 1/04 Provisionally agreed*** ***3. Member States shall facilitate*** voluntary information sharing between critical entities in relation to matters covered by this Directive, in accordance with Union and national law on, in particular***, classified and sensitive information***, competition and

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				protection of personal data.
Article 9a				
130a			**Article 9a** **Cooperation between Member States**	***Article 9a*** ***Cooperation between Member States*** ***Technical meeting 23/06*** ***Provisionally agreed***
Article 9a, first paragraph, introductory part				
130b			**Member States shall engage in consultations with each other regarding critical entities whenever appropriate for the consistent application of the Directive. Such consultations shall take place in particular regarding critical entities:**	***Technical meeting 23/06*** ***Provisionally agreed*** ***Member States shall engage in consultations with each other regarding critical entities whenever appropriate for the consistent application of the Directive. Such consultations shall take place in particular regarding critical entities:***
Article 9a, first paragraph, point (a)				
130c			**(a) that use critical infrastructure which is physically connected between two or more Member States;**	***(a) Technical meeting 23/06*** ***Provisionally agreed*** ***(a) that use critical infrastructure***

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				which is physically connected between two or more Member States;
Article 9a, first paragraph, point (b)				
130d			**(b) that are part of corporate structures that are connected with, or linked to, critical entities in other Member States;**	***(b) Technical meeting 23/06 Provisionally agreed*** ***(b) that are part of corporate structures that are connected with, or linked to, critical entities in other Member States;***
Article 9a, first paragraph, point (c)				
130e			**(c) that have been identified as such in one Member State and provide essential services to or in other Member States.**	***(c) Technical meeting 23/06 Provisionally agreed*** ***(c) that have been identified as such in one Member State and provide essential services to or in other Member States.***
Article 9a, second paragraph				
130f			**The consultations shall aim at enhancing the resilience of critical entities and, where possible, reducing the administrative burden for the**	***Technical meeting 23/06 Provisionally agreed*** ***The consultations shall aim at enhancing the resilience of***

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			critical entities.	***critical entities and, where possible, reducing the administrative burden for the critical entities.***
Chapter III				
131	Chapter III Resilience of Critical Entities	Chapter III Resilience of Critical Entities	Chapter III Resilience of Critical Entities	Chapter III Resilience of Critical Entities ***Technical meeting 1/04*** ***Provisionally agreed***
Article 10				
132	Article 10 Risk assessment by critical entities	Article 10 Risk assessment by critical entities	Article 10 Risk assessment by critical entities	Article 10 Risk assessment by critical entities ***Technical meeting 1/04*** ***Provisionally agreed***
Article 10, first paragraph				
133	Member States shall ensure that critical entities assess within six months after receiving the notification referred to in Article 5(3), and subsequently where necessary and at least every four years, on the basis of Member States' risk assessments and other	Member States shall ensure that critical entities assess within six months after receiving the notification referred to in Article 5(3), and subsequently where necessary and at least every four years, on the basis of Member States' risk assessments and other	Member States shall ensure that critical entities assess within ~~six~~**twelve** months after receiving the notification referred to in Article 5(3), and subsequently where necessary and at least every four years, on the basis of Member States' risk assessments and other	***Technical meeting 24/06*** ***Provisionally agreed*** Member States shall ensure that critical entities assess within ~~*six*~~***nine*** months after receiving the notification referred to in Article 5(3), and subsequently where

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	relevant sources of information, all relevant risks that may disrupt their operations.	relevant sources of information, all relevant risks that may disrupt their ~~operations~~***provision of essential services concerned***.	relevant sources of information, ~~all~~ relevant risks that may disrupt **the provision of essential services** ~~their operations~~.	necessary and at least every four years, on the basis of Member States' risk assessments and other relevant sources of information, all relevant risks that may disrupt their ~~operations~~***provision of essential services concerned***.
Article 10, second paragraph				
G 134	The risk assessment shall account for all relevant risks referred to in Article 4(1) which could lead to the disruption of the provision of essential services. It shall take into account any dependency of other sectors referred to in the Annex on the essential service provided by the critical entity, including in neighbouring Member States and third countries where relevant, and the impact that a disruption of the provision of essential services in one or more of those sectors may have on the essential service provided by the critical entity.	The risk assessment shall account for all relevant risks referred to in Article 4(1) which could lead to the disruption of the provision of essential services. It shall take into account any dependency of other sectors referred to in the Annex on the essential service provided by the critical entity, including in neighbouring Member States and third countries where relevant, and the impact that a disruption of the provision of essential services in one or more of those sectors may have on the essential service provided by the critical entity.	The risk assessment **of the critical entities** shall account for ~~all~~ relevant risks referred to in Article 4(1) which could lead to ~~the disruption of the provision of essential services~~**an incident**. It shall take into account **dependencies of and on** ~~any dependency of~~ other sectors referred to in the Annex on the essential service provided by the critical entity, including in neighbouring Member States and third countries where ~~relevant, and the impact that a disruption of the provision of essential services in one or more of those sectors may have on the essential service provided by the critical entity~~**relevant.Member States may recognise equivalence, in whole or in part, between exisiting risk assessments of**	***Political trilogue 28/6:*** The risk assessment ***of the critical entities*** shall account for all relevant risks referred to in Article 4(1) which could lead to ~~*the disruption of the provision of essential services*~~***an incident***. It shall take into account ~~*any dependency of*~~***dependencies of and on*** other sectors referred to in the Annex on the essential service provided by the critical entity, including in neighbouring Member States and third countries where relevant~~*, and the impact that a disruption of the provision of essential services in one or more of*~~***. Where critical entities have undertaken assessments of risk or drawn up documents pursuant to obligations in other acts of law that are relevant for the measures*** G

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			critical entities in as far as they address the risks and dependencies referred to in this Article.	***referred to in the first sub-paragraph, they may use*** those ~~*sectors may have on the essential service provided by the*~~ ***assessments and documents to meet the requirements set out in this Article. When exercising its supervisory functions, the competent authority designated pursuant to Article [8] paragraph 1 may decide to declare an existing risk assessment of a*** critical entity ***that addresses the risks and dependencies referred to in the first sub-paragraph as compliant in part or in whole with the obligations under this Article***.
Article 11				
G 135	Article 11 Resilience measures of critical entities	Article 11 Resilience measures of critical entities	Article 11 Resilience measures of critical entities	Article 11 Resilience measures of critical entities ***Technical meeting 1/04 Provisionally agreed.***
Article 11(1), introductory part				
G 136	1. Member States shall ensure that critical entities take appropriate and proportionate technical and	1. Member States shall ensure that critical entities take appropriate and proportionate technical and	1. Member States shall ensure that critical entities take appropriate and proportionate technical**,**	1. ***Technical meeting 1/04 Provisionally agreed***

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	organisational measures to ensure their resilience, including measures necessary to:	organisational measures to ensure their resilience, including measures necessary to:	**security,** and organisational measures to ensure their resilience**, according to the outcomes of the risk assessments referred to in Articles 4 and 10**, including measures necessary to:	***1.*** Member States shall ensure that critical entities take appropriate and proportionate technical***,*** ***security,*** and organisational measures to ensure their resilience***, according to the relevant information provided by Member States on the risk assessment referred to in Article 4, as well as the outcomes of the Risk Assessment referred to in Article 10***, including measures necessary to:
Article 11(1), point (a)				
G 137	(a) prevent incidents from occurring, including through disaster risk reduction and climate adaptation measures;	(a) prevent incidents from occurring, including through disaster risk reduction and climate adaptation measures;	(a) prevent incidents from occurring, **duly taking into account** ~~including through~~ disaster risk reduction and climate adaptation measures;	(a) ***Technical meeting 23/06 Provisionally agreed*** ***(a)*** prevent incidents from occurring, ***duly considering*** ~~*including through*~~ disaster risk reduction and climate adaptation measures;
Article 11(1), point (b)				
G 138	(b) ensure adequate physical protection of sensitive areas, facilities and other infrastructure, including fencing, barriers, perimeter monitoring tools and	(b) ensure adequate physical protection of sensitive areas, facilities and other infrastructure, including fencing, barriers, perimeter monitoring tools and	(b) ensure adequate physical protection of ~~sensitive areas, facilities and other~~**the premises and the critical** infrastructure~~,~~ ~~including~~ **duly taking into**	(b) ***Technical meeting 23/06 Provisionally agreed*** ***(b)*** ensure adequate physical protection of ~~*sensitive areas,*~~

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	routines, as well as detection equipment and access controls;	routines, as well as detection equipment and access controls;	**account measures such as** fencing, barriers, perimeter monitoring tools and routines, as well as detection equipment and access controls;	~~*facilities and other*~~***the premises and the critical*** infrastructure~~,~~ ~~*including*~~ ***duly considering measures such as*** fencing, barriers, perimeter monitoring tools and routines, as well as detection equipment and access controls;
Article 11(1), point (c)				
G 139	(c) resist and mitigate the consequences of incidents, including the implementation of risk and crisis management procedures and protocols and alert routines;	(c) resist and mitigate the consequences of incidents, including the implementation of risk and crisis management procedures and protocols and alert routines;	(c) **respond to,** resist and mitigate the consequences of ~~incidents,~~ ~~including~~**incidentsduly taking into account** the implementation of risk and crisis management procedures and protocols and alert routines;	(c) ***Technical meeting 23/06 Provisionally agreed*** ***(c) respond to,*** resist and mitigate the consequences of incidents~~,~~ ~~*including*~~ ***duly considering*** the implementation of risk and crisis management procedures and protocols and alert routines;
Article 11(1), point (d)				
G 140	(d) recover from incidents, including business continuity measures and the identification of alternative supply chains;	(d) recover from incidents, including business continuity measures and the identification of alternative supply chains***, to ensure the continuous provision of the essential service***;	(d) recover from incidents, **duly taking into account** ~~including~~ business continuity measures and the identification of alternative supply chains;	(d) ***Technical meeting 23/06 Provisionally agreed*** ***(d)*** recover from incidents, ~~*including*~~***duly considering*** business continuity measures and the identification of alternative supply chains***, to resume the provision of the essential service***;

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Article 11(1), point (e)				
141	(e) ensure adequate employee security management, including by setting out categories of personnel exercising critical functions, establishing access rights to sensitive areas, facilities and other infrastructure, and to sensitive information as well as identifying specific categories of personnel in view of Article 12;	(e) ensure adequate employee security management, including by setting out categories of personnel exercising critical functions, ***laying down appropriate training requirements and qualifications,*** establishing access rights to sensitive areas, facilities and other infrastructure, and to sensitive information as well as identifying specific categories of personnel in view of Article 12; ***where external providers are involved in employee security management, critical entities shall ensure that they comply with generally accepted standards and specifications***	(e) ensure adequate employee security management, **duly taking into account measures such as** ~~including by~~ setting out categories of personnel exercising critical functions, establishing access rights to ~~sensitive areas, facilities and other~~ **premises, critical** infrastructure, and ~~to~~ sensitive information**,** as well as **designating the categories of persons and setting up vetting procedures in accordance with** ~~identifying specific categories of personnel in view of~~ Article 12;	(e) ***Technical meeting 23/06 Provisionally agreed*** ***(e)*** ensure adequate employee security management, ~~*including by*~~***duly considering measures such as*** setting out categories of personnel exercising critical functions, establishing access rights to ***premises, critical infrastructure and*** -sensitive ~~*areas, facilities and other infrastructure, and to sensitive information*~~***information, designating the categories of persons and setting up vetting procedures in accordance with Article 12,*** as well as ~~*identifying specific categories of*~~ ***laying down appropriate training requirements and qualifications. For the purposes of this point,*** personnel ~~*in view of Article 12*~~***of external service providers shall be taken into account when setting out categories of personnel exercising critical functions***;
Article 11(1), point (f)				
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	(f) raise awareness about the measures referred to in points (a) to (e) among relevant personnel.	(f) raise awareness about the measures referred to in points (a) to (e) among relevant personnel***, including by means of periodic training***.	(f) raise awareness about the measures referred to in points (a) to (e) among relevant personnel **duly taking into account training courses, information materials and exercices**.	(f) ***Technical meeting 23/06 Provisionally agreed*** ***(f)*** raise awareness about the measures referred to in points (a) to (e) among relevant personnel ***duly considering training courses, information materials and exercises***.
Article 11(2)				
G 143	2. Member States shall ensure that critical entities have in place and apply a resilience plan or equivalent document or documents, describing in detail the measures pursuant to paragraph 1. Where critical entities have taken measures pursuant to obligations contained in other acts of Union law that are also relevant for the measures referred to in paragraph 1, they shall also describe those measures in the resilience plan or equivalent document or documents.	2. Member States shall ensure that critical entities have in place and apply a resilience plan or equivalent document or documents, describing in detail the measures pursuant to paragraph 1. Where critical entities have taken measures pursuant to obligations contained in other acts of Union law that are also relevant for the measures referred to in paragraph 1, they shall also describe those measures in the resilience plan or equivalent document or documents.	2. Member States shall ensure that critical entities have in place and apply a resilience plan or equivalent document or documents, describing ~~in detail~~ the measures pursuant to paragraph 1. Where critical entities have taken measures pursuant to obligations contained in other acts of Union**, national or international law . Member States may recognise equivalence, in whole or in part, between** ~~law that are also relevant for~~ the measures referred to in paragraph 1~~, they shall also~~ **and these measures or ensure that critical entities** describe those measures in the resilience plan or equivalent document or documents.	2. ***Political trilogue 28/6:*** ***2.*** Member States shall ensure that critical entities have in place and apply a resilience plan or equivalent document or documents, describing ~~*in detail*~~ the measures pursuant to paragraph 1. Where critical entities have ***drawn up documents or*** taken measures pursuant to obligations~~*contained*~~ in other acts of ~~*Union*~~ law that are ~~*also*~~ relevant for the measures referred to in paragraph 1, they ~~*shall also describe*~~***may use*** those measures ***and documents to meet the requirements set out in this Article. When exercising its supervisory functions, the competent authority designated pursuant to Article [8] paragraph*** G

