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**Interinstitutional File:
2020/0365 (COD)**

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| PROCIV 1 | ECOFIN 17 |
| JAI 19 | ENV 9 |
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| ENER 7 | RELEX 11 |
| TRANS 4 | HYBRID 1 |
| TELECOM 2 | CYBER 2 |
| ATO 2 | ESPACE 1 |

NOTE

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| From: | General Secretariat of the Council |
| To: | Working Party on Civil Protection (CER) |
| No. prev. doc.: | 14594/21 |
| No. Cion doc.: | 14262/20 + ADD1 |
| Subject: | Proposal for a Directive of the European Parliament and of the Council on the resilience of critical entities – 4-column table |

Delegations will find in the Annex a four-column table concerning the above legislative proposal, which contains:

- the Commission proposal of 16 December 2020,
-
- amendments adopted by the European Parliament on 20 October 2021,
-
- And the Council's mandate approved by Council on 20 December 2021

The text in the attached table is marked as follows:

| | |
|-----------------------------|--|
| <i>First column</i> | The Commission proposal as present in ST 14262/20 and ST 14262/20 ADD1. |
| <i>Second column</i> | Additions by the European Parliament are indicated in <i>bold italics</i> , deletions by the European Parliament are indicated in <i>strikethrough italics</i> . |
| <i>Third column</i> | Additions by the Council are indicated by <u>bold underlining</u> , deletions by the Council are indicated in strikethrough . |
| <i>Fourth Column</i> | This column is left blank in view of prospective draft agreements on the text. |

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

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------|---|---|---|------------------------|
| Formula | | | | |
| 1 | 2020/0365 (COD) | 2020/0365 (COD) | 2020/0365 (COD) | |
| Proposal Title | | | | |
| 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 | |
| Formula | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|------------|---|---|---|------------------------|
| 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, | |
| 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, | |
| 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, | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|------------|--|--|--|------------------------|
| 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, | |
| 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. . | |
| Citation 5 | | | | |
| 8 | Having regard to the opinion of | Having regard to the opinion of | Having regard to the opinion of | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|------------|---|---|---|------------------------|
| | the Committee of the Regions ¹ , _____ | the Committee of the Regions ¹ , _____ | the Committee of the Regions ¹ , _____ | |
| | 1. OJ C [...], [...], p. [...]. | 1. OJ C [...], [...], p. [...]. | 1. OJ C [...], [...], p. [...]. | |
| Citation 6 | | | | |
| 9 | Acting in accordance with the ordinary legislative procedure ¹ , _____ | Acting in accordance with the ordinary legislative procedure ¹ , _____ | Acting in accordance with the ordinary legislative procedure ¹ , _____ | |
| | 1. Position of the European Parliament [...] and of the Council [...]. | 1. Position of the European Parliament [...] and of the Council [...]. | 1. Position of the European Parliament [...] and of the Council [...]. | |
| Formula | | | | |
| 10 | Whereas: | Whereas: | Whereas: | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| Recital 0 | | | | |
| 10a | | | <p>(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 interdependent 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.</p> | |

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|-----------|---|---|--|-----------------|
| Recital 1 | | | | |
| 11 | <p>(1) Council Directive 2008/114/EC¹ provides for a procedure for designating European critical 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 exclusively on the protection of such infrastructures. However, the evaluation of Directive 2008/114/EC conducted in 2019² 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</p> | <p>(1) Council Directive 2008/114/EC¹ provides for a procedure for designating European critical 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 exclusively on the protection of such infrastructures. However, the evaluation of Directive 2008/114/EC conducted in 2019² 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, <u>react</u>, accommodate to and recover</p> | <p>(1) Council Directive 2008/114/EC¹ provides for a procedure for designating European critical 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 exclusively on the protection of such infrastructures. However, the evaluation of Directive 2008/114/EC conducted in 2019² 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</p> | |

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| | <p>incidents that have the potential to disrupt the operations of the critical entity.</p> <p>_____</p> <p>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).</p> <p>2. SWD(2019) 308.</p> | <p>from incidents that have the potential to disrupt the operations <u>of provision of essential services by the critical entity, the free movement of essential services and the functioning of the internal market</u>.</p> <p>_____</p> <p>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).</p> <p>2. SWD(2019) 308.</p> | <p>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 disrupt the operations of the critical entity provision of essential services.</p> <p>_____</p> <p>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).</p> <p>2. SWD(2019) 308.</p> | |
| Recital 2 | | | | |

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| 12 | <p>(2) Despite existing measures at Union¹ 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 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</p> | <p>(2) Despite existing measures at Union¹ and national level aimed at supporting the protection of critical infrastructures in the Union, the entities operating those infrastructures are not <u>always</u> 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 <u>hybrid</u> <u>and</u> terrorist threat <u>threats</u> and growing interdependencies between infrastructures and sectors, as well as an increased 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, <u>efficiency and lifespan</u> and efficiency of certain infrastructure types if resilience or</p> | <p>(2) Despite existing Currently, while a number of measures at Union¹ 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 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</p> | |

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| | <p>place. Moreover, relevant sectors and types of entities are not recognised consistently as critical in all Member States.</p> <p>_____</p> <p>1. European Programme for Critical Infrastructure Protection (EPCIP).</p> | <p>climate adaptation measures are not in place. Moreover, relevant sectors and types of entities are not recognised consistently as critical in all Member States. <u>At Union level there is no single recognised list of critical infrastructure sectors. Instead, different legal acts cover different sectors.</u></p> <p>_____</p> <p>1. European Programme for Critical Infrastructure Protection (EPCIP).</p> | <p>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:-</p> <p>_____</p> <p>1. European Programme for Critical Infrastructure Protection (EPCIP).</p> | |
| Recital 3 | | | | |
| 13 | <p>(3) Those growing interdependencies are the result of an increasingly cross-border and interdependent network of service provision using key infrastructures</p> | <p>(3) Those growing interdependencies are the result of an increasingly cross-border and interdependent network of service provision using key infrastructures</p> | <p>(3) Those growing interdependencies are the result of an increasingly cross-border and interdependent network of service provision using key infrastructures</p> | |

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| | <p>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 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.</p> | <p>across the Union in the sectors of energy, transport, banking, financial market infrastructure, digital infrastructure, drinking and waste water, <u>food production, processing and delivery</u>, 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 <u>of essential services</u>, 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</p> | <p>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 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</p> | |

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| | | increasingly interdependent societies in the face of low-probability risks. | 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. | |
| 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 | (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 | (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 | |

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| | only 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. 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. | only risks impacting <u>creates varying levels of resilience but also impacts</u> negatively on the maintenance of vital societal functions or economic activities across the Union, it also leads and <u>leads to unfair competition and</u> to obstacles to the proper functioning of the internal market. <u>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.</u> 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. <u>A Union framework will therefore also have the effect of levelling the playing field for critical entities across the Union.</u> | entities not only 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. 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. <u>It also results in an uneven playing field and disincentives to operate across borders.</u> | |

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| Recital 5 | | | | |
| 15 | (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 <u>and free movement</u> of essential services in the internal market, <u>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</u> and enhance the resilience of | (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. | |

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| | | critical entities. | | |
| Recital 6 | | | | |
| 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 achieving a high level of resilience in the face of all relevant risks. | (6) In order to achieve that objective, Member States should identify critical entities that <u>provide essential services in the sectors and subsectors set out in the Annex to this Directive. Those critical entities</u> 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. | (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 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 | (7) Certain sectors of the economy such as energy and | (7) Certain sectors of the economy such as energy and | |

