



Council of the  
European Union

Brussels, 23 November 2021  
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13942/21  
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#### NOTE

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. prev. doc.:	9583/2/21, 11724/21
No. Cion doc.:	14150/20
Subject:	Proposal for a Directive of the European Parliament and of the Council on measures for a high common level of cybersecurity across the Union, repealing Directive 2016/1148 - <i>General Approach</i>

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The Art 24(1a) and recital 63 of the document 13942/21 should be read as follows (the changes are marked in *italics*):

*Art 24(1a)*

Entities under this Directive shall be deemed to be under the jurisdiction of the Member State where they provide their services. Entities referred to in points 1 to 7 and 10 of Annex I, *trust service providers and Internet Exchange Point providers referred to in point 8 of Annex I*, and points 1 to 5 of Annex II shall be deemed under the jurisdiction of the Member State on the territory of which they are established ~~and provide services~~.

(63) ~~EA~~Essential and important entities under this Directive should fall under the jurisdiction of the Member State where they provide their services. **Entities referred to in points 1 to 7 and 10 of Annex I, trust service providers and Internet Exchange Point providers referred to in point 8 of Annex I and points 1 to 5 of Annex II of this Directive should fall under the jurisdiction of the Member State where they are established**~~and provide their services~~. If the entity provides services **or has an establishment** in more than one Member State, it should fall under the separate and concurrent jurisdiction of each of these Member States. The competent authorities of these Member States should cooperate, provide mutual assistance to each other and where appropriate, carry out joint supervisory actions. **Where Member States decide to exercise jurisdiction, they should avoid that the same conduct is sanctioned more than once for the infringement of the obligations laid down in this Directive,**

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