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				1 may decide to declare existing resilience-enhancing measures of a critical entity that address the technical, security and organisational measures referred to in the first paragraph in an appropriate and proportionate manner as compliant in part or in whole with the obligations under this Article~~in the resilience plan or equivalent document or documents~~.
Article 11(2a)				
143a			**2a. Member States shall ensure that each critical entity designates a liaison officer or equivalent as point of contact with the competent authorities.**	***2a. Technical meeting 23/06 Provisionally agreed*** ***Member States shall ensure that each critical entity designates a liaison officer or equivalent as point of contact with the competent authorities.***
Article 11(3)				
144	3. Upon request of the Member State that identified the critical entity and with the agreement of the critical entity concerned, the Commission shall organise advisory missions, in accordance with the arrangements set out in	3. Upon request of the Member State that identified the critical entity and ~~with the agreement of~~***in consultation with*** the critical entity concerned, the Commission shall organise advisory missions, in accordance with the arrangements	3. Upon request of the Member State that identified the critical entity and with the agreement of the critical entity concerned, the Commission shall organise advisory missions, in accordance with the arrangements set out in	3. ***Technical meeting 14/7 Provisionally agreed*** ***3.*** Upon request of the Member State that identified the critical entity and with the agreement of the critical entity concerned, the

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	Article 15(4), (5), (7) and (8), to provide advice to the critical entity concerned in meeting its obligations pursuant to Chapter III. The advisory mission shall report its findings to the Commission, that Member State and the critical entity concerned.	set out in Article 15(4), (5), (7) and (8), to provide advice to the critical entity concerned in meeting its obligations pursuant to Chapter III. The advisory mission shall report its findings to the Commission, that Member State and the critical entity concerned. ***At their request the Commission may also offer advisory missions to entities based in third countries.***	Article ~~15(4), (5)~~**15(5)**, (7) and (8), to provide advice to the critical entity concerned in meeting its obligations pursuant to Chapter III. The advisory mission shall report its findings to the Commission, that Member State and the critical entity concerned.	Commission shall organise advisory missions, in accordance with the arrangements set out in Article ~~*15(4), (5)*~~***15(5)***, (7) and (8), to provide advice to the critical entity concerned in meeting its obligations pursuant to Chapter III. The advisory mission shall report its findings to the Commission, that Member State and the critical entity concerned.
Article 11(4)				
G 145	4. The Commission is empowered to adopt delegated acts in accordance with Article 21 supplementing paragraph 1 by establishing detailed rules specifying some or all of the measures to be taken pursuant to that paragraph. It shall adopt those delegated acts in as far as necessary for the effective and consistent application of that paragraph in accordance with the objectives of this Directive, having regard to any relevant developments in risks, technology or the provision of the services concerned as well as to any specificities relating to particular sectors and types of entities.	4. The Commission is empowered to adopt delegated acts in accordance with Article 21 supplementing paragraph 1 by establishing detailed rules specifying some or all of the measures to be taken pursuant to that paragraph. It shall adopt those delegated acts in as far as necessary for the effective and consistent application of that paragraph in accordance with the objectives of this Directive, having regard to any relevant developments in risks, technology or the provision of the services concerned as well as to any specificities relating to particular sectors and types of entities.	4. The Commission ~~is empowered to adopt delegated acts in accordance with Article 21 supplementing paragraph 1 by establishing detailed rules specifying some or all~~**shall, after consultation** of the ~~measures to be taken pursuant to that paragraph. It shall~~**Critical Entities Resilience Group,** adopt ~~those delegated acts in as far as necessary for the effective and consistent application of that paragraph in accordance with the objectives of this Directive, having regard to any relevant developments in risks, technology or the provision of the services concerned as well as to any~~	4. ~~*The Commission is empowered to adopt delegated acts in accordance with Article 21 supplementing paragraph 1 by establishing detailed rules specifying some or all of the measures to be taken pursuant to that paragraph. It shall adopt those delegated acts in as far as necessary for the effective and consistent application of that paragraph in accordance with the objectives of this Directive, having regard to any relevant developments in risks, technology or the provision of the services concerned as well as to any specificities relating to particular sectors and types of*~~ G

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			~~specificities relating to particular sectors and types of entities~~**non-binding guidelines to further specify the technical, security and organisational measures that can be taken pursuant to paragraph 1**.	~~*entities*~~***Political trilogue 28/6 Provisionally agreed*** ***4. The Commission shall, after consultation of the Critical Entities Resilience Group, adopt non-binding guidelines to further specify the technical, security and organisational measures that can be taken pursuant to paragraph 1***.
Article 11(5)				
146	5. The Commission shall adopt implementing acts in order to set out the necessary technical and methodological specifications relating to the application of the measures referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(2).	5. The Commission shall adopt implementing acts in order to set out the necessary technical and methodological specifications relating to the application of the measures referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(2).	5. The Commission shall adopt implementing acts in order to set out the necessary technical and methodological specifications relating to the application of the measures referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(2).	5. ***Political trilogue 28/6:*** ***5.*** The Commission shall adopt implementing acts in order to set out the necessary technical and methodological specifications relating to the application of the measures referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(2).
Article 12				
147	Article 12 Background checks	Article 12 Background checks	Article 12 Background checks	Article 12 Background checks

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Article 12(1)				
148	1. Member States shall ensure that critical entities may submit requests for background checks on persons who fall within certain specific categories of their personnel, including persons being considered for recruitment to positions falling within those categories, and that those requests are assessed expeditiously by the authorities competent to carry out such background checks.	1. Member States shall ensure that critical entities may submit requests for background checks on persons who fall within certain specific categories of their personnel, including persons being considered for recruitment to positions falling within those categories, and that those requests are assessed expeditiously by the authorities competent to carry out such background checks. ***Such background checks shall be proportionate and strictly limited to what is necessary and relevant for the fulfilment of the duties of the persons concerned.***	1. Member States ~~shall~~**may, where appropriate,** ensure that critical entities **are permitted to** ~~may~~ submit requests for background checks on persons who ~~fall within certain specific categories of their personnel, including persons being considered for recruitment to positions falling within those categories, and that those requests are assessed expeditiously by the authorities competent to carry out such background checks.~~**:**	1. ~~*Member States shall ensure that critical entities may submit requests for background checks on persons who fall within certain specific categories of their personnel, including persons being considered for recruitment to positions falling within those categories, and that those*~~***Technical meeting 17/06 Provisionally agreed*** ***1. Member states shall specify the conditions according to which critical entities are permitted, in duly reasoned cases and taking into account the risk assessment adopted pursuant to Article 4, to submit*** requests ~~*are assessed expeditiously by the authorities competent to carry out such background checks.*~~***for background checks on persons who:***
Article 12(1), point (a)				
148a			**(a) sensitive or designated roles in or for the critical entity;**	***(a) Technical meeting 17/06 Provisionally agreed***

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				(a) hold sensitive roles in or for the benefit of the critical entity, notably in relation with the resilience of the critical entity;
Article 12(1), point (b)				
148b			**(b) are mandated to use or maintain – directly or remotely - its premises including in connection with the security of persons, goods or information; ,**	***(b) Technical meeting 17/06 Provisionally agreed*** ***(b) are mandated to have direct or remote access to its premises, information or control systems including in connection with the security of the critical entity;***
Article 12(1), point (c)				
148c			**(c) are being considered for recruitment to positions involving the roles mentioned under points a) and b).**	***(c) Technical meeting 17/06 Provisionally agreed*** ***(c) are being considered for recruitment to positions that fall under criteria mentioned in points a) and b).***
Article 12(1), second paragraph				
148d			**Those requests shall be assessed within a reasonable timeframe and processed in**	***1a. Technical meeting 17/06 Provisionally agreed***

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			accordance with national legislation and procedures.	***These requests shall be assessed within a reasonable timeframe and processed in accordance with national legislation and procedures, as well as relevant and applicable Union law, including Regulation (EU) (EU) 2016/679 of the European Parliament and of the Council and Directive (EU) 2016/680 of the European Parliament and of the Council[1]. Such background checks shall be proportionate and strictly limited to what is necessary. They shall be carried out for the sole purpose of evaluating a potential security risk to the critical entity.*** _____ _____ ***1. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA***
Article 12(2), introductory part				
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	2. In accordance with applicable Union and national law, including Regulation (EU) 2016/679/EU of the European Parliament and of the Council [1], a background check as referred to in paragraph 1 shall: 1. OJ L 119, 4.5.2016, p. 1.	2. In accordance with applicable Union and national law, including Regulation (EU) 2016/679/EU of the European Parliament and of the Council [1], ***Member States shall ensure that*** a background check as referred to in paragraph 1 ***is carried out for the sole purpose of evaluating a potential security risk to the critical entity concerned. A background check*** shall: 1. OJ L 119, 4.5.2016, p. 1.	2. ~~In accordance with applicable Union and national law, including Regulation (EU) 2016/679/EU of the European Parliament and of the Council [1], a background check as referred to in paragraph 1 shall:~~ ~~1. OJ L 119, 4.5.2016, p. 1.~~	2. ~~*In accordance with applicable Union and national law, including Regulation (EU) 2016/679/EU of the European Parliament and of the Council [1],*~~***Political trilogue 28/6:*** A background check as referred to in paragraph 1 shall***, at least***: ~~*1. OJ L 119, 4.5.2016, p. 1.*~~
Article 12(2), point (a)				
150	(a) establish the person's identity on the basis of documentary evidence;	(a) establish the person's identity on the basis of documentary evidence;	(a) ~~establish the person's identity on the basis of documentary evidence;~~	(a) ~~*establish the person's identity on the basis of documentary evidence*~~***Political trilogue 28/6:*** ***(a) corroborate the person's identity***;
Article 12(2), point (b)				
151	(b) cover any criminal records of at least the preceding five years, and for a maximum of ten years, on crimes relevant for recruitment on a specific position, in the Member State or Member States of nationality of the person and in any	(b) cover any criminal records of at least the preceding five years, and for a maximum of ten years, on crimes relevant for recruitment on a specific position, in the Member State or Member States of nationality of the person and in any	(b) ~~cover any criminal records of at least the preceding five years, and for a maximum of ten years, on crimes relevant for recruitment on a specific position, in the Member State or Member States of nationality of the person and in any~~	(b) ~~*cover any criminal records of at least the preceding five years, and for a maximum of ten years*~~***Technical meeting 14/7 Provisionally agreed*** ***(b) check criminal records***, on