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| | <p>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.</p> | <p>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 <u>regarded as <i>lex specialis</i> and should be</u> 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.</p> | <p>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</p> <p>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 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,</p> | |

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| | | | <p>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 entities² resilience in respect of all hazards, that is, natural and man-made, accidental and intentional.</p> <p>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.</p> | |
| Recital 8 | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| 18 | <p>(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 Council¹ [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.</p> <p>_____</p> | <p>(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 Council¹ [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. <u><i>As a result, the competent authorities designated under the NIS 2 Directive will be responsible for</i></u></p> | <p>(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 Council¹ [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.</p> <p>_____</p> | |

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| | 1. [Reference to NIS 2 Directive, once adopted.] | <u><i>the supervision of entities identified as critical entities or entities equivalent to critical entities under this Directive as regards matters that fall under the scope of that Directive.</i></u> 1. [Reference to NIS 2 Directive, once adopted.] | 1. [Reference to NIS 2 Directive, once adopted.] | |
| Recital 9 | | | | |
| 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, | (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, | (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, | |

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| | 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 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. | 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 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. | <p>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.</p> <p>In order not to jeopardize the security of Member States should nevertheless include all the sectors listed in the Annex in their strategy 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</p> | |

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| | | | transmission channels and storage capacities that will be used by the relevant stakeholders. | |
| Recital 9a | | | | |
| 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 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 | |

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| | | | <p>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 informal non-disclosure agreements are of relevance.</p> | |
| Recital 10 | | | | |

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| 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 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. | (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, <u>and taking into account the hybrid nature of many threats and the Union's strategy on resilience prepared by the Critical Entities Resilience Group, established by this Directive,</u> Member States should ensure that their cybersecurity strategies provide for a policy framework for enhanced coordination between the competent authority <u>authorities of Member States</u> under this Directive and the <u>under</u> NIS 2 Directive in the context of, <u>including</u> information sharing on incidents and cyber threats and the exercise of supervisory tasks. | (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 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. | |

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| Recital 11 | | | | |
| 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 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 | (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, <u>including cross-sectoral and cross-border risks</u> , that may affect the provision of essential services, including accidents, <u>hybrid threats</u> , natural disasters, public health emergencies such as pandemics, and antagonistic threats, including terrorist offences, <u>criminal infiltration and sabotage</u> . When carrying out those risk assessments, Member States should take into account other | (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 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 | |

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| | 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. | 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. <u>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.</u> 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. <u>At their request the Commission should also be able to provide entities based in third countries with advisory expertise.</u> | 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. | |
| Recital 12 | | | | |
| 22 | (12) In order to ensure that all relevant entities are subject to | (12) In order to ensure that all relevant entities are subject to | (12) In order to ensure that all relevant entities are subject to | |

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| | 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 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 | those requirements and to reduce divergences in this respect, it is important to lay down harmonised <u>minimum</u> rules allowing for a consistent identification of critical entities across the Union, while also allowing Member States to reflect national specificities. Therefore, <u>common</u> criteria <u>and methodologies</u> to identify critical entities should be laid down <u>in a transparent manner</u> . 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 for each sector and subsector referred to in the Annex | 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 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 | |

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| | and any thresholds applied. | and the essential service or services that each entity provides and any thresholds applied. | 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. | |
| 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 | (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 | (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) | |

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| | <p>order to capitalise on the efforts carried out by Member States to identify those operators and the experience gained in this regard.</p> <p>_____</p> <p>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).</p> | <p>order to capitalise on the efforts carried out by Member States to identify those operators and the experience gained in this regard.</p> <p>_____</p> <p>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).</p> | <p>2016/1148 of the European Parliament and of the Council¹ in order to capitalise on the efforts carried out by Member States to identify those operators and the experience gained in this regard.</p> <p>_____</p> <p>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).</p> | |
| Recital 13a | | | | |
| 23a | | | <p>(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</p> | |

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| | | | <p>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 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</p> | |

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| | | | 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 | | | | |
| 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 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 | |

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| | | | 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 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 apply to such entities. However, considering the importance of the services provided by entities in the digital | (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 apply to such entities. However, considering the importance of the services provided by entities in the digital | (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. 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 addresses the physical security of such systems as part of their cybersecurity risk management | |

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| | 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 resilience 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. | 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 resilience 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. | and reporting obligations those providers use in the provision of their services as well as 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 | |

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| | | | <p>therefore the obligations imposed 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</p> | |

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| | | | identify, based on the criteria and using the procedure provided for in this Directive mutatis mutandis , entities should not be subject to those obligations either pertaining to the digital infrastructure sector as critical entities. | |
| 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 | (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 | (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 | |

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| | <p>575/2013 of the European Parliament and of the Council⁴ and Directive 2013/36/EU of the European Parliament and of the Council⁵. 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 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</p> | <p>575/2013 of the European Parliament and of the Council⁴ and Directive 2013/36/EU of the European Parliament and of the Council⁵. 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 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 <u>and, consequently, such entities should not be subject to the obligations laid down in Chapters III to VI of this Directive</u>. To ensure a consistent application of the operational risk</p> | <p>575/2013 of the European Parliament and of the Council⁴ and Directive 2013/36/EU of the European Parliament and of the Council⁵. 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 [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.</p> <p>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</p> | |

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| | <p>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.</p> <p>_____</p> <p>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).</p> <p>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).</p> <p>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).</p> <p>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</p> | <p>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.</p> <p>_____</p> <p>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).</p> <p>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).</p> <p>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).</p> | <p>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 pursuant to this Directive, and subject to the procedures set out in the applicable that legislation in a fully harmonised coherent manner.</p> <p>_____</p> <p>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).</p> <p>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</p> | |

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| | <p>and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).</p> <p>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).</p> <p>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.</p> | <p>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).</p> <p>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).</p> <p>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.</p> | <p>Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).</p> <p>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).</p> <p>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).</p> <p>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).</p> <p>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.</p> | |

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| Recital 16 | | | | |
| 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 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. | (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 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, <u>including with competent authorities of other Member States</u> . All competent authorities should also cooperate more generally with other relevant authorities, both at national and | (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 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. | |

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| | | Union level, <u>including with competent authorities of other Member States.</u> | | |
| 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 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. | (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 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. <u>Each single point of contact should liaise and coordinate all communication, with the competent authorities of its Member State, with the single</u> | (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 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. | |

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| | | <u>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.</u> | | |
| Recital 18 | | | | |
| 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 two Directives should cooperate, particularly in relation to cybersecurity risks and incidents affecting those entities. | (18) Given that under the NIS 2 Directive Entities identified as critical entities, <u>under this Directive</u> 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 two Directives should <u>therefore</u> cooperate <u>in an effective and consistent manner</u> , particularly in relation to cybersecurity risks and incidents affecting those entities. <u>It is important that Member States</u> | (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 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 | |

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| | | <i>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.</i> | 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. | |
| Recital 19 | | | | |
| 29 | (19) Member States should support critical entities in 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 | (19) Member States should support critical entities in strengthening their resilience, in <i>particular those that qualify as small or medium-sized enterprises (SMEs), in</i> 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 | (19) Member States should support critical entities in 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 | |

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| | 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. | organisation of exercises to test their resilience and provide training to personnel of critical entities. <u>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.</u> Moreover, given the interdependencies between entities and sectors, Member States should establish information sharing tools to support voluntary information sharing <u>and good practices</u> between critical entities, without prejudice to the application of competition rules laid down in the Treaty on the Functioning of the European Union. | 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. | |
| Recital 19a | | | | |
| 29a | | | (19a) With the aim of enhancing the resilience of critical entities | |

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| | | | <p>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.</p> | |
| Recital 20 | | | | |

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| 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 <u>and should be in line with common criteria and methodologies.</u> | (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 existing risk assessments. | |
| Recital 21 | | | | |

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| 31 | <p>(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.</p> | <p>(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.</p> | <p>(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 organisational measures. In the performance of its duties under this Directive,</p> | |

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| | | | each critical entity should designate a liaison officer or equivalent as point of contact with the national competent authorities. | |
| Recital 22 | | | | |
| 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 | (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 | (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 | |

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| | physical protection of nuclear material and nuclear facilities, as appropriate. | physical protection of nuclear material and nuclear facilities, as appropriate. | Member States are parties, including the Convention on the physical protection of nuclear material and nuclear facilities, as appropriate. | |
| 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 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, | (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 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, | (23) Regulation (EC) No 300/2008 of the European Parliament and of the Council¹, Regulation (EC) No 725/2004 of the European Parliament and of the Council² and Directive 2005/65/EC of the European Parliament and of the Council³ establish requirements applicable to 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. | |

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| | <p>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 Platform⁴.</p> <p>_____</p> <p>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).</p> <p>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.).</p> <p>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).</p> | <p>critical entities in those sectors should reflect in their resilience plan or equivalent documents the measures taken pursuant to those other Union acts. Moreover, <u>critical entities are also to take into consideration Directive 2008/96/EC of the European Parliament and of the Council⁴, 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</u>, when implementing resilience measures under this Directive, critical entities may consider referring to <u>are encouraged to refer</u> to non-binding guidelines and good practices documents developed under sectorial workstreams, such as the EU Rail Passenger Security Platform⁴⁵.</p> | <p>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 Platform⁴-document or documents.</p> <p>_____</p> <p>1. Regulation (EC) No 300/2008 of the European Parliament and of the Council of</p> | |

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| | 4. Commission Decision of 29 June 2018 setting up the EU Rail Passenger Security Platform C/2018/4014. | <p>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).</p> <p>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.).</p> <p>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).</p> <p>4. Commission Decision of 29 June 2018 setting up the EU Rail Passenger Security Platform C/2018/4014<u>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).</u></p> <p>5. <u>Commission Decision of 29 June 2018 setting up the EU Rail Passenger Security Platform C/2018/4014.</u></p> | <p>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).</p> <p>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.).</p> <p>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).</p> <p>4. Commission Decision of 29 June 2018 setting up the EU Rail Passenger Security Platform C/2018/4014.</p> | |

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| Recital 24 | | | | |
| 34 | (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, <u>in particular Regulation (EU) 2016/679</u> . | (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 them | |

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| | | | <p>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 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.</p> <p>_____</p> <p>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</p> | |

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| | | | <p>L 135, p.1</p> <p>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</p> | |
| Recital 25 | | | | |
| 35 | <p>(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</p> | <p>(25) Critical entities should notify, as soon as reasonably possible under the given circumstances <u>and, in any event, no later than 24 hours after becoming aware of the incident in question</u>, Member States' competent authorities of incidents <u>any incident</u> that significantly disrupt or</p> | <p>(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</p> | |

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| | 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. | have <u>disrupts or has</u> the potential to significantly disrupt their operations. The <u>competent authority should inform the public 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.</u> 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 | 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. | |

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| | | for Member States to inform other affected Member States via single points of contacts, <u>without undue delay. Information on incidents should be treated in a way that respects confidentiality and the security and commercial interests of the critical entity concerned.</u> | | |
| 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 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 | (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 entities are of particular significance for the Union <u>and the internal market</u> because they provide essential services to a large number of <u>several</u> Member States, and therefore require specific oversight at Union level. Rules on the specific oversight in | (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 entities are of particular significance for the Union because they provide essential services to a large number of or in more than one third of Member States, and therefore require could benefit from specific oversight support at Union level. Rules on advisory | |

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| | European significance should therefore be established. Those rules are without prejudice to the rules on supervision and enforcement set out in this Directive. | 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. | 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. | |
| 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 entity is located, the Commission should organise an advisory mission to assess the measures put in place by that entity. In order to | (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 entity is located, the Commission should organise an advisory mission to assess the measures put in place by that entity. In order to | (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 particular European significance with those obligations, in agreement with the Member State where the infrastructure of that | |

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| | <p>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.</p> | <p>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.</p> | <p>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.</p> | |

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| 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 | |

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| | | | the transposition period of this Directive. The group should interact with relevant other sector specific expert working groups. | |
| Recital 29 | | | | |
| 39 | (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 | (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 | (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 | |

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| | as those under the Union Civil Protection mechanism and the European Reference Network for Critical Infrastructure Protection. | as those under the Union Civil Protection mechanism and the European Reference Network for Critical Infrastructure Protection. | 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. | |
| Recital 30 | | | | |
| 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 | (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 | (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 | |

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| | 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 the European Union. When assessing the compliance of a critical entity with its obligations under this Directive, competent authorities designated under this | 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 the European Union. <u><i>The assessment of critical entities under this Directive, in matters that fall under the scope of the NIS 2 Directive such as physical</i></u> | 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 the European Union. When assessing the compliance of a critical entity with its obligations under this Directive, competent authorities designated under this | |

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| | 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. | <u><i>and non-physical cybersecurity, is the responsibility of the competent authorities designated under the NIS 2 Directive.</i></u> <u><i>Furthermore,</i></u> 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. | 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. | |
| Recital 31 | | | | |
| 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 | (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 | (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 | |

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| | <p>Union should be delegated to the 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-Making¹. 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.</p> <p>_____</p> <p>1. OJ L 123, 12.5.2016, p. 1.</p> | <p>Union should be delegated to the Commission to supplement the resilience measures critical entities are to take by further specifying some or all of those measures. <u>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.</u> 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-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at</p> | <p>Union should be delegated to the 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-Making¹. 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.</p> <p>_____</p> <p>1. OJ L 123, 12.5.2016, p. 1.</p> | |

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| | | <p>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.</p> <p>_____</p> <p>1. OJ L 123, 12.5.2016, p. 1.</p> | | |
| Recital 32 | | | | |
| 42 | <p>(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 Council¹.</p> <p>_____</p> <p>1. Regulation (EU) No 182/2011 of the</p> | <p>(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 Council¹.</p> <p>_____</p> <p>1. Regulation (EU) No 182/2011 of the</p> | <p>(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 Council¹.</p> <p>_____</p> <p>1. Regulation (EU) No 182/2011 of the</p> | |

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| | 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 implementing powers (OJ L 55, 28.2.2011, p. 13). | 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 implementing powers (OJ L 55, 28.2.2011, p. 13). | 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 implementing powers (OJ L 55, 28.2.2011, p. 13). | |
| Recital 33 | | | | |
| 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 | (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 | (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 | |