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	of the Member States or third countries of residence during that period of time;	of the Member States or third countries of residence during that period of time;	~~of the Member States or third countries of residence during that period of time~~;	crimes relevant for ~~*recruitment on*~~ a specific position~~*, in the Member State or Member States of nationality of the person and in any of the Member States or third countries of residence during that period of time*~~;
Article 12(2), point (c)				
G	152	(c) cover previous employments, education and any gaps in education or employment in the person's resume during at least the preceding five years and for a maximum of ten years.	(c) cover previous employments, education and any gaps in education or employment in the person's resume during at least the preceding five years and for a maximum of ten years.	(c) ~~*cover previous employments, education and any gaps in education or employment in the person's resume during at least the preceding five years and for a maximum of ten years.*~~ ***Technical meeting 17/06*** ***Agreement to delete line***
Article 12(2), first paragraph				
G	153	As regards point (b) of the first subparagraph, Member States shall ensure that their authorities competent to carry out background checks obtain the information on criminal records from other Member States through ECRIS in accordance with the procedures set out in Council Framework Decision 2009/315/JHA, and,	As regards point (b) of the first subparagraph, Member States shall ensure that their authorities competent to carry out background checks obtain the information on criminal records from other Member States through ECRIS in accordance with the procedures set out in Council Framework Decision 2009/315/JHA, and,	~~As regards point (b) of the first subparagraph,~~ Member States shall ~~ensure that their authorities competent to carry out background checks obtain~~**, for the purpose of obtaining** the information on criminal records from other Member States**, use the European Criminal Records Information System (**~~through~~ ECRIS**)** in	~~*As regards point (b) of the first subparagraph,*~~ ***Political trilogue 28/6:*** Member States shall***, for the purpose of obtaining*** ~~*ensure that their authorities competent to carry out background checks obtain*~~ the information on criminal records from other Member States***, use the***

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	where relevant, Regulation (EU) 2019/816 of the European Parliament and of the Council[1]. The central authorities referred to in Article 3 of that Framework Decision and in Article 3(5) of that Regulation shall provide replies to requests for such information within 10 working days from the date the request was received. _____ 1. OJ L 135, 22.5.2019, p. 1.	where relevant, Regulation (EU) 2019/816 of the European Parliament and of the Council[1]. The central authorities referred to in Article 3 of that Framework Decision and in Article 3(5) of that Regulation shall provide replies to requests for such information within 10 working days from the date the request was received. _____ 1. OJ L 135, 22.5.2019, p. 1.	accordance with the procedures set out in Council Framework Decision 2009/315/JHA, and, where relevant **and applicable**, Regulation (EU) 2019/816 of the European Parliament and of the Council[1]. The central authorities referred to in Article 3 of that Framework Decision and in Article 3(5) of that Regulation shall provide replies to requests for such information within 10 working days from the date the request was received **in accordance with Article 8(1) of that Framework Decision**. _____ 1. OJ L 135, 22.5.2019, p. 1.	***European Criminal Records Information System (*** ~~*through*~~ ECRIS***)*** in accordance with the procedures set out in Council Framework Decision 2009/315/JHA, and, where relevant ***and applicable***, Regulation (EU) 2019/816 of the European Parliament and of the Council[1]. The central authorities referred to in Article 3 of that Framework Decision and in Article 3(5) of that Regulation shall provide replies to requests for such information within 10 working days from the date the request was received ***in accordance with Article 8(1) of that Framework Decision***. _____ 1. OJ L 135, 22.5.2019, p. 1.
Article 12(3)				
154	3. In accordance with applicable Union and national law, including Regulation (EU) 2016/679, each Member State shall ensure that a background check as referred to in paragraph 1 may also be extended, on the basis of a duly justified request of the critical entity, to draw upon intelligence and any other objective information	3. In accordance with applicable Union and national law, including Regulation (EU) 2016/679, each Member State shall ensure that a background check as referred to in paragraph 1 may also be extended, on the basis of a duly justified request of the critical entity, to draw upon intelligence and any other objective information	3. ~~In accordance with applicable Union and national law, including Regulation (EU) 2016/679, each Member State shall ensure that a background check as referred to in paragraph 1 may also be extended, on the basis of a duly justified request of the critical entity, to draw upon intelligence and any other objective information~~	3. ~~*In accordance with applicable Union and national law, including Regulation (EU) 2016/679, each Member State shall ensure that a background check as referred to in paragraph 1 may also be extended, on the basis of a duly justified request of the critical entity, to draw upon intelligence and any other objective information*~~

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	available that may be necessary to determining the suitability of the person concerned to work in the position in relation to which the critical entity has requested an extended background check.	available that may be necessary to determining the suitability of the person concerned to work in the position in relation to which the critical entity has requested an extended background check.	~~available that may be necessary to determining the suitability of the person concerned to work in the position in relation to which the critical entity has requested an extended background check.~~	~~*available that may be necessary to determining the suitability of the person concerned to work in the position in relation to which the critical entity has requested an extended background check.*~~ ***Technical meeting 31/05*** ***Provisionally agreed to delete***
Article 13				
155	Article 13 Incident notification	Article 13 Incident notification	Article 13 Incident notification	Article 13 Incident notification Text Origin: Commission Proposal
Article 13(1)				
156	1. Member States shall ensure that critical entities notify without undue delay the competent authority of incidents that significantly disrupt or have the potential to significantly disrupt their operations. Notifications shall include any available information necessary to enable the competent authority to understand the nature, cause and possible consequences of the incident, including so as to	1. Member States shall ensure that critical entities notify without undue delay the competent authority of incidents that significantly disrupt or have the potential to significantly disrupt their operations. ***An initial notification shall be submitted within 24 hours of a critical entity becoming aware of an incident, followed by a detailed report no later than one month thereafter.***	1. Member States shall ensure that critical entities notify without undue delay the competent authority of incidents that significantly disrupt or have the potential to significantly disrupt ~~their operations. Notifications shall include any available information necessary to enable the competent authority to understand the nature, cause and possible consequences of the incident, including so as~~ **the**	1. ***Technical meeting 21/06*** ***Provisionally agreed*** ***1.*** Member States shall ensure that critical entities notify without undue delay the competent authority of incidents that significantly disrupt or have the potential to significantly disrupt ~~*their operations. Notifications shall include any available information necessary to enable the competent*~~

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	determine any cross-border impact of the incident. Such notification shall not make the critical entities subject to increased liability.	Notifications shall include any available information necessary to enable the competent authority to understand the nature, cause and possible consequences of the incident, including so as to determine any cross-border impact of the incident. Such notification shall not make the critical entities subject to increased liability. ***Where an incident has or might have a significant impact on critical entities or on the continuity of the provision of essential services in more than three Member States, Member States shall ensure that the critical entities concerned notify such incidents to the Commission. The Commission shall inform the Critical Entities Resilience Group of any such notifications without undue delay. The Commission and the Critical Entities Resilience Group shall, in accordance with Union law, treat information provided as part of such notifications in a way that respects its confidentiality and protects the security and commercial interests of the critical entity or entities concerned.***	**provision of essential services. In order** to determine ~~any cross-border impact of the incident. Such notification~~**the significance, the following parameters** shall ~~not make the critical entities subject to increased liability.~~**, in particular, be taken into account:**	~~*authority to understand the nature, cause and possible consequences of the*~~***the provision of essential services. Unless operationally unable to do so, an initial notification shall be submitted within 24 hours of a critical entity becoming aware of an*** incident, ~~*including so as to determine any cross-border impact of the incident*~~***followed, where relevant, by a detailed report no later than one month thereafter***. ***In order to determine the significance, the following parameters shall, in particular, be taken into account:*** ~~*Such notification shall not make the critical entities subject to increased liability.*~~

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Article 13(1), point (a)				
156a			**(a) the number and share of users affected**	***(a) Technical meeting on 6/05 Provisionally agreed*** ***(a) the number and share of users affected;***
Article 13(1), point (b)				
156b			**(b) the duration**	***(b) Technical meeting on 6/05 Provisionally agreed*** ***(b) the duration;***
Article 13(1), point (c)				
156c			**(c) the geographical area affected.**	***(c) Technical meeting on 6/05 Provisionally agreed*** ***(c) the geographical area affected, taking into account whether the area is geographically isolated.***
Article 13(1), point (d)				
156d				***(d) Technical meeting 21/06 Provisionally agreed:*** ***(d) Where an incident has or might have a significant impact***

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				on the continuity of the provision of essential services in six Member States or more, the competent authority of the Member States affected shall notify such incidents to the Commission.
Article 13(2), introductory part				
157	2. In order to determine the significance of the disruption or the potential disruption to the critical entity's operations resulting from an incident, the following parameters shall, in particular, be taken into account:	2. In order to determine the significance of the disruption or the potential disruption to the critical entity's operations resulting from an incident, the following parameters shall, in particular, be taken into account:	2. ~~In order to determine the significance of the disruption or the potential disruption to the critical entity's operations resulting from an~~**Notifications shall include any available information necessary to enable the competent authority to understand the nature, cause and possible consequences of the** incident, **including so as to determine any cross-border impact of the incident. Such notification**~~the following parameters~~ shall~~, in particular, be taken into account:~~ **not make the critical entities subject to increased liability.**	2. ~~*In order to determine the significance of the disruption or the potential disruption to the critical entity's operations resulting from an*~~***Technical meeting 6/05 Provisionally agreed*** ***Notifications shall include any available information necessary to enable the competent authority to understand the nature, cause and possible consequences of the*** incident, ***including so as to determine any cross-border impact of the incident. Such notification***~~*the following parameters*~~ shall~~*, in particular, be taken into account:*~~ ***not make the critical entities subject to increased liability.***

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Article 13(2), point (a)				
158	(a) the number of users affected by the disruption or potential disruption;	(a) the number of users affected by the disruption or potential disruption;	(a) ~~the number of users affected by the disruption or potential disruption;~~	(a) ~~*the number of users affected by the disruption or potential disruption;*~~***Technical meeting 6/05*** ***Provisionally agreed to delete***
Article 13(2), point (b)				
159	(b) the duration of the disruption or anticipated duration of a potential disruption;	(b) the duration of the disruption or anticipated duration of a potential disruption;	(b) ~~the duration of the disruption or anticipated duration of a potential disruption;~~	(b) ~~*the duration of the disruption or anticipated duration of a potential disruption;*~~***Technical meeting 6/05*** ***Provisionally agreed to delete the text***
Article 13(2), point (c)				
160	(c) the geographical area affected by the disruption or potential disruption.	(c) the geographical area affected by the disruption or potential disruption***, taking into account whether the area is geographically isolated***.	(c) ~~the geographical area affected by the disruption or potential disruption.~~	(c) ~~*the geographical area affected by the disruption or potential disruption.*~~***Technical meeting 6/05*** ***Provisionally agreed to delete the text***
Article 13(3), introductory part				
161	3. On the basis of the information provided in the notification by the	3. On the basis of the information provided in the notification by the	3. On the basis of the information provided in the notification by the	3. ***Technical meeting 6/05*** ***Provisionally agreed***

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	critical entity, the competent authority, via its single point of contact, shall inform the single point of contact of other affected Member States if the incident has, or may have, a significant impact on critical entities and the continuity of the provision of essential services in one or more other Member States.	critical entity, the competent authority, via its single point of contact, shall inform the single point of contact of other affected Member States if the incident has, or may have, a significant impact on critical entities and the continuity of the provision of essential services in one or more other Member States.	critical entity, the competent authority, via ~~its~~ **the** single point of contact, shall inform the single point of contact of other affected Member States if the incident has, or may have, a significant impact on critical entities and the continuity of the provision of essential services in one or more other Member States.	***3.*** On the basis of the information provided in the notification by the critical entity, the competent authority, via ~~***its***~~***the*** single point of contact, shall inform the single point of contact of other affected Member States if the incident has, or may have, a significant impact on critical entities and the continuity of the provision of essential services in one or more other Member States.
Article 13(3), first paragraph				
G 162	In so doing, the single points of contact shall, in accordance with Union law or national legislation that complies with Union law, treat the information in a way that respects its confidentiality and protects the security and commercial interest of the critical entity concerned.	In so doing, the single points of contact shall, in accordance with Union law or national legislation that complies with Union law, treat the information in a way that respects its confidentiality and protects the security and commercial interest of the critical entity concerned.	In so doing, the single points of contact shall, in accordance with Union law or national legislation ~~that complies with Union law~~, treat the information in a way that respects its confidentiality and protects the security and commercial interest of the critical entity concerned.	***Technical meeting 6/05*** ***Provisionally agreed*** In so doing, the single points of contact shall, in accordance with Union law or national legislation ~~*that complies with Union law*~~, treat the information in a way that respects its confidentiality and protects the security and commercial interest of the critical entity concerned. G
Article 13(3a)				
G 162a		***3a. The competent authority***		***3a. Technical meeting 14/7*** G