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| | 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. | 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. | 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. | |
| 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, | |
| Formula | | | | |
| 45 | HAVE ADOPTED THIS DIRECTIVE: | HAVE ADOPTED THIS DIRECTIVE: | HAVE ADOPTED THIS DIRECTIVE: | |
| Chapter I | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| 46 | Chapter I Subject matter , Scope and definitions | Chapter I Subject matter , Scope and definitions | Chapter I Subject matter , Scope and definitions | |
| Article 1 | | | | |
| 47 | Article 1 Subject matter and scope | Article 1 Subject matter and scope | Article 1 Subject matter and scope | |
| Article 1(1), introductory part | | | | |
| 48 | 1. This Directive: | 1. <u><i>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</i></u> | 1. This Directive: | |

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| | | <u><i>the functioning of the internal market. To that end,</i></u> this Directive: | | |
| Article 1(1), point (a) | | | | |
| 49 | (a) lays down obligations for 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; | (a) lays down obligations for Member States to take certain measures aimed at ensuring the <u>continuous</u> 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; | (a) lays down obligations for 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; | |
| Article 1(1), point (b) | | | | |

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| 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; | |
| Article 1(1), point (c) | | | | |
| 51 | (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.; | |
| Article 1(1), point (d) | | | | |
| 51a | | | (d) establishes rules for the identification of critical entities | |

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| | | | of particular European significance and advisory missions thereto. | |
| Article 1(1), point (e) | | | | |
| 51b | | | (e) establishes common procedures for cooperation and reporting for the application of the provisions of this Directive. | |
| 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. <u>In view of the interlinkages between</u> | 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. | |

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| | | <u>cybersecurity and the physical security of entities, Member States shall ensure a coherent implementation of this Directive and the NIS 2 Directive.</u> | | |
| Article 1(3) | | | | |
| 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. | |
| Article 1(4) | | | | |

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| 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 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. | 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 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. | 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 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. | |
| Article 1(5) | | | | |
| 54a | | | | |

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| | | | <p>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.</p> <p>This Directive does not apply to:</p> | |
| Article 1(5), point (a) | | | | |
| 54b | | | <p>(a) entities that fall outside the scope of Union law and, in any event, entities that mainly carry out activities in the areas of 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</p> | |

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| | | | private entity; | |
| Article 1(5), point (b) | | | | |
| 54c | | | (b) entities that carry out activities in the areas of the judiciary, parliaments, or central banks; | |
| Article 1(5), point (c) | | | | |
| 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. | |

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| | | | | |
| Article 1(4b) | | | | |
| 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. | |
| Article 1(4c) | | | | |
| 54f | | | 6. This Directive is without prejudice to Union law on the protection of personal data, in particular Regulation (EU) 2016/679¹ and Directive 2002/58/EC.² _____ | |

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| | | | <p>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</p> <p>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</p> | |
| Article 2 | | | | |
| 55 | Article 2 Definitions | Article 2 Definitions | Article 2 Definitions | |
| Article 2, first paragraph, introductory part | | | | |

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| 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: | |
| 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; | |
| 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 | (2) “resilience” means the ability to prevent, resist, mitigate, absorb, accommodate to and recover from an incident that disrupts or has the | (2) "resilience" means the a critical entity’s ability to prevent, protect against, respond to, resist, mitigate, absorb, | |

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| | potential to disrupt the operations of a critical entity; | potential to disrupt the operations of a critical entity; | 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 <u>the provision of an essential service by a</u> 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 ; | |
| 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 <u>assets, including facilities, systems and equipment, or parts</u> thereof, which is <u>are</u> necessary for the delivery of | (4) " critical infrastructure" means an asset, facility, equipment, network, system or part thereof, which is necessary for the delivery provision of an | |

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| | | an essential service; | 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, <u>economic activities, public health and safety, the environment or the rule of law or</u> economic activities ; | (5) "essential service" means a service which is essential indispensable for the maintenance of vital societal functions or economic activities; | |
| 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 <u>a critical entity to provide an essential service</u> ; | (6) “risk” means any circumstance or event having a potential adverse effect on the resilience of critical entities; | |

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| Article 2, first paragraph, point (7) | | | | |
| 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; <u>and evaluating the potential adverse effect the disruption of operations could have on the provision of essential services;</u> | (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. | |
| Article 2a | | | | |
| 63a | | | Article 2a | |

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| | | | Minimum harmonisation | |
| Article 2a, first paragraph | | | | |
| 63b | | | 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 | |

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| 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(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. <u>Following a consultation open to all affected stakeholders,</u> 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 <u>take into account the Union strategy on resilience prepared by the Critical Entities Resilience Group, referred to in Article 16,</u> and set out strategic objectives and policy measures with a view to achieving and maintaining a high | 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 | |

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| | | level of resilience on the part of those critical entities and covering at least the sectors referred to in the Annex. | 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: | |
| 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; | |

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| 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 entities and other parties involved in the implementation of the strategy; | (b) a governance framework to achieve the strategic objectives and 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; | (b) a governance framework to achieve the strategic objectives and 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 <u>as referred to in Article 4</u> , the identification of critical entities and of entities equivalent to critical entities, and the measures to support critical entities taken in accordance with | (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 | |

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| | | this Chapter, <u><i>including measures to enhance cooperation between the public sector and the private sector and public and private entities</i></u> ; | this Chapter; | |
| Article 3(2), point (d) | | | | |
| 71 | (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 incidents and cyber threats 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 incidents and cyber threats 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), first paragraph | | | | |

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| 72 | The strategy shall be updated where necessary and at least every four years. | <u>Following a consultation open to all affected stakeholders</u> , 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. | |
| 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 Commission within three months from their adoption. | |
| Article 4 | | | | |
| 74 | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | Article 4 Risk assessment by Member States | Article 4 Risk assessment by Member States | Article 4 Risk assessment by Member States | |
| 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 <u>The Commission is empowered to adopt a delegated act in accordance with Article 8</u> shall establish <u>21 to supplement this Directive by establishing</u> a list of essential services in the sectors <u>and subsectors</u> referred to in the Annex. They <u>The Commission shall adopt the delegated act no later than... [six months after the date of entry into force of this Directive].</u> <u>Competent authorities designated pursuant to Article 8</u> 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. | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | | assessment of all relevant risks that may affect the provision of those the essential services <u>listed in the delegated act</u> , 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. | | |
| Article 4(1), first paragraph | | | | |
| 76 | <p>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 Council¹.</p> <p>_____</p> <p>1. Directive (EU) 2017/541 of the European Parliament and of the Council of</p> | <p>The risk assessment shall account for all relevant natural and man-made risks, including <u>those of a cross-sectoral or cross-border nature</u>, accidents, natural disasters, public health emergencies, antagonistic threats, including terrorist offences pursuant to Directive (EU) 2017/541 of the European Parliament and of the Council¹.</p> <p>_____</p> | <p>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 Council¹.</p> <p>_____</p> <p>1. Directive (EU) 2017/541 of the</p> | |

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| | 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). | 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). | 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). | |
| 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: | |
| 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 | (a) the general risk assessment carried out pursuant to Article 6(1) of Decision No 1313/2013/EU of the European Parliament and of | (a) the general risk assessment carried out pursuant to Article 6(1) of Decision No 1313/2013/EU of the European Parliament and of | |

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| | 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). | 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). | 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). | |
| 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 | (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 | (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 Council³ and Directive 2007/60/EC of the European | |

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| | <p>5 June 2019 on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC (OJ L 158, 14.6.2019, p. 1).</p> <p>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).</p> | <p>5 June 2019 on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC (OJ L 158, 14.6.2019, p. 1).</p> <p>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).</p> | <p>Parliament and of the Council⁴;</p> <hr/> <p>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).</p> <p>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).</p> <p>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).</p> <p>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).</p> | |
| Article 4(2), point (c) | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| 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, <u>including any risks to citizens and the internal market</u> ; | (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; | |
| 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. | |
| Article 4(2), first paragraph | | | | |
| 82 | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | 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. | |
| 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, <u>through their single point of contact referred to in Article 8(2)</u> , 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. | |

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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. | |
| 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. | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | | | | |
| Article 5 | | | | |
| 86 | Article 5 Identification of critical entities | Article 5 Identification of critical entities | Article 5 Identification of critical entities | |
| 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 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. | |
| Article 5(2), introductory part | | | | |

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| 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 <u>the strategy on the resilience of critical entities referred to in Article 3 and shall</u> 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: | |
| 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; | |
| Article 5(2), point (b) | | | | |
| 90 | (b) (the provision of that service depends on infrastructure located | (b) (the provision of that <u>essential</u> service depends on infrastructure | (b) (the provision of that service depends on infrastructure located | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | in the Member State; and | located in the Member State; and | in the entity and its critical infrastructure are located on the territory of the Member State performing the identification; and | |
| Article 5(2), point (c) | | | | |
| 91 | (c) an incident would have significant disruptive effects on the provision of the service or of other essential services in the sectors referred to in the Annex that depend on the service. | (c) an incident would have significant disruptive effects on the provision of the <u>essential</u> service or of other essential services in the sectors referred to in the Annex that depend on the service. | (c) an incident would have significant disruptive effects on the provision of these essential 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). | |
| Article 5(3), introductory part | | | | |
| 92 | 3. Each Member State shall establish a list of the critical | 3. Each Member State shall establish a list of the critical | 3. Each Member State shall establish a list of the critical | |

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| | 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. | 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. | 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 and IV and the date from which the these provisions apply to them, without prejudice to Article 7 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 | |

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| | | | notification. | |
| 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. | |
| Article 5(5) | | | | |
| 95 | 5. Following the notification referred in paragraph 3, Member States shall ensure that critical | 5. Following the notification referred in paragraph 3, Member States shall ensure that critical | 5. Following the notification referred in paragraph 3, Member States shall ensure that critical | |

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| | 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. | 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 <u>achieving the highest possible degree of coherence and to reducing</u> the burden on the critical entity in regard to the obligations pursuant to Chapter III. | 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. | |
| 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 | 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 | 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 | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | 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. | pursuant to Article 8 of this Directive on whether they provide <u>the same or similar</u> essential services to or in more than one <u>third of three</u> Member States. Where that is so, the Member State concerned shall notify, without undue delay, to the Commission the identity of those critical entities. | 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. | |
| 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. | |
| Article 5(7), first paragraph | | | | |
| 98 | | | | |

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| | 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 <i>in due time</i> 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. | |
| Article 6 | | | | |
| 99 | Article 6 Significant disruptive effect | Article 6 Significant disruptive effect | Article 6 Significant disruptive effect | |
| Article 6(1), introductory part | | | | |

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| 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: | |
| 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 <u>essential</u> service provided by the entity; | (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 sectors referred to in the Annex on that service; | (b) the dependency of other sectors <u>and subsectors</u> referred to in the Annex <u>or of the supply chain</u> on that <u>essential</u> service; | (b) the dependency of other sectors referred to in the Annex on that essential service; | |

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| 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; | |
| 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; | |
| Article 6(1), point (e) | | | | |

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| 105 | (e) the geographic area that could be affected by an incident, including any cross-border impacts; | (e) the geographic area that could be affected by an incident, including any cross-border impacts, <u>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</u> ; | (e) the geographic area that could be affected by an incident, including any cross-border impacts; | |
| 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 <u>essential</u> service, taking into account the availability of alternative means for the provision of that <u>essential</u> 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. | |
| Article 6(2), introductory part | | | | |

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| 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 three months after the entry into force of this Directive] and within [three months after the entry into force of this Directive of the identification of the critical entities] the following information: | |
| 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); | |
| 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 | (b) the number of critical entities identified for each sector and subsector referred to in the Annex and the service or services referred | (b) the number of critical entities identified for each sector and subsector referred to in the Annex and the service or services referred | |

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| | to in Article 4(1) that each entity provides; | to in Article 4(1) that each entity provides; | to in Article 4(1) that each entity provides; | |
| Article 6(2), point (c) | | | | |
| 110 | (c) any thresholds applied to specify one or more of the criteria in paragraph 1. | (c) any thresholds applied to specify one or more of the criteria in paragraph 1. | (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. | |
| Article 6(3) | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| 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 <u>shall</u> , 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 <u>shall</u> , 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. | |
| 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(1) | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| 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 months <u>one year and six</u> 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. | |
| Article 7(2) | | | | |
| 115 | 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 | 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 | 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 | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | competent authorities designated pursuant to Article 41 of [DORA Regulation]. | competent authorities designated pursuant to Article 41 of [DORA Regulation]. | competent authorities designated pursuant to Article 41 of [DORA Regulation]. | |
| Article 7(3) | | | | |
| 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. | |
| Article 7 | | | | |
| 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. | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | | | | |
| Article 8 | | | | |
| 117 | Article 8 Competent authorities and single point of contact | | Article 8 Competent authorities and single point of contact | |
| Article 8(1), introductory part | | | | |
| 118 | 1. Each Member State shall 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. | 1. Each Member State shall 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. | 1. Each Member State shall 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. | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| Article 8(1), second paragraph | | | | |
| 118a | | | <p>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].</p> | |
| Article 8(1), first paragraph | | | | |
| 119 | Where they designate more than | Where they designate more than | Where they designate more than | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | 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. | 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. | 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 <u>Commission and the</u> Critical Entities Resilience Group referred to in Article 16 ('single point of contact') <u>and, where relevant, to ensure cooperation with third countries.</u> | 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'). | |

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| | | | | |
| Article 8(3) | | | | |
| 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 <i>in the first trimester of</i> 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). | |
| Article 8(3) | | | | |
| 121a | | | The Commisison shall, in cooperation with the Critical | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | | | Entities Resilience Group, develop a voluntary common reporting template for the summary report referred to in the subpargaraph above. | |
| 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 . | |
| Article 8(5) | | | | |
| 123 | 5. Member States shall ensure that | 5. Member States shall ensure that | 5. Member States shall ensure that | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | their competent authorities, whenever appropriate, and in accordance with Union and 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. | their competent authorities, whenever appropriate, and in accordance with Union and 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. | 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) | | | | |
| 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] | 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] | 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, | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | relevant for critical entities. | relevant for 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 . | |
| 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 subparagraph, 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 | |

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| | | | 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 | 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. | |
| Article 9 | | | | |
| 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 | |

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| Article 9(1) | | | | |
| 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. <u><i>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.</i></u> | 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. | |
| Article 9(2) | | | | |
| 129 | 2. Member States shall ensure that the competent authorities cooperate and exchange | 2. Member States shall ensure that the competent authorities cooperate and exchange | 2. Member States shall ensure that the competent authorities cooperate and exchange | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | information and good practices with critical entities of the sectors referred to in the Annex. | information and good practices with critical entities of the sectors referred to in the Annex. | 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. | |
| Article 9a | | | | |
| 130a | | | Article 9a | |