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		concerned shall submit a summary report annually to the Commission and to the Critical Entities Resilience Group on the notifications received and the action taken in accordance with this Article.		***Provisionally agreed*** ***Provisionally agreed to delete***
Article 13(4)				
G 163	4. As soon as possible upon having been notified in accordance with paragraph 1, the competent authority shall provide the critical entity that notified it with relevant information regarding the follow-up of its notification, including information that could support the critical entity's effective response to the incident.	4. As soon as possible upon having been notified in accordance with paragraph 1, the competent authority shall provide the critical entity that notified it with relevant information regarding the follow-up of its notification, including information that could support the critical entity's effective response to the incident. ***The competent authority shall inform the public of an incident where it determines that it would be in the public interest to do so. The competent authority shall ensure that critical entities inform users of their services that might be affected by an incident of the incident and, where relevant, of any possible safety measures or remedies.***	4. As soon as possible upon having been notified in accordance with paragraph 1, the competent authority shall provide the critical entity ~~that notified it~~ with relevant ~~information regarding the~~ follow-up ~~of its notification~~**information** , including information that could support the critical entity's effective response to the incident.	4. ***Technical meeting 23/06 Provisionally agreed*** ***4.*** As soon as possible upon having been notified in accordance with paragraph 1, the competent authority shall provide the critical entity ~~*that notified it*~~ with relevant ~~*information regarding the*~~ follow-up ~~*of its notification*~~***information*** , including information that could support the critical entity's effective response to the incident. ***Member States shall inform the public where they determine that it would be in the public interest to do so.*** G
Article 13a				

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163a		***Article 13a Standards***		***Article 13a Standards*** Text Origin: EP Mandate
Article 13a(1)				
163b		***In order to promote the consistent implementation of this Directive, Member States shall, without imposing or discriminating in favour of the use of a particular type of technology, encourage the use of standards and specifications relevant to the security and resilience of critical entities.***		***1. Technical meeting 21/06 Provisionally agreed*** ***In order to promote the convergent implementation of this Directive, Member States shall, where useful and without imposing or discriminating in favour of the use of a particular type of technology, encourage the use of European and Internationally recognised standards and technical specifications relevant to the security and resilience of critical entities.***
Chapter IV				
164	Chapter IV Specific oversight over Critical entities of particular European significance	Chapter IV Specific oversight over Critical entities of particular European significance	Chapter IV ~~Specific oversight over~~ Critical entities of particular European significance	Chapter IV ~~*Specific oversight over*~~ Critical entities of particular European significance

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				Technical meeting 14/03 ***Provisionally agreed***
Article 14				
165	Article 14 Critical entities of particular European significance	Article 14 Critical entities of particular European significance	Article 14 **Identification of** Critical entities of particular European significance	Article 14 ***Identification of*** Critical entities of particular European significance ***Technical meeting 14/03*** ***Provisionally agreed***
Article 14(1)				
166	1. Critical entities of particular European significance shall be subject to specific oversight, in accordance with this Chapter.	1. Critical entities of particular European significance shall be subject to specific oversight, in accordance with this Chapter.	1. ~~Critical entities of particular European significance shall be subject to specific oversight, in accordance with this Chapter.~~	1. ~~*Critical entities of particular European significance shall be subject to specific oversight, in accordance with this Chapter.*~~***Technical meeting 23/06*** ***Provisionally agreed to delete***
Article 14(2)				
167	2. An entity shall be considered a critical entity of particular European significance when it has been identified as a critical entity and it provides essential services to or in more than one third of Member States and has been	2. An entity shall be considered a critical entity of particular European significance when it has been identified as a critical entity and it provides ***the same or similar*** essential services to or in more than ~~*one third of*~~***three*** Member	2. An entity shall be considered a critical entity of particular European significance when it has been identified as a critical entity ~~and~~**pursuant to article 5(1),** it provides essential services to or in more than one third of Member	2. ***Technical meeting 23/06*** ***Provisionally agreed*** ***2.*** An entity shall be considered a critical entity of particular European significance when it has been identified as a critical entity

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	notified as such to the Commission pursuant to Article 5(1) and (6), respectively.	States and has been notified as such to the Commission pursuant to Article 5(1) and (6), respectively.	States and **it** has been notified ~~as such to the Commission~~ pursuant to **paragraph 3;** ~~Article 5(1) and (6), respectively.~~	~~*and*~~***pursuant to article 5(1),*** it provides ***the same or similar*** essential services to or in ~~*more than one third of*~~***six or more*** Member States and ***it*** has been notified ~~*as such to the Commission*~~ pursuant to ~~*Article 5(1) and (6), respectively*~~***paragraph 3 of this Article***.
Article 14(2a), introductory part				
G 167a			**2a. Member States shall ensure that a critical entity, following the notification referred in Article 5(3), provides information to its competent authority designated pursuant to Article 8 of this Directive, when it provides essential services to or in more than one third of Member States, and if so, which essential services to or in which Member States.**	***2a. Technical meeting 23/06 Provisionally agreed*** ***2a. Member States shall ensure that a critical entity, following the notification referred in Article 5(3), provides information to its competent authority designated pursuant to Article 8 of this Directive, when it provides essential services to or in six or more Member States, and if so, which essential services to or in which Member States.*** G
Article 14(2a), first paragraph				
G 167b			**The Member State shall notify, without undue delay, the Commission of that information**	***Technical meeting 16/05 Provisionally agreed*** G

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			as well as the identity of the critical entity.	***The Member State shall notify, without undue delay, the Commission of that information as well as the identity of the critical entity.***
Article 14(2a), second paragraph				
167c			**The Commission shall engage in consultations with the competent authorities of the Member State which identified such a critical entity and of other Member States concerned, and with the critical entity. In these consultations, each Member State shall communicate to the Commission if it deems that the services provided to it by the critical entity are essential services.**	***Technical meeting 23/06 Provisionally agreed*** ***The Commission shall engage in consultations with the competent authorities of the Member State which identified such a critical entity and of other Member States concerned, and with the critical entity. In these consultations, each Member State shall communicate to the Commission if it deems that the services provided to it by the critical entity are essential services.***
Article 14(3), introductory part				
168	3. The Commission shall, without undue delay upon receiving the notification pursuant to Article 5(6), notify the entity concerned that it is considered a critical entity of particular European	3. The Commission shall, without undue delay upon receiving the notification pursuant to Article 5(6), notify the entity concerned that it is considered a critical entity of particular European	3. **If** the Commission ~~shall, without undue delay upon receiving the notification pursuant to Article 5(6)~~**establishes, on the basis of the consultations in paragraph 2a, that the critical**	3. ***Technical meeting 23/06 Provisionally agreed*** ***3. If*** the Commission ~~*shall, without undue delay upon receiving the notification pursuant to Article*~~

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	significance, informing that entity of its obligations pursuant to this Chapter and the date from which those obligations apply to it.	significance, informing that entity of its obligations pursuant to this Chapter and the date from which those obligations apply to it.	**entity concerned provides essential services to or in more than one third of Member States**, **it shall** notify the entity concerned**, through its competent authority,** that it is considered a critical entity of particular European significance, informing that entity of its obligations pursuant to this Chapter and the date from which those obligations apply to it.	~~*5(6),*~~ ***establishes, on the basis of the consultations in paragraph 2a, that the critical entity concerned provides essential services to or in six or more Member States, it shall*** notify the entity concerned***, through its competent authority,*** that it is considered a critical entity of particular European significance, informing that entity of its obligations pursuant to this Chapter and the date from which those obligations apply to it. ***Once the competent authority is informed by the Commission of its decision to consider an entity as a critical entity of particular European importance, the competent authority shall forward the notification to the critical entity designated as of particular European significance without undue delay.***
Article 14(3), first paragraph				
169	The provisions of this Chapter shall apply to the critical entity of particular European significance concerned from the date of receipt of that notification.	The provisions of this Chapter shall apply to the critical entity of particular European significance concerned from the date of receipt of that notification.	The provisions of this Chapter shall apply to the critical entity of particular European significance concerned from the date of receipt of **the notification referred to in paragraph 3** ~~that notification~~.	***Technical meeting 14/03 Provisionally agreed*** ***4.*** The provisions of this Chapter shall apply to the critical entity of particular European significance concerned from the date of receipt

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				of ~~*that*~~***the*** notification ***referred to in paragraph 3***.
Article 15				
170	Article 15 Specific oversight	Article 15 Specific oversight	Article 15 ~~Specific oversight~~**Advisory Missions**	Article 15 ~~*Specific oversight*~~***Advisory Missions*** ***Technical meeting 14/03 Provisionally agreed***
Article 15(1), introductory part				
171	1. Upon request of one or more Member States or of the Commission, the Member State where the infrastructure of the critical entity of particular European significance is located shall, together with that entity, inform the Commission and the Critical Entities Resilience Group of the outcome of the risk assessment carried out pursuant to Article 10 and the measures taken in accordance with Article 11.	1. Upon request of one or more Member States or of the Commission, ~~*the Member State where the infrastructure of the*~~***a*** critical entity of particular European significance ~~*is located*~~ shall, ~~*together with that entity,*~~ inform ~~*the Commission and*~~ the Critical Entities Resilience Group of the outcome of the risk assessment carried out pursuant to Article 10 and the measures taken in accordance with Article 11.	1. ~~Upon request of one or more Member States or of the Commission, the Member State where the infrastructure of the critical entity of particular European significance is located shall, together with that entity, inform the Commission and the Critical Entities Resilience Group of the outcome of the risk assessment carried out pursuant to Article 10 and the measures taken in accordance with Article 11.~~	1. ~~*Upon request of one or more Member States or of the Commission, the Member State where the infrastructure of the critical entity of particular European significance is located shall, together with that entity, inform the Commission and the Critical Entities Resilience Group of the outcome of the risk assessment carried out pursuant to Article 10 and the measures taken in accordance with Article 11.*~~***Technical meeting 23/6: provisionally agree to delete***
Article 15(1), first paragraph				

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172	That Member State shall also inform, without undue delay, the Commission and the Critical Entities Resilience Group of any supervisory or enforcement actions, including any assessments of compliance or orders issued, that its competent authority has undertaken pursuant to Articles 18 and 19 in respect of that entity.	That Member State shall also inform, without undue delay, the Commission and the Critical Entities Resilience Group of any supervisory or enforcement actions, including any assessments of compliance or orders issued, that its competent authority has undertaken pursuant to Articles 18 and 19 in respect of that entity.	~~That~~**The** Member State ~~shall also inform, without undue delay, the Commission and the Critical Entities Resilience Group of any supervisory or enforcement actions, including any assessments of compliance or orders issued, that its competent authority has undertaken pursuant to Articles 18 and 19 in respect of that entity~~**where a critical entity of particular European significance is located may request the Commission to organise an advisory mission to assess the measures that the entity concerned put in place to meet its obligations pursuant to Chapter III**.	***~~That~~Technical meeting 23/06 Provisionally agreed*** ***1. The*** Member State ***~~shall also inform, without undue delay, the Commission and the~~that has identified a critical entity of particular European significance as a*** critical ***~~Entities Resilience Group of any supervisory or enforcement actions, including any assessments of compliance or orders issued, that its competent authority has undertaken pursuant to Articles 18 and 19 in respect of that entity~~entity, may request the Commission to organise an advisory mission to assess the measures that that entity has put in place to meet its obligations pursuant to Chapter III***.
Article 15(1a)				
172a			**1a. One or more Member States to or in which the essential service is provided, or the Commission, may also request an advisory mission referred to in paragraph 1. Upon agreement of the Member State where the critical entity of particular**	***1a. Technical meeting 24/06 Provisionally agreed*** ***1a. One or more Member States to or in which the essential service is provided, or the Commission, may also request an advisory mission referred to in paragraph 1. Upon***

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			European significance is located, the Commission shall organise such an advisory mission.	***agreement of the Member State that has identified a critical entity of particular European significance as a critical entity, the Commission shall organise such an advisory mission.***
Article 15(2)				
G 173	2. Upon request of one or more Member States, or at its own initiative, and in agreement with the Member State where the infrastructure of the critical entity of particular European significance is located, the Commission shall organise an advisory mission to assess the measures that that entity put in place to meet its obligations pursuant to Chapter III. Where needed, the advisory missions may request specific expertise in the area of disaster risk management through the Emergency Response Coordination Centre.	2. Upon request of one or more Member States, or at its own initiative, and in ~~agreement~~***consultation*** with the Member State where the infrastructure of the critical entity of particular European significance is located, the Commission shall organise an advisory mission to assess the measures that that entity put in place to meet its obligations pursuant to Chapter III. Where needed, the advisory missions may request specific expertise in the area of disaster risk management through the Emergency Response Coordination Centre.	2. Upon **reasoned** request of one or more Member States~~, or at its own initiative, and in agreement with~~ **to or in which the essential service is provided, or the Commission,** the Member State where the ~~infrastructure of the~~ critical entity of particular European significance is located~~, the Commission~~ shall ~~organise an advisory mission to assess the measures that that entity put in place to meet its obligations pursuant to Chapter III. Where needed, the advisory missions may request specific expertise in the area of disaster risk management through the Emergency Response Coordination Centre.~~**provide:**	2. ***Technical meeting 24/06 Provisionally agreed*** ***2. Upon reasoned*** ~~*Upon*~~ request of one or more Member States~~*, or at its own initiative, and in agreement with*~~ ***to or in which the essential service is provided, or the Commission,*** the Member State ~~*where the infrastructure of the*~~***that has identified a*** critical entity of particular European significance ~~*is located, the Commission*~~***as a critical entity*** shall ~~*organise an advisory mission to assess the measures that that entity put in place to meet its obligations pursuant to Chapter III. Where needed, the advisory missions may request specific expertise in the area of disaster risk management through the Emergency Response Coordination Centre.*~~***provide to the Commission:*** G

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Article 15(2), point (a)				
173a			**(a) a summarised outcome of the risk assessment carried out pursuant to Article 10;**	***(a) Technical meeting 24/06 Provisionally agreed*** ***(a) the relevant parts of the risk assessment carried out pursuant to Article 10;***
Article 15(2), point (b)				
173b			**(b) a summary of measures taken in accordance with Article 11;**	***(b) Technical meeting 24/06 Provisionally agreed*** ***(b) a list of relevant measures taken in accordance with Article 11;***
Article 15(2), point (c)				
173c			**(c) supervisory or enforcement actions, including assessments of compliance or orders issued, that its competent authority has undertaken pursuant to Articles 18 and 19 in respect of that entity.**	***(b) Technical meeting 22/04 Provisionally agreed*** ***(c) supervisory or enforcement actions, including assessments of compliance or orders issued, that its competent authority has undertaken pursuant to Articles 18 and 19 in respect of that entity.***

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Article 15(3), introductory part				
174	3. The advisory mission shall report its findings to the Commission, the Critical Entities Resilience Group and the critical entity of particular European significance concerned within a period of three months after the conclusion of the advisory mission.	3. The advisory mission shall report its findings to the Commission, the Critical Entities Resilience Group and the critical entity of particular European significance concerned within a period of three months after the conclusion of the advisory mission.	3. The advisory mission shall report its findings to the Commission, ~~the Critical Entities Resilience Group and~~, **the Member State where** the critical entity of particular European significance **is located, the Member States to or in which the essential service is provided and the entity** concerned within a period of three months after the conclusion of the advisory mission.	3. ***Technical meeting 24/06 Provisionally agreed*** ***3.*** The advisory mission shall report its findings to the Commission, the ~~*Critical Entities Resilience Group and the*~~***Member State that has identified a*** critical entity of particular European significance ***as a critical entity, the Member States to or in which the essential service is provided and the entity*** concerned within a period of three months after the conclusion of the advisory mission.
Article 15(3), first paragraph				
175	The Critical Entities Resilience Group shall analyse the report and, where necessary, shall advise the Commission on whether the critical entity of particular European significance concerned complies with its obligations pursuant to Chapter III and, where appropriate, which measures could be taken to improve the resilience of that entity.	The Critical Entities Resilience Group shall analyse the report and, where necessary, shall advise the Commission on whether the critical entity of particular European significance concerned complies with its obligations pursuant to Chapter III and, where appropriate, which measures could be taken to improve the resilience of that entity.	**The Member States to or in which the essential service is provided**~~The Critical Entities Resilience Group~~ shall analyse the report and, where necessary, shall advise the Commission on whether the critical entity of particular European significance concerned complies with its obligations pursuant to Chapter III and, where appropriate, which measures could be taken to improve the resilience	***Technical meeting 22/06 Provisionally agreed*** ***The Member States to or in which the essential service is provided***~~*The Critical Entities Resilience Group*~~ shall analyse the report and, where necessary, shall advise the Commission on whether the critical entity of particular European significance concerned complies with its obligations

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			of that entity.	pursuant to Chapter III and, where appropriate, which measures could be taken to improve the resilience of that entity.
Article 15(3), second paragraph				
176	The Commission shall, based on that advice, communicate its views to the Member State where the infrastructure of that entity is located, the Critical Entities Resilience Group and that entity on whether that entity complies with its obligations pursuant to Chapter III and, where appropriate, which measures could be taken to improve the resilience of that entity.	The Commission shall, based on that advice, communicate its views to the Member State where the infrastructure of that entity is located, the Critical Entities Resilience Group and that entity on whether that entity complies with its obligations pursuant to Chapter III and, where appropriate, which measures could be taken to improve the resilience of that entity.	The Commission shall, based on that advice, communicate its ~~views~~ **opinion** to the Member State where **that entity is located, the Member States to or in which the essential service is provided** ~~the infrastructure of that entity is located, the Critical Entities Resilience Group~~ and that entity on whether that entity complies with its obligations pursuant to Chapter III and, where appropriate, which measures could be taken to improve the resilience of that entity.	***Technical meeting 24/06 Provisionally agreed*** The Commission shall, based on that advice, communicate its ~~*views*~~***opinion*** to the Member State ~~*where the infrastructure of that*~~***that has identified a critical*** entity ~~*is located, the Critical Entities Resilience Group*~~***of particular European significance as a critical entity, the Member States to or in which the essential service is provided*** and that entity on whether that entity complies with its obligations pursuant to Chapter III and, where appropriate, which measures could be taken to improve the resilience of that entity.
Article 15(3), third paragraph				
177	That Member State shall take due account of those views and provide	That Member State shall take due account of those views and provide	That Member State shall **ensure that the competent authority and**	***Technical meeting 22/04 Provisionally agreed***

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	information to the Commission and the Critical Entities Resilience Group on any measures it has taken pursuant to the communication.	information to the Commission and the Critical Entities Resilience Group on any measures it has taken pursuant to the communication.	**the critical entity concerned** take due account of ~~those views~~ **that opinion** and provide information to the Commission and the ~~Critical Entities Resilience Group on any~~ **Member States to or in which the essential service is provided on** measures it has taken pursuant to **that opinion** ~~the communication~~.	That Member State shall ***ensure that its competent authority and the critical entity concerned*** take due account of ~~*those views*~~***that opinion*** and provide information to the Commission and the ~~*Critical Entities Resilience Group on any*~~ ***Member States to or in which the essential service is provided on*** measures it has taken pursuant to ~~*the communication*~~***that opinion***.
Article 15(4), introductory part				
G 178	4. Each advisory mission shall consist of experts from Member States and of Commission representatives. Member States may propose candidates to be part of an advisory mission. The Commission shall select and appoint the members of each advisory mission according to their professional capacity and ensuring a geographically balanced representation among Member States. The Commission shall bear the costs related to the participation in the advisory mission.	4. Each advisory mission shall consist of experts from Member States and of Commission representatives. Member States may propose candidates to be part of an advisory mission. The Commission shall select and appoint the members of each advisory mission according to their professional capacity and ensuring a geographically balanced representation among Member States. The Commission shall bear the costs related to the participation in the advisory mission.	4. Each advisory mission shall consist of experts from **the Member State where the critical entity of particular European significance is located, the** Member States **to or in which the essential service is provided** and of Commission representatives. **Those** Member States may propose candidates to be part of an advisory mission. The Commission shall**, after consultation with the Member State where the critical entity is located,** select and appoint the members of each advisory mission according to their professional capacity and ensuring **where possible** a geographically	4. ***Technical meeting 24/06 Provisionally agreed*** ***4.*** Each advisory mission shall consist of experts from ***the Member State where the critical entity of particular European significance is located, the*** Member States ***to or in which the essential service is provided*** and of Commission representatives. ***Those*** Member States may propose candidates to be part of an advisory mission. The Commission shall**,** ***after consultation with the Member State that has identified a critical entity of particular European significance as a*** G

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			balanced representation **from all those** ~~among~~ Member States. **Whenever necessary, members of the advisory mission shall have a valid and appropriate security clearance.** The Commission shall bear the costs related to the participation in the advisory mission.	***critical entity,*** select and appoint the members of each advisory mission according to their professional capacity and ensuring ***where possible*** a geographically balanced representation ~~*among*~~***from all those*** Member States***. Whenever necessary, members of the advisory mission shall have a valid and appropriate security clearance***. The Commission shall bear the costs related to the participation in the advisory mission.
Article 15(4), first paragraph				
G 179	The Commission shall organise the programme of an advisory mission, in consultation with the members of the specific advisory mission and in agreement with the Member State where the infrastructure of the critical entity or the critical entity of European significance concerned is located.	The Commission shall organise the programme of an advisory mission, in consultation with the members of the specific advisory mission and ~~*in agreement with*~~ the Member State where the infrastructure of the critical entity or the critical entity of European significance concerned is located.	The Commission shall organise the programme of an advisory mission, in consultation with the members of the specific advisory mission and in agreement with the Member State where ~~the infrastructure of the critical entity or~~ the critical entity of European significance concerned is located.	***Technical meeting 24/06 Provisionally agreed*** The Commission shall organise the programme of an advisory mission, in consultation with the members of the specific advisory mission and in agreement with the Member State ~~*where the infrastructure of the*~~***that has identified a*** critical entity ~~*or the critical entity of*~~***of particular*** European significance ~~*concerned is located*~~***as a critical entity***. G

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Article 15(5)				
180	5. The Commission shall adopt an implementing act laying down rules on the procedural arrangements for the conduct and reports of advisory missions. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 20(2).	5. The Commission shall adopt an implementing act laying down rules on the procedural arrangements for the conduct and reports of advisory missions. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 20(2).	5. The Commission shall adopt an implementing act laying down rules on the procedural arrangements for the **requests and their handling, for the** conduct and reports of advisory missions **and for the handling of the communication on the Commission's opinion and on the measures taken, duly taking into account the confidentiality and the commerical sensitivity of the information concerned**. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 20(2).	5. ***Technical meeting 22/04 Provisionally agreed*** ***5.*** The Commission shall adopt an implementing act laying down rules on the procedural arrangements for the ***requests and their handling, for the*** conduct and reports of advisory missions ***and for the handling of the communication on the Commission's opinion and on the measures taken, duly taking into account the confidentiality and the commerical sensitivity of the information concerned***. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 20(2).
Article 15(6)				
181	6. Member States shall ensure that the critical entity of particular European significance concerned provides the advisory mission with access to all information, systems and facilities relating to the provision of its essential services	6. Member States shall ensure that the critical entity of particular European significance concerned provides the advisory mission with access to all information, systems and facilities relating to the provision of its essential services	6. Member States shall ensure that the critical entity of particular European significance concerned provides the advisory mission with access to ~~all~~ information, systems and facilities relating to the provision of its essential services	6. ***Technical meeting 22/04 Provisionally agreed*** ***6.*** Member States shall ensure that the critical entity of particular European significance concerned provides the advisory mission with

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	necessary for the performance of its tasks.	necessary for the performance of its tasks.	necessary for ~~the performance of its tasks~~**carrying out the advisory mission**.	access to ~~*all*~~ information, systems and facilities relating to the provision of its essential services necessary for ~~*the performance of its tasks*~~***carrying out the advisory mission***.
Article 15(7)				
182	7. The advisory mission shall be carried out in compliance with the applicable national law of the Member State where that infrastructure is located.	7. The advisory mission shall be carried out in compliance with the applicable national law of the Member State where that infrastructure is located.	7. The advisory mission shall be carried out in compliance with the applicable national law of the Member State where **the critical entity of particular European significance** ~~that infrastructure~~ is located**, respecting that Member State's responsibility for national security and protection of its security interests**.	7. ***Technical meeting 24/06 Provisionally agreed*** ***7.*** The advisory mission shall be carried out in compliance with the applicable national law of the Member State where ***it takes place, respecting that Member State's responsibility for national security and protection of its security interests*** ~~*that infrastructure is located*~~.
Article 15(8)				
183	8. When organising the advisory missions, the Commission shall take into account the reports of any inspections carried out by the Commission under Regulation (EC) 300/2008 and Regulation (EC) 725/2004 and of the reports of any monitoring carried out by	8. When organising the advisory missions, the Commission shall take into account the reports of any inspections carried out by the Commission under Regulation (EC) 300/2008 and Regulation (EC) 725/2004 and of the reports of any monitoring carried out by	8. When organising the advisory missions, the Commission shall take into account the reports of any inspections carried out by the Commission under Regulation (EC) 300/2008 and Regulation (EC) 725/2004 and of the reports of any monitoring carried out by	8. ***Technical meeting 24/06 Provisionally agreed*** ***8.*** When organising the advisory missions, the Commission shall take into account the reports of any inspections carried out by the Commission under Regulation