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| | | | Cooperation between Member States | |
| 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: | |
| Article 9a, first paragraph, point (a) | | | | |
| 130c | | | (a) that use critical infrastructure which is physically connected between two or more Member States; | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | | | | |
| 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; | |
| 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. | |
| Article 9a, second paragraph | | | | |
| 130f | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | | | The consultations shall aim at enhancing the resilience of 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 | |
| Article 10 | | | | |
| 132 | Article 10 Risk assessment by critical entities | Article 10 Risk assessment by critical entities | Article 10 Risk assessment by critical entities | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| 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 relevant sources of information, all relevant risks that may disrupt their operations. | 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 relevant sources of information, all relevant risks that may disrupt their operations <u>provision of essential services concerned</u> . | 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 relevant sources of information, all relevant risks that may disrupt the provision of essential services their operations. | |
| Article 10, second paragraph | | | | |
| 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 | 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 | 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 | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | 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. | 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. | 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 existing risk assessments of critical entities in as far as they address the risks and dependencies referred to in this Article. | |
| Article 11 | | | | |
| 135 | Article 11 | Article 11 | Article 11 | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | Resilience measures of critical entities | Resilience measures of critical entities | Resilience measures of critical entities | |
| Article 11(1), introductory part | | | | |
| 136 | 1. Member States shall ensure that critical entities take appropriate and proportionate technical and organisational measures to ensure their resilience, including measures necessary to: | 1. Member States shall ensure that critical entities take appropriate and proportionate technical and organisational measures to ensure their resilience, 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 outcomes of the risk assessments referred to in Articles 4 and 10 , including measures necessary to: | |
| Article 11(1), point (a) | | | | |
| 137 | (a) prevent incidents from occurring, including through disaster risk reduction and climate | (a) prevent incidents from occurring, including through disaster risk reduction and climate | (a) prevent incidents from occurring, duly taking into account including through disaster risk reduction and climate | |

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| | adaptation measures; | adaptation measures; | adaptation measures; | |
| Article 11(1), point (b) | | | | |
| 138 | (b) ensure adequate physical protection of sensitive areas, facilities and other infrastructure, including fencing, barriers, perimeter monitoring tools and routines, as well as detection equipment and access controls; | (b) ensure adequate physical protection of sensitive areas, facilities and other infrastructure, including fencing, barriers, perimeter monitoring tools and routines, as well as detection equipment and access controls; | (b) ensure adequate physical protection of sensitive areas, facilities and other the premises and the critical infrastructure, including duly taking into account measures such as fencing, barriers, perimeter monitoring tools and routines, as well as detection equipment and access controls; | |
| Article 11(1), point (c) | | | | |
| 139 | (c) resist and mitigate the consequences of incidents, including the implementation of risk and crisis management | (c) resist and mitigate the consequences of incidents, including the implementation of risk and crisis management | (c) respond to , resist and mitigate the consequences of incidents, including incidents duly taking into account the implementation | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | procedures and protocols and alert routines; | procedures and protocols and alert routines; | of risk and crisis management procedures and protocols and alert routines; | |
| Article 11(1), point (d) | | | | |
| 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, <u>to ensure the continuous provision of the essential service;</u> | (d) recover from incidents, duly taking into account including business continuity measures and the identification of alternative supply chains; | |
| 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 | (e) ensure adequate employee security management, including by setting out categories of personnel exercising critical functions, <u>laying down appropriate training requirements and qualifications;</u> | (e) ensure adequate employee security management, duly taking into account measures such as including by setting out categories of personnel exercising critical functions, establishing | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | infrastructure, and to sensitive information as well as identifying specific categories of personnel in view of Article 12; | 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; <u>where external providers are involved in employee security management, critical entities shall ensure that they comply with generally accepted standards and specifications</u> | 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; | |
| Article 11(1), point (f) | | | | |
| 142 | (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, <u>including by means of periodic training.</u> | (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 exercises. | |
| Article 11(2) | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| 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. | |
| Article 11(2a) | | | | |
| 143a | | | | |

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| | | | 2a. 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 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. | 3. Upon request of the Member State that identified the critical entity and with the agreement of <u>consultation with</u> the critical entity concerned, the Commission shall organise advisory missions, in accordance with the arrangements 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. <u>At their request the Commission may also offer</u> | 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 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 Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | | <u><i>advisory missions to entities based in third countries.</i></u> | | |
| Article 11(4) | | | | |
| 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 specificities relating to particular | |

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| | | | 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. | |
| 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). | |
| Article 12 | | | | |

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| 147 | Article 12 Background checks | Article 12 Background checks | Article 12 Background checks | |
| 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. <u>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.</u> | 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.: | |

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| | | | | |
| Article 12(1), point (a) | | | | |
| 148a | | | (a) sensitive or designated roles in or for 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; , | |
| Article 12(1), point (c) | | | | |
| 148c | | | (c) are being considered for | |

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| | | | recruitment to positions involving the roles mentioned under points a) and b). | |
| Article 12(1), second paragraph | | | | |
| 148d | | | Those requests shall be assessed within a reasonable timeframe and processed in accordance with national legislation and procedures. | |
| Article 12(2), introductory part | | | | |
| 149 | 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: | 2. In accordance with applicable Union and national law, including Regulation (EU) 2016/679/EU of the European Parliament and of the Council ¹ , <u>Member States shall ensure that</u> a background check as referred to in paragraph 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: | |

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| | <p>_____</p> <p>1. OJ L 119, 4.5.2016, p. 1.</p> | <p><i>is carried out for the sole purpose of evaluating a potential security risk to the critical entity concerned. A background check shall:</i></p> <p>_____</p> <p>1. OJ L 119, 4.5.2016, p. 1.</p> | <p>_____</p> <p>1. OJ L 119, 4.5.2016, p. 1.</p> | |
| 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; | |
| 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, | (b) cover any criminal records of at least the preceding five years, and for a maximum of ten years, | (b) cover any criminal records of at least the preceding five years, and for a maximum of ten years, | |

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| | on 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; | on 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; | on 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) | | | | |
| 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. | |
| Article 12(2), first paragraph | | | | |
| 153 | As regards point (b) of the first subparagraph, Member States shall | As regards point (b) of the first subparagraph, Member States shall | As regards point (b) of the first subparagraph, Member States shall | |

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| | <p>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, where relevant, Regulation (EU) 2019/816 of the European Parliament and of the Council¹. 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.</p> <p>_____</p> <p>1. OJ L 135, 22.5.2019, p. 1.</p> | <p>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, where relevant, Regulation (EU) 2019/816 of the European Parliament and of the Council¹. 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.</p> <p>_____</p> <p>1. OJ L 135, 22.5.2019, p. 1.</p> | <p>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 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 Council¹. 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.</p> <p>_____</p> <p>1. OJ L 135, 22.5.2019, p. 1.</p> | |

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| 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 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. | 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 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. | 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 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. | |
| Article 13 | | | | |
| 155 | Article 13 | Article 13 | Article 13 | |

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| | Incident notification | Incident notification | Incident notification | |
| Article 13(1) | | | | |
| 156 | <p>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 determine any cross-border impact of the incident. Such notification shall not make the critical entities subject to increased liability.</p> | <p>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. <u>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.</u> 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</p> | <p>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 determine any cross-border impact of the incident. Such notification shall not make the critical entities subject to increased liability, in particular, be taken into</p> | |