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	the Commission under Directive 2005/65/EC in respect of the critical entity or the critical entity of particular European significance, as appropriate.	the Commission under Directive 2005/65/EC in respect of the critical entity or the critical entity of particular European significance, as appropriate.	the Commission under Directive 2005/65/EC in respect of the critical entity or the critical entity of particular European significance, as appropriate.	(EC) 300/2008 and Regulation (EC) 725/2004 and of the reports of any monitoring carried out by the Commission under Directive 2005/65/EC in respect of the critical entity or the critical entity of particular European significance, as appropriate.
Article 15(9)				
G 183a			**9. The Commission shall inform the Critical Entities Resilience Group whenever an advisory mission is organised. The Member State where the critical entity of particular European significance is located and the Commission shall also inform the Critical Entities Resilience Group of the summary report of the advisory mission and the lessons-learned with a view to promoting mutual learning.**	***8a. Technical meeting 24/06 Provisionally agreed*** ***9. The Commission shall inform the Critical Entities Resilience Group whenever an advisory mission is organised. The Member State where the advisory mission took place and the Commission shall also inform the Critical Entities Resilience Group of the main findings of the advisory mission and the lessons-learned with a view to promoting mutual learning.*** G
Chapter V				
G 184	Chapter V Cooperation and Reporting	Chapter V Cooperation and Reporting	Chapter V Cooperation and Reporting	Chapter V Cooperation and Reporting G

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				Technical meeting 24/06 ***Provisionally agreed***
Article 16				
185	Article 16 Critical Entities Resilience Group	Article 16 Critical Entities Resilience Group	Article 16 Critical Entities Resilience Group	Article 16 Critical Entities Resilience Group ***Technical meeting 24/06*** ***Provisionally agreed***
Article 16(1)				
186	1. A Critical Entities Resilience Group is established with effect from [six months after the entry into force of this Directive]. It shall support the Commission and facilitate strategic cooperation and the exchange of information on issues relating to this Directive.	1. A Critical Entities Resilience Group is established with effect from [six months after the entry into force of this Directive]. It shall support the Commission and facilitate strategic cooperation and the exchange of information on issues relating to this Directive.	1. A– Critical Entities Resilience Group is established with effect from [six months after the entry into force of this Directive]. It shall support the Commission and facilitate **cooperation among Member States** ~~strategic cooperation~~ and the exchange of information on issues relating to this Directive.	1. ***Technical meeting 24/06*** ***Provisionally agreed*** ***1. A*** ~~*A*~~ –Critical Entities Resilience Group is established with effect from [six months after the entry into force of this Directive]. It shall support the Commission and facilitate ~~*strategic*~~ cooperation ***among Member States*** and the exchange of information on issues relating to this Directive.
Article 16(2), introductory part				
187	2. The Critical Entities Resilience Group shall be composed of representatives of the Member	2. The Critical Entities Resilience Group shall be composed of representatives of the Member	2. The Critical Entities Resilience Group shall be composed of representatives of the Member	2. ***Technical meeting 24/06*** ***Provisionally agreed***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	States and the Commission. Where relevant for the performance of its tasks, the Critical Entities Resilience Group may invite representatives of interested parties to participate in its work.	States and the Commission. Where relevant for the performance of its tasks, the Critical Entities Resilience Group ~~*may*~~***shall*** invite representatives of ~~*interested parties*~~***relevant stakeholders*** to participate in its work ***and the European Parliament to participate as an observer***.	States and the Commission **holding security clearance, where appropriate**. Where relevant for the performance of its tasks, the Critical Entities Resilience Group may invite ~~representatives of interested parties~~**other stakeholders** to participate in its work.	***2.*** The Critical Entities Resilience Group shall be composed of representatives of the Member States and the Commission ***holding security clearance, where appropriate***. Where relevant for the performance of its tasks, the Critical Entities Resilience Group may invite ~~*representatives of interested parties*~~***relevant stakeholders*** to participate in its work. ***If so requested by Parliament, the Commission may also invite Parliament's experts to attend meetings of the Critical Entities Resilience Group.***
Article 16(2), first paragraph				
188	The Commission's representative shall chair the Critical Entities Resilience Group.	The Commission's representative shall chair the Critical Entities Resilience Group.	The Commission's representative shall chair the Critical Entities Resilience Group.	***Technical meeting 24/06 Provisionally agreed*** The Commission's representative shall chair the Critical Entities Resilience Group.
Article 16(3), introductory part				
189	3. The Critical Entities Resilience Group shall have the following tasks:	3. The Critical Entities Resilience Group shall have the following tasks:	3. The Critical Entities Resilience Group shall have the following tasks:	3. ***Technical meeting 24/06 Provisionally agreed*** The Critical Entities Resilience

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Group shall have the following tasks:
Article 16(3), point (a)				
190	(a) supporting the Commission in assisting Member States in reinforcing their capacity to contribute to ensuring the resilience of critical entities in accordance with this Directive;	(a) supporting the Commission in assisting Member States in reinforcing their capacity to contribute to ensuring the resilience of critical entities in accordance with this Directive;	(a) supporting the Commission in assisting Member States in reinforcing their capacity to contribute to ensuring the resilience of critical entities in accordance with this Directive;	(a) ***Technical meeting 24/06*** ***Provisionally agreed*** ***(a)*** supporting the Commission in assisting Member States in reinforcing their capacity to contribute to ensuring the resilience of critical entities in accordance with this Directive;
Article 16(3), point (b)				
191	(b) evaluating the strategies on the resilience of critical entities referred to in Article 3 and identifying best practices in respect of those strategies;	(b) evaluating the strategies on the resilience of critical entities referred to in Article 3 and identifying best practices in respect of those strategies;	(b) ~~evaluating~~ **analysing** the strategies on the resilience of critical entities referred to in Article 3 **in order to identify** ~~and identifying~~ best practices in respect of those strategies;	(b) ~~*evaluating*~~***Technical meting 6/05*** ***Provisionally agreed*** ***(b) analysing*** the strategies on the resilience of critical entities referred to in Article 3 ***in order to identify*** ~~*and identifying*~~ best practices in respect of those strategies;
Article 16(3), point (c)				
192	(c) facilitating the exchange of	(c) facilitating the exchange of	(c) facilitating the exchange of	(c) ***Technical meeting 24/06***

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	best practices with regard to the identification of critical entities by the Member States in accordance with Article 5, including in relation to cross-border dependencies and regarding risks and incidents;	best practices with regard to the identification of critical entities by the Member States in accordance with Article 5, including in relation to cross-border ***and cross sectoral*** dependencies and regarding risks and incidents;	best practices with regard to the identification of critical entities by the Member States in accordance with Article 5, including in relation to cross-border dependencies and regarding risks and incidents, **as well as with regard to the national approach to implementing the equivalence regime**;	***Provisionally agreed*** ***(c)*** facilitating the exchange of best practices with regard to the identification of critical entities by the Member States in accordance with Article 5, including in relation to cross-border ***and cross sectoral*** dependencies and regarding risks and incidents~~;~~**.**
Article 16(3), point (ca)				
192a		***(ca) preparing a Union strategy on resilience in compliance with the objectives set out in this Directive;***		***(ca) Technical meeting 24/06 Provisionally agreed*** ***(ca) where appropriate, contribute on issues relating to this Directive to documents concerning resilience at EU-level;***
Article 16(3), point (d)				
193	(d) contributing to the preparation of the guidelines referred to in Article 6(3) and any delegated and implementing acts under this Directive, upon request;	(d) contributing to the preparation of the guidelines referred to in Article 6(3) and any delegated and implementing acts under this Directive, upon request;	(d) contributing to the preparation of the guidelines referred to in ~~Article~~**Articles** 6(3) and ~~any delegated and~~ **11(4) and, upon request, any** implementing acts under this Directive~~, upon request~~;	(d) ***Political trilogue 28/6: Provisionally agreed:*** ***(d)*** contributing to the preparation of the guidelines referred to in ~~*Article*~~***Articles*** 6(3) and ***11(4) and, upon request,*** any delegated ~~*and*~~***or*** implementing acts under this Directive~~*, upon request*~~;

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Article 16(3), point (e)				
194	(e) examining, on an annual basis, the summary reports referred to in Article 8(3);	(e) examining, on an annual basis, the summary reports referred to in Article 8(3);	(e) ~~examining, on an annual basis,~~ **analysing** the summary reports referred to in Article 8(3);	(e) ~~*examining, on an annual basis,*~~***Technical meeting 24/06 Provisionally agreed*** ***(e) analysing*** the summary reports referred to in Article 8(3) ***with a view to promoting the sharing of best practices on the action taken in accordance with Article 13(3)***;
Article 16(3), point (f)				
195	(f) exchanging best practices on the exchange of information related to the notification of incidents referred to in Article 13;	(f) exchanging best practices on the exchange of information related to the notification of incidents referred to in Article 13;	(f) exchanging best practices ~~on the exchange of information~~ related to the notification of incidents referred to in Article 13;	(f) ~~*exchanging best practices on the exchange of information*~~***Technical meeting 6/05 Provisionally agreed*** ***(f) exchanging best practices*** related to the notification of incidents referred to in Article 13;
Article 16(3), point (g)				
196	(g) analyse and provide advice on the reports of advisory missions in accordance with Article 15(3);	(g) analyse and provide advice on the reports of advisory missions in accordance with Article 15(3);	(g) ~~analyse and provide advice on the~~ **discuss the summary** reports of advisory missions **and lessons-learned** in accordance with Article	(g) ~~*analyse and provide advice on the*~~***Technical meeting 6/05 Provisionally agreed***

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			~~15(3)~~**15(9)**;	***(g) discuss the summary*** reports of advisory missions ***and lessons-learned*** in accordance with Article ~~*15(3)*~~***15(9)***;
Article 16(3), point (h)				
197	(h) exchanging information and best practices on research and development relating to the resilience of critical entities in accordance with this Directive;	(h) exchanging information and best practices on ***innovation,*** research and development relating to the resilience of critical entities in accordance with this Directive;	(h) exchanging information and best practices on research and development relating to the resilience of critical entities in accordance with this Directive;	(h) ***Technical meeting 6/05 Provisionally agreed*** ***(h)*** exchanging information and best practices on ***innovation,*** research and development relating to the resilience of critical entities in accordance with this Directive;
Article 16(3), point (ha)				
197a		***(ha) promoting and supporting coordinated risk assessments and joint actions among critical entities;***		***(ha) Technical meeting 24/06*** ***Provisionally agreed to delete EP amendment***
Article 16(3), point (i)				
198	(i) where relevant, exchanging information on matters concerning the resilience of critical entities with relevant Union institutions, bodies, offices and agencies.	(i) where relevant, exchanging information on matters concerning the resilience of critical entities with relevant Union institutions, bodies, offices and agencies.	(i) where relevant, exchanging information on matters concerning the resilience of critical entities with relevant Union institutions, bodies, offices and agencies.	(i) ***Technical meeting 24/06 Provisionally agreed*** ***(i)*** where relevant, exchanging information on matters concerning the resilience of critical entities

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				with relevant Union institutions, bodies, offices and agencies.
Article 16(4)				
199	4. By [24 months after entry into force of this Directive] and every two years thereafter, the Critical Entities Resilience Group shall establish a work programme in respect of actions to be undertaken to implement its objectives and tasks, which shall be consistent with the requirements and objectives of this Directive.	4. By [24 months after entry into force of this Directive] and every two years thereafter, the Critical Entities Resilience Group shall establish a work programme in respect of actions to be undertaken to implement its objectives and tasks, which shall be consistent with the requirements and objectives of this Directive.	4. By [24 months after entry into force of this Directive] and every two years thereafter, the Critical Entities Resilience Group shall establish a work programme in respect of actions to be undertaken to implement its objectives and tasks, which shall be consistent with the requirements and objectives of this Directive.	4. ***Technical meeting 16/05 Provisionally agreed*** ***4.*** By [24 months after entry into force of this Directive] and every two years thereafter, the Critical Entities Resilience Group shall establish a work programme in respect of actions to be undertaken to implement its objectives and tasks, which shall be consistent with the requirements and objectives of this Directive.
Article 16(5)				
200	5. The Critical Entities Resilience Group shall meet regularly and at least once a year with the Cooperation Group established under [the NIS 2 Directive] to promote strategic cooperation and exchange of information.	5. The Critical Entities Resilience Group shall meet regularly and at least once a year with the Cooperation Group established under [the NIS 2 Directive] to ~~*promote*~~***facilitate*** strategic cooperation and exchange of information.	5. The Critical Entities Resilience Group shall meet regularly and at least once a year with the Cooperation Group established under [the NIS 2 Directive] to promote ~~strategic~~ cooperation and **facilitate** exchange of information.	5. ***Technical meeting 24/06 Provisionally agreed*** ***5.*** The Critical Entities Resilience Group shall meet regularly and at least once a year with the Cooperation Group established under [the NIS 2 Directive] to ~~*promote strategic*~~***facilitate both*** cooperation and exchange of information.

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Article 16(6)				
201	6. The Commission may adopt implementing acts laying down procedural arrangements necessary for the functioning of the Critical Entities Resilience Group. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(2).	6. The Commission may adopt implementing acts laying down procedural arrangements necessary for the functioning of the Critical Entities Resilience Group. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(2).	6. The Commission ~~may~~ **shall** adopt implementing acts laying down procedural arrangements necessary for the functioning of the Critical Entities Resilience Group**, pursuant to the provisions of Article 1.4**. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(2).	6. ***Technical meeting 6/05 Provisionally agreed*** ***6.*** The Commission may adopt implementing acts laying down procedural arrangements necessary for the functioning of the Critical Entities Resilience Group***, pursuant to the provisions of Article 1.4***. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(2).
Article 16(7)				
202	7. The Commission shall provide to the Critical Entities Resilience Group a summary report of the information provided by the Member States pursuant to Articles 3(3) and 4(4) by [three years and six months after entry into force of this Directive] and subsequently where necessary and at least every four years.	7. The Commission shall provide to the Critical Entities Resilience Group a summary report of the information provided by the Member States pursuant to Articles 3(3) and 4(4) by [three years and six months after entry into force of this Directive] and subsequently where necessary and at least every four years. ***The Commission shall regularly publish a summary report of the activities of the Critical Entities Resilience Group.***	7. The Commission shall provide to the Critical Entities Resilience Group a summary report of the information provided by the Member States pursuant to Articles 3(3) and 4(4) by [three years and ~~six~~ **nine** months after entry into force of this Directive] and subsequently where necessary and at least every four years.	7. ***Technical meeting 24/06 Provisionally agreed*** ***7.*** The Commission shall provide to the Critical Entities Resilience Group a summary report of the information provided by the Member States pursuant to Articles 3(3) and 4(4) by ~~[three~~***four*** years ~~and six months~~ after entry into force of this Directive~~]~~ and subsequently where necessary and at least every four years.

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		The Commission shall set up a common secretariat for the Critical Entities Resilience Group and the Cooperation Group established under the NIS 2 Directive in order to better accommodate communication between the two groups and, consequently, to minimise ambiguities between the different authorities designated under this Directive and the NIS 2 Directive.		
Article 17				
203	Article 17 Commission support to competent authorities and critical entities	Article 17 Commission support to competent authorities and critical entities	Article 17 Commission support to competent authorities and critical entities	Article 17 Commission support to competent authorities and critical entities ***Technical meeting 16/05*** ***Provisionally agreed***
Article 17(1)				
204	1. The Commission shall, where appropriate, support Member States and critical entities in complying with their obligations under this Directive, in particular by preparing a Union-level overview of cross-border and cross-sectoral risks to the provision	1. The Commission shall, where appropriate, support Member States and critical entities in complying with their obligations under this Directive, in particular by preparing a Union-level overview of cross-border and cross-sectoral risks to the provision	1. The Commission shall, where appropriate, support Member States and critical entities in complying with their obligations under this Directive~~, in particular by preparing~~**. The Commission shall prepare** a Union-level overview of cross-border and	1. ***Technical meeting 16/05*** ***Provisionally agreed*** ***1.*** The Commission shall, where appropriate, support Member States and critical entities in complying with their obligations under this Directive~~, *in particular*~~

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	of essential services, organising the advisory missions referred to in Articles 11(3) and 15(3) and facilitating information exchange among experts across the Union.	of essential services, organising the advisory missions referred to in Articles 11(3) and 15(3) and facilitating information exchange among experts across the Union.	cross-sectoral risks to the provision of essential services, ~~organising~~ **organise** the advisory missions referred to in Articles 11(3) and ~~15(3) and facilitating~~**15 and facilitate** information exchange among **Member States and** experts across the Union.	~~*by preparing*~~***. The Commission shall prepare*** a Union-level overview of cross-border and cross-sectoral risks to the provision of essential services, ~~*organising*~~***organise*** the advisory missions referred to in Articles 11(3) and ~~*15(3) and facilitating*~~***15 and facilitate*** information exchange among ***Member States and*** experts across the Union.
Article 17(2)				
G 205	2. The Commission shall complement Member States' activities referred to in Article 9 by developing best practices and methodologies, and by developing cross-border training activities and exercises to test the resilience of critical entities.	2. The Commission shall complement Member States' activities referred to in Article 9 by developing best practices and methodologies, and by developing cross-border training activities and exercises to test the resilience of critical entities.	2. The Commission shall complement Member States' activities referred to in Article 9 by developing best practices**, guidance materials** and methodologies, and by developing cross-border training activities and exercises to test the resilience of critical entities.	2. ***Technical meeting 16/05 Provisionally agreed*** ***2.*** The Commission shall complement Member States' activities referred to in Article 9 by developing best practices**,** ***guidance materials*** and methodologies, and by developing cross-border training activities and exercises to test the resilience of critical entities.
Article 17(2a)				
G 205a			**2a. The Commission shall make financial sources available to Member States for enhancing the**	***2a. Technical meeting 31/05 Provisionally agreed***

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			resilience of their critical entities.	***2a. The Commission shall inform Member States about financial resources at EU level available to Member States for enhancing the resilience of critical entities.***
Article 17(2a)				
205b		***2a. In order to receive and properly use the information received under Article 8(3), the Commission shall keep a Union registry of incidents with the aim of developing and sharing best practices and methodologies.***		***2b. Technical meeting 24/06 Provisionally agreed to delete EP AM as covered in line 194***
Chapter VI				
206	Chapter VI SUPERVISION AND ENFORCEMENT	Chapter VI SUPERVISION AND ENFORCEMENT	Chapter VI SUPERVISION AND ENFORCEMENT	Chapter VI SUPERVISION AND ENFORCEMENT ***Technical meeting 16/05 Provisionally agreed***
Article 18				
207	Article 18 Implementation and enforcement	Article 18 Implementation and enforcement	Article 18 Implementation and enforcement	Article 18 Implementation and enforcement ***Technical meeting 16/05***

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				Provisionally agreed
Article 18(1), introductory part				
208	1. In order to assess the compliance of the entities that the Member States identified as critical entities pursuant to Article 5 with the obligations pursuant to this Directive, they shall ensure that the competent authorities shall have the powers and means to:	1. In order to assess the compliance of the entities that the Member States identified as critical entities pursuant to Article 5 with the obligations pursuant to this Directive, they shall ensure that the competent authorities shall have the powers and means to:	1. In order to assess the compliance of the entities that the Member States identified as critical entities pursuant to Article 5 with the obligations pursuant to this Directive, they shall ensure that the competent authorities shall have the powers and means to:	1. ***Technical meeting 16/05 Provisionally agreed*** ***1.*** In order to assess the compliance of the entities that the Member States identified as critical entities pursuant to Article 5 with the obligations pursuant to this Directive, they shall ensure that the competent authorities shall have the powers and means to:
Article 18(1), point (a)				
209	(a) conduct on-site inspections of the premises that the critical entity uses to provide its essential services, and off-site supervision of critical entities' measures pursuant to Article 11;	(a) conduct on-site inspections of the premises that the critical entity uses to provide its essential services, and off-site supervision of critical entities' measures pursuant to Article 11;	(a) conduct on-site inspections of the **critical infrastructure and the** premises that the critical entity uses to provide its essential services, and off-site supervision of critical entities' measures pursuant to Article 11;	(a) ***Technical meeting 16/05 Provisionally agreed*** ***(a)*** conduct on-site inspections of ***the critical infrastructure and*** the premises that the critical entity uses to provide its essential services, and off-site supervision of critical entities' measures pursuant to Article 11;
Article 18(1), point (b)				
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	(b) conduct or order audits in respect of those entities.	(b) conduct or order audits in respect of those entities.	(b) conduct or order audits in respect of those entities.	(b) ***Technical meeting 16/05 Provisionally agreed*** ***(b)*** conduct or order audits in respect of those entities.
Article 18(2), introductory part				
211	2. Member States shall ensure that the competent authorities have the powers and means to require, where necessary for the performance of their tasks under this Directive, that the entities that they identified as critical entities pursuant to paragraph 5 provide, within a reasonable time period set by those authorities:	2. Member States shall ensure that the competent authorities have the powers and means to require, where necessary for the performance of their tasks under this Directive, that the entities that they identified as critical entities pursuant to paragraph 5 provide, within a reasonable time period set by those authorities:	2. Member States shall ensure that the competent authorities have the powers and means to require, where necessary for the performance of their tasks under this Directive, that the entities that they identified as critical entities pursuant to paragraph 5 provide, within a reasonable time period set by those authorities:	2. ***Technical meeting 16/05 Provisionally agreed*** ***2.*** Member States shall ensure that the competent authorities have the powers and means to require, where necessary for the performance of their tasks under this Directive, that the entities that they identified as critical entities pursuant to paragraph 5 provide, within a reasonable time period set by those authorities:
Article 18(2), point (a)				
212	(a) the information necessary to assess whether the measures taken by those to ensure its resilience meet the requirements of Article 11;	(a) the information necessary to assess whether the measures taken by those to ensure its resilience meet the requirements of Article 11;	(a) the information necessary to assess whether the measures taken by those **entities** to ensure ~~its~~ **their** resilience meet the requirements of Article 11;	(a) ***Technical meeting 16/05 Provisionally agreed*** ***(a)*** the information necessary to assess whether the measures taken by those ***entities*** to ensure ~~*its*~~ ***their*** resilience meet the requirements of Article 11;

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Article 18(2), point (b)				
213	(b) evidence of the effective implementation of those measures, including the results of an audit conducted by an independent and qualified independent auditor selected by that entity and conducted at its expense.	(b) evidence of the effective implementation of those measures, including the results of an audit conducted by an independent and qualified independent auditor selected by that entity and conducted at its expense.	(b) evidence of the effective implementation of those measures, including the results of an audit conducted by an independent and qualified independent auditor selected by that entity and conducted at its expense.	(b) ***Technical meeting 16/05 Provisionally agreed*** ***(b)*** evidence of the effective implementation of those measures, including the results of an audit conducted by an independent and qualified independent auditor selected by that entity and conducted at its expense.
Article 18(2), first paragraph				
214	When requiring that information, the competent authorities shall state the purpose of the requirement and specify the information required.	When requiring that information, the competent authorities shall state the purpose of the requirement and specify the information required.	When requiring that information, the competent authorities shall state the purpose of the requirement and specify the information required.	***Technical meeting 16/05 Provisionally agreed*** When requiring that information, the competent authorities shall state the purpose of the requirement and specify the information required.
Article 18(3)				
215	3. Without prejudice to the possibility to impose penalties in accordance with Article 19, the competent authorities may,	3. Without prejudice to the possibility to impose penalties in accordance with Article 19, the competent authorities may,	3. Without prejudice to the possibility to impose penalties in accordance with Article 19, the competent authorities may,	3. ***Technical meeting 16/05 Provisionally agreed*** ***3.*** Without prejudice to the