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| | | <p>subject to increased liability.</p> <p><u>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.</u></p> | account: | |
| Article 13(1), point (a) | | | | |

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| 156a | | | (a) the number and share of users affected | |
| Article 13(1), point (b) | | | | |
| 156b | | | (b) the duration | |
| Article 13(1), point (c) | | | | |
| 156c | | | (c) the geographical area affected. | |
| Article 13(2), introductory part | | | | |
| 157 | | | | |

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| | 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 incident, the following parameters shall, in particular, be taken into account: 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 | |
| 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; | |

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| | | | | |
| 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; | |
| 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, <u>taking into account whether the area is geographically isolated.</u> | (c) the geographical area affected by the disruption or potential disruption. | |
| Article 13(3), introductory part | | | | |
| 161 | | | | |

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| | 3. On the basis of the information provided in the notification by the 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. | 3. On the basis of the information provided in the notification by the 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. | 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 | | | | |
| 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. | |

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| | | | | |
| Article 13(4) | | | | |
| 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. <u><i>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.</i></u> | 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. | |

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| 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 | |
| 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(1) | | | | |
| 166 | 1. Critical entities of particular European significance shall be | 1. Critical entities of particular European significance shall be | 1. Critical entities of particular European significance shall be | |

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| | subject to specific oversight, in accordance with this Chapter. | subject to specific oversight, in accordance with this Chapter. | subject to specific oversight, in accordance with this Chapter. | |
| 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 notified as such to the Commission pursuant to Article 5(1) and (6), respectively. | 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 <u>the same or similar</u> essential services to or in more than one third of <u>three</u> Member States and has been notified as such to the Commission pursuant to Article 5(1) and (6), respectively. | 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 States and it has been notified as such to the Commission pursuant to paragraph 3 ; Article 5(1) and (6), respectively. | |
| Article 14(2a), introductory part | | | | |
| 167a | | | 2a. Member States shall ensure that a critical entity, following | |

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| | | | 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. | |
| Article 14(2a), first paragraph | | | | |
| 167b | | | 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 | | | | |

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| | | | 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 significance, informing that entity of its obligations pursuant to this Chapter and the date from which | 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 significance, informing that entity of its obligations pursuant to this Chapter and the date from which | 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 entity concerned provides essential services to or in more than one third of Member | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | those obligations apply to it. | those obligations apply to it. | 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. | |
| 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 . | |
| Article 15 | | | | |
| 170 | | | | |

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| | Article 15 Specific oversight | Article 15 Specific oversight | Article 15 Specific oversight Advisory Missions | |
| 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 <u>a</u> 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. | |
| 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. | |
| Article 15(1a) | | | | |
| 172a | | | 1a. One or more Member States | |

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| | | | 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 European significance is located, the Commission shall organise such an advisory mission. | |
| Article 15(2) | | | | |
| 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 | 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 | 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 | |

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| | area of disaster risk management through the Emergency Response Coordination Centre. | request specific expertise in the area of disaster risk management through the Emergency Response Coordination Centre. | 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: | |
| Article 15(2), point (a) | | | | |
| 173a | | | (a) a summarised outcome 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; | |

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| 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. | |
| 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 | |

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| | | | 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 of that entity. | |
| Article 15(3), second paragraph | | | | |
| 176 | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | 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. | |
| Article 15(3), third paragraph | | | | |
| 177 | That Member State shall take due account of those views and provide information to the Commission and the Critical Entities Resilience Group on any measures it has taken pursuant to the communication. | That Member State shall take due account of those views and provide information to the Commission and the Critical Entities Resilience Group on any measures it has taken pursuant to the communication. | That Member State shall ensure that the 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 | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | | | 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. | |
| Article 15(4), introductory part | | | | |
| 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 | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | | | possible a geographically 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. | |
| Article 15(4), first paragraph | | | | |
| 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. | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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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 commercial 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 | 6. Member States shall ensure that | 6. Member States shall ensure that | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | 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 necessary for the performance of its tasks. | 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 necessary for the performance of its tasks. | 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 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. | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| 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 the Commission under Directive 2005/65/EC in respect of the critical entity or the critical entity of particular European significance, as appropriate. | 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 the Commission under Directive 2005/65/EC in respect of the critical entity or the critical entity of particular European significance, as appropriate. | 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 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) | | | | |
| 183a | | | 9. The Commission shall inform the Critical Entities Resilience Group whenever an advisory mission is organised. The Member State where the critical | |

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| | | | 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. | |
| Chapter V | | | | |
| 184 | Chapter V Cooperation and Reporting | Chapter V Cooperation and Reporting | Chapter V Cooperation and Reporting | |
| Article 16 | | | | |
| 185 | Article 16 Critical Entities Resilience Group | Article 16 Critical Entities Resilience Group | Article 16 Critical Entities Resilience Group | |

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| | | | | |
| 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. | |
| Article 16(2), introductory part | | | | |
| 187 | 2. The Critical Entities Resilience Group shall be composed of representatives of the Member States and the Commission. Where relevant for the performance of its | 2. The Critical Entities Resilience Group shall be composed of representatives of the Member States and the Commission. Where relevant for the performance of its | 2. The Critical Entities Resilience Group shall be composed of representatives of the Member States and the Commission holding security clearance, | |

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| | tasks, the Critical Entities Resilience Group may invite representatives of interested parties to participate in its work. | tasks, the Critical Entities Resilience Group may shall invite representatives of interested parties relevant stakeholders to participate in its work <u>and the European Parliament to participate as an observer.</u> | 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. | |
| 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. | |
| 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: | |

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| 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; | |
| 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; | |
| Article 16(3), point (c) | | | | |

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| 192 | (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 dependencies and regarding risks and incidents; | (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 <u>and cross sectoral</u> dependencies and regarding risks and incidents; | (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 dependencies and regarding risks and incidents, as well as with regard to the national approach to implementing the equivalence regime; | |
| 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; | |

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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); | |
| 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; | |
| 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 | |

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| | | | 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 <u>innovation</u> , 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; | |
| 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. | |
| Article 16(4) | | | | |

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| 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. | |
| 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. | |

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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). | |
| 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 | 7. The Commission shall provide to the 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 | 7. The Commission shall provide to the 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 | |

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| | into force of this Directive] and subsequently where necessary and at least every four years. | into force of this Directive] and subsequently where necessary and at least every four years. <u><i>The Commission shall regularly publish a summary report of the activities of the Critical Entities Resilience Group.</i></u> <u><i>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.</i></u> | entry into force of this Directive] and subsequently where necessary and at least every four years. | |
| Article 17 | | | | |
| 203 | Article 17 Commission support to competent | Article 17 Commission support to competent | Article 17 Commission support to competent | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | authorities and critical entities | authorities and critical entities | authorities and critical entities | |
| 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 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. | 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 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. | 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 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) | | | | |

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| 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. | |
| Article 17(2a) | | | | |
| 205a | | | 2a. The Commission shall make financial sources available to Member States for enhancing the resilience of their critical entities. | |
| Chapter VI | | | | |