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	following the supervisory actions referred to in paragraph 1, or the assessment of the information referred to in paragraph 2, order the critical entities concerned to take the necessary and proportionate measures to remedy any identified infringement of this Directive, within a reasonable time period set by those authorities, and to provide to those authorities information on the measures taken. Those orders shall take into account, in particular, the seriousness of the infringement.	following the supervisory actions referred to in paragraph 1, or the assessment of the information referred to in paragraph 2, order the critical entities concerned to take the necessary and proportionate measures to remedy any identified infringement of this Directive, within a reasonable time period set by those authorities, and to provide to those authorities information on the measures taken. Those orders shall take into account, in particular, the seriousness of the infringement.	following the supervisory actions referred to in paragraph 1, or the assessment of the information referred to in paragraph 2, order the critical entities concerned to take the necessary and proportionate measures to remedy any identified infringement of this Directive, within a reasonable time period set by those authorities, and to provide to those authorities information on the measures taken. Those orders shall take into account, in particular, the seriousness of the infringement.	possibility to impose penalties in accordance with Article 19, the competent authorities may, following the supervisory actions referred to in paragraph 1, or the assessment of the information referred to in paragraph 2, order the critical entities concerned to take the necessary and proportionate measures to remedy any identified infringement of this Directive, within a reasonable time period set by those authorities, and to provide to those authorities information on the measures taken. Those orders shall take into account, in particular, the seriousness of the infringement.
Article 18(4)				
G 216	4. Member State shall ensure that the powers provided for in paragraphs 1, 2 and 3 can only be exercised subject to appropriate safeguards. Those safeguards shall guarantee, in particular, that such exercise takes place in an objective, transparent and proportionate manner and that the rights and legitimate interests of the critical entities affected are duly safeguarded, including their	4. Member State shall ensure that the powers provided for in paragraphs 1, 2 and 3 can only be exercised subject to appropriate safeguards. Those safeguards shall guarantee, in particular, that such exercise takes place in an objective, transparent and proportionate manner and that the rights and legitimate interests of the critical entities affected are duly safeguarded, including their	4. Member State shall ensure that the powers provided for in paragraphs 1, 2 and 3 can only be exercised subject to appropriate safeguards. Those safeguards shall guarantee, in particular, that such exercise takes place in an objective, transparent and proportionate manner and that the rights and legitimate interests**, such as the protection of trade- and business secrets and operations,**	4. ***Technical meeting 16/05 Provisionally agreed*** ***4.*** Member State shall ensure that the powers provided for in paragraphs 1, 2 and 3 can only be exercised subject to appropriate safeguards. Those safeguards shall guarantee, in particular, that such exercise takes place in an objective, transparent and proportionate manner and that the G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	rights to be heard, of defence and to an effective remedy before an independent court.	rights to be heard, of defence and to an effective remedy before an independent court.	of the critical entities affected are duly safeguarded, including their rights to be heard, of defence and to an effective remedy before an independent court.	rights and legitimate interests***, such as the protection of trade- and business secrets,*** of the critical entities affected are duly safeguarded, including their rights to be heard, of defence and to an effective remedy before an independent court.
Article 18(5)				
G 217	5. Member States shall ensure that, when a competent authority assesses the compliance of a critical entity pursuant to this Article, it shall inform the competent authorities of the Member State concerned designated under the [the NIS 2 Directive] and may request those authorities to assess the cybersecurity of such entity, and cooperate and exchange information for this purpose.	5. Member States shall ensure that, when a competent authority assesses the compliance of a critical entity pursuant to this Article, it shall inform the competent authorities of the Member State concerned designated under the [the NIS 2 Directive] and may request those authorities to assess the cybersecurity of such entity, and cooperate and exchange information for this purpose.	5. Member States shall ensure that, when a competent authority assesses the compliance of a critical entity pursuant to this Article, it shall inform the competent authorities of the Member State concerned designated under the [the NIS 2 Directive] and may request those authorities to **exercise their supervisory and enforcement powers in relation to an essential entity under the scope of [NIS 2 Directive] that is also identified as critical under this Directive** ~~assess the cybersecurity of such entity~~, and cooperate and exchange information for this purpose.	5. ***Technical meeting 16/05 Provisionally agreed*** ***5.*** Member States shall ensure that, when a competent authority assesses the compliance of a critical entity pursuant to this Article, it shall inform the competent authorities of the Member State concerned designated under the [the NIS 2 Directive] and may request those authorities to ***exercise their supervisory and enforcement powers in relation to an essential entity under the scope of [NIS 2 Directive] that is also identified as critical under this Directive*** ~~*assess the cybersecurity of such entity*~~, and cooperate and exchange information for this purpose. G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 19				
218	Article 19 Penalties	Article 19 Penalties	Article 19 Penalties	Article 19 Penalties ***Technical meeting 16/05*** ***Provisionally agreed***
Article 19, first paragraph				
219	Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by [two years after entry into force of this Directive] at the latest and shall notify it without delay of any subsequent amendment affecting them.	Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by [two years after entry into force of this Directive] at the latest and shall notify it without delay of any subsequent amendment affecting them.	Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by [two years after entry into force of this Directive] at the latest and shall notify it without delay of any subsequent amendment affecting them.	***Technical meeting 31/05*** ***Provisionally agreed*** Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by [~~*two years*~~ ***21 months*** after entry into force of this Directive] at the latest and shall notify it without delay of any subsequent amendment affecting them.
Chapter VII				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
220	Chapter VII FINAL PROVISIONS	Chapter VII FINAL PROVISIONS	Chapter VII FINAL PROVISIONS	Chapter VII FINAL PROVISIONS ***Technical meeting 16/05*** ***Provisionally agreed***
Article 20				
221	Article 20 Committee procedure	Article 20 Committee procedure	Article 20 Committee procedure	Article 20 Committee procedure ***Technical meeting 16/05*** ***Provisionally agreed***
Article 20(1)				
222	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. ***Technical meeting 16/05*** ***Provisionally agreed*** ***1.*** The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
Article 20(2)				
223	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. ***Technical meeting 16/05*** ***Provisionally agreed***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
Article 21				
224	Article 21 Exercise of the delegation	Article 21 Exercise of the delegation	~~Article 21~~ ~~Exercise of the delegation~~	Article 21 ***Political trilogue 28/6:*** ***Article 21*** Exercise of the delegation
Article 21(1)				
225	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. ~~The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.~~	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
Article 21(2)				
226	2. The power to adopt delegated acts referred to in Article 11(4) shall be conferred on the Commission for a period of five years from date of entry into force of this Directive or any other date set by the co-legislators.	2. The power to adopt delegated acts referred to in ~~*Article*~~***Articles 4(1) and*** 11(4) shall be conferred on the Commission for a period of five years from date of entry into force of this Directive or any other date set by the co-legislators.	2. ~~The power to adopt delegated acts referred to in Article 11(4) shall be conferred on the Commission for a period of five years from date of entry into force of this Directive or any other date set by the co-legislators.~~	2. The power to adopt delegated acts referred to in Article ~~*11(4)*~~***4(1)*** shall be conferred on the Commission for a period of five years from date of entry into force of this Directive or any other date set by the co-legislators.
Article 21(3)				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
227	3. The delegation of power referred to in Article 11(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in ~~*Article*~~ ***Articles 4(1) and*** 11(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. ~~The delegation of power referred to in Article 11(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.~~	3. The delegation of power referred to in Article ~~*11(4)*~~***4(1)*** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
Article 21(4)				
228	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	4. ~~Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.~~	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
Article 21(5)				
229	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. ~~As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.~~	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 21(6)				
230	6. A delegated act adopted pursuant to Article 11(4) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Article 11(4) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. ~~A delegated act adopted pursuant to Article 11(4) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.~~	6. A delegated act adopted pursuant to Article ~~*11(4)*~~***4(1)*** shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.
Article 22				
231	Article 22 Reporting and review	Article 22 Reporting and review	Article 22 Reporting and review	Article 22 Reporting and review ***Technical meeting 16/05*** ***Provisionally agreed***
Article 22, first paragraph				
232	By [54 months after the entry into	By [54 months after the entry into	By [~~54 months~~ **six years** after the	***Technical meeting 24/06***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	force of this Directive], the Commission shall submit a report to the European Parliament and to the Council, assessing the extent to which the Member States have taken the necessary measures to comply with this Directive.	force of this Directive], the Commission shall submit a report to the European Parliament and to the Council, assessing the extent to which the Member States have taken the necessary measures to comply with this Directive. ***The report shall contain separate country chapters on the concrete implementation progress in each Member State.***	entry into force of this Directive], the Commission shall submit a report to the European Parliament and to the Council, assessing the extent to which the Member States have taken the necessary measures to comply with this Directive.	***Provisionally agreed*** By [54 months after the entry into force of this Directive], the Commission shall submit a report to the European Parliament and to the Council, assessing the extent to which ~~*the*~~***each*** Member ~~*States have*~~***State has*** taken the necessary measures to comply with this Directive.
Article 22, second paragraph				
233	The Commission shall periodically review the functioning of this Directive, and report to the European Parliament and to the Council. The report shall in particular assess the impact and added value of this Directive on ensuring the resilience of critical entities and whether the scope of the Directive should be extended to cover other sectors or subsectors. The first report shall be submitted by [six years after the entry into force of this Directive] and shall assess in particular whether the scope of the Directive should be extended to include the food production, processing and distribution sector.	The Commission shall periodically review the functioning of this Directive, and report to the European Parliament and to the Council. The report shall in particular assess the impact and added value of this Directive on ensuring the resilience of critical entities and whether the scope of the Directive should be extended to cover other sectors or subsectors. The first report shall be submitted by [six years after the entry into force of this Directive] and shall assess in particular whether the scope of the Directive should be extended***. For that purpose, the Commission shall take into account relevant documents of the***	The Commission shall periodically review the functioning of this Directive, and report to the European Parliament and to the Council. The report shall in particular assess the impact and added value of this Directive on ensuring the resilience of critical entities and whether the ~~scope~~ **Annex** of the Directive should be ~~extended to cover other sectors or subsectors~~ **modified**. The first report shall be submitted by [~~six~~ **7** years **and 6 months** after the entry into force of this Directive] ~~and shall assess in particular whether the scope of the Directive should be extended to include the food production, processing and~~	***Technical meeting 16/05*** ***Provisionally agreed*** The Commission shall periodically review the functioning of this Directive, and report to the European Parliament and to the Council. The report shall in particular assess the impact and added value of this Directive on ensuring the resilience of critical entities and whether the ~~*scope*~~***Annex*** of the Directive should be ~~*extended to cover other sectors or subsectors*~~***modified***. The first report shall be submitted by [~~*six*~~***6*** years ***and 5 months*** after the entry into force of this Directive] ~~*and shall assess in particular*~~

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Critical Entities Resilience Group ~~*to include the food production, processing and distribution sector*~~.	~~distribution sector.~~**.**	~~*whether the scope of the Directive should be extended to include the food production, processing and distribution sector*~~***. For that purpose, the Commission shall take into account relevant documents of the Critical Entities Resilience Group***.
Article 23				
G 234	Article 23 Repeal of Directive 2008/114/EC	Article 23 Repeal of Directive 2008/114/EC	Article 23 Repeal of Directive 2008/114/EC	Article 23 Repeal of Directive 2008/114/EC ***Technical meeting 16/05*** ***Provisionally agreed***
Article 23, first paragraph				
G 235	Directive 2008/114/EC is repealed with effect from [date of entry into force of this Directive].	Directive 2008/114/EC is repealed with effect from [date of entry into force of this Directive].	Directive 2008/114/EC is repealed with effect from [date of ~~entry into force~~ **transposition** of this Directive].	***Technical meeting 31/05*** ***Provisionally agreed*** Directive 2008/114/EC is repealed with effect from [date of ~~*entry into force*~~***transposition*** of this Directive]. ***References to the repealed Directive shall be construed as references to this Directive.***
Article 24				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
236	Article 24 Transposition	Article 24 Transposition	Article 24 Transposition	Article 24 Transposition ***Technical meeting 16/05*** ***Provisionally agreed***
Article 24(1), introductory part				
237	1. Member States shall adopt and publish, by [18 months after entry into force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.	1. Member States shall adopt and publish, by [18 months after entry into force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.	1. Member States shall adopt and publish, by [~~18 months~~ **two years** after entry into force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.	1. ***Technical meeting 16/05*** ***Provisionally agreed*** ***1.*** Member States shall adopt and publish, by [~~*18*~~***21*** months after entry into force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.
Article 24(1), first paragraph				
238	They shall apply those provisions from [two years after entry into force of this Directive + one day].	They shall apply those provisions from [two years after entry into force of this Directive + one day].	They shall apply those provisions from [two years after entry into force of this Directive + one day].	***Technical meeting 16/05*** ***Provisionally agreed*** They shall apply those provisions from [~~*two years*~~***21 months*** after entry into force of this Directive + one day].

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 24(1), second paragraph				
239	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	***Technical meeting 16/05*** ***Provisionally agreed*** When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.
Article 24(2)				
240	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. ***Technical meeting 16/05*** ***Provisionally agreed*** ***2.*** Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.
Article 25				
241	Article 25 Entry into force	Article 25 Entry into force	Article 25 Entry into force	Article 25 Entry into force ***Technical meeting 16/05***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Provisionally agreed
Article 25, first paragraph				
242	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	***Technical meeting 16/05*** ***Provisionally agreed*** This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.
Article 26				
243	Article 26 Addressees	Article 26 Addressees	Article 26 Addressees	Article 26 Addressees ***Technical meeting 16/05*** ***Provisionally agreed***
Article 26, first paragraph				
244	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	***Technical meeting 16/05*** ***Provisionally agreed*** This Directive is addressed to the Member States.
Formula				
245				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Done at Brussels,	Done at Brussels,	Done at Brussels,	***Technical meeting 16/05*** ***Provisionally agreed*** Done at Brussels,
Formula				
246	For the European Parliament	For the European Parliament	For the European Parliament	***Technical meeting 16/05*** ***Provisionally agreed*** For the European Parliament
Formula				
247	The President	The President	The President	***Technical meeting 16/05*** ***Provisionally agreed*** The President
Formula				
248	For the Council	For the Council	For the Council	***Technical meeting 16/05*** ***Provisionally agreed*** For the Council
Formula				
249	The President	The President	The President	***Technical meeting 16/05*** ***Provisionally agreed***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				The President

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