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| 206 | Chapter VI SUPERVISION AND ENFORCEMENT | Chapter VI SUPERVISION AND ENFORCEMENT | Chapter VI SUPERVISION AND ENFORCEMENT | |
| Article 18 | | | | |
| 207 | Article 18 Implementation and enforcement | Article 18 Implementation and enforcement | Article 18 Implementation and enforcement | |
| 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 | 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 | 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 | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | that the competent authorities shall have the powers and means to: | that the competent authorities shall have the powers and means to: | 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; | |
| Article 18(1), point (b) | | | | |
| 210 | (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. | |
| Article 18(2), introductory part | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| 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: | |
| 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; | |
| Article 18(2), point (b) | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| 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. | |
| 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. | |
| Article 18(3) | | | | |
| 215 | 3. Without prejudice to the | 3. Without prejudice to the | 3. Without prejudice to the | |

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| | 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. | 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. | 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) | | | | |
| 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 | 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 | 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 | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | 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 rights to be heard, of defence and to an effective remedy before an independent court. | 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 rights to be heard, of defence and to an effective remedy before an independent court. | 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 , 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) | | | | |
| 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 | 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 | 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 | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|-----------------------------|---|---|--|-----------------|
| | cybersecurity of such entity, and cooperate and exchange information for this purpose. | cybersecurity of such entity, and cooperate and exchange information for this purpose. | 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. | |
| Article 19 | | | | |
| 218 | Article 19 Penalties | Article 19 Penalties | Article 19 Penalties | |
| 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 | Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this | Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|-------------|---|---|---|------------------------|
| | 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. | 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. | 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. | |
| Chapter VII | | | | |
| 220 | Chapter VII FINAL PROVISIONS | Chapter VII FINAL PROVISIONS | Chapter VII FINAL PROVISIONS | |
| Article 20 | | | | |
| 221 | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|---------------|--|--|--|------------------------|
| | Article 20 Committee procedure | Article 20 Committee procedure | Article 20 Committee procedure | |
| 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. | |
| 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. | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|---------------|--|--|---|-----------------|
| Article 21 | | | | |
| 224 | Article 21 Exercise of the delegation | Article 21 Exercise of the delegation | 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. | |
| Article 21(2) | | | | |
| 226 | 2. The power to adopt delegated acts referred to in Article 11(4) shall be conferred on the | 2. The power to adopt delegated acts referred to in Article <u>Articles 4(1) and</u> 11(4) shall be conferred | 2. The power to adopt delegated acts referred to in Article 11(4) shall be conferred on the | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|---------------|---|---|--|-----------------|
| | 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. | 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. | 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) | | | | |
| 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. | |
| Article 21(4) | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|---------------|---|---|--|------------------------|
| 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. | |
| 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. | |
| Article 21(6) | | | | |
| 230 | 6. A delegated act adopted pursuant to Article 11(4) shall | 6. A delegated act adopted pursuant to Article 11(4) shall | 6. A delegated act adopted pursuant to Article 11(4) shall | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|-----------------------------|---|---|--|-----------------|
| | 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. | 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. | 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, first paragraph | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|------------------------------|---|--|--|-----------------|
| 232 | 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 Member States have taken the necessary measures to comply with this Directive. | 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 Member States have taken the necessary measures to comply with this Directive. <u><i>The report shall contain separate country chapters on the concrete implementation progress in each Member State.</i></u> | By [54 months six years 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 Member States have 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 | 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 | 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 | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|-----------------------------|---|---|--|-----------------|
| | 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. | 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. <u>For that purpose, the Commission shall take into account relevant documents of the Critical Entities Resilience Group</u> <i>to include the food production, processing and distribution sector.</i> | 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 distribution sector. | |
| Article 23 | | | | |
| 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, first paragraph | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|--|--|--|-----------------|
| 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 of entry into transposition of this Directive]. | |
| Article 24 | | | | |
| 236 | Article 24 Transposition | Article 24 Transposition | Article 24 Transposition | |
| 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 | 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 | 1. Member States shall adopt and publish, by [18 months after entry into force of this Directive] two years after entry into force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|---------------------------------|--|--|--|------------------------|
| | Directive. They shall forthwith communicate to the Commission the text of those provisions. | Directive. They shall forthwith communicate to the Commission the text of those provisions. | 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]. | |
| 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. | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | | | | |
| 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. | |
| Article 25 | | | | |
| 241 | Article 25 Entry into force | Article 25 Entry into force | Article 25 Entry into force | |
| Article 25, first paragraph | | | | |
| 242 | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|-----------------------------|---|---|---|------------------------|
| | 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. | |
| Article 26 | | | | |
| 243 | Article 26 Addressees | Article 26 Addressees | Article 26 Addressees | |
| 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. | |
| Formula | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|---------|---|--------------------------------------|---------------------------------------|------------------------|
| 245 | Done at Brussels, | Done at Brussels, | Done at Brussels, | |
| Formula | | | | |
| 246 | For the European Parliament | For the European Parliament | For the European Parliament | |
| Formula | | | | |
| 247 | The President | The President | The President | |
| Formula | | | | |
| 248 | For the Council | For the Council | For the Council | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|---------|---|--------------------------------------|---------------------------------------|------------------------|
| | | | | |
| Formula | | | | |
| 249 | The President | The President | The President | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|---------------------------------|---|---|---|-----------------|
| Annex | | | | |
| 250 | Sectors, subsectors and types of entities | Sectors, subsectors and types of entities | Sectors, subsectors and types categories of entities | |
| Annex, Table 1, Column 1, Row 1 | | | | |
| 251 | Sector | Sector | Sector Sectors | |
| Annex, Table 1, Column 1, Row 2 | | | | |
| 252 | 1. Energy | 1. Energy | 1. Energy | |
| Annex, Table 1, Column 2, Row 1 | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|---------------------------------|---|--|--|------------------------|
| 253 | Subsector | Subsector | Subsector | |
| Annex, Table 1, Column 2, Row 2 | | | | |
| 254 | (a)Electricity | (a)Electricity | (a)Electricity | |
| Annex, Table 1, Column 3, Row 1 | | | | |
| 255 | Type of Entity | Type of Entity | Type of entity Categories of entities | |
| Annex, Table 1, Column 3, Row 2 | | | | |
| 256 | — Electricity undertakings referred to in point (57) of Article 2 of Directive (EU) 2019/944 ¹ , which carry out the function of | — Electricity undertakings referred to in point (57) of Article 2 of Directive (EU) 2019/944 ¹ , which carry out the function of ‘supply’ | — Electricity undertakings referred to in point (57) of Article 2 of Directive (EU) 2019/944 ¹ , which carry out the function of ‘supply’ | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|---------------------------------|--|---|---|------------------------|
| | <p>‘supply’ referred to in point (12) of Article 2 of that Directive</p> <p>_____</p> <p>1. Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p.125</p> | <p>referred to in point (12) of Article 2 of that Directive</p> <p>_____</p> <p>1. Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p.125</p> | <p>referred to in point (12) of Article 2 of that Directive</p> <p>_____</p> <p>1. Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p.125</p> | |
| Annex, Table 1, Column 3, Row 3 | | | | |
| 257 | <p>— Distribution system operators referred to in point (29) of Article 2 of Directive (EU) 2019/944</p> | <p>— Distribution system operators referred to in point (29) of Article 2 of Directive (EU) 2019/944</p> | <p>— Distribution system operators referred to in point (29) of Article 2 of Directive (EU) 2019/944</p> | |
| Annex, Table 1, Column 3, Row 4 | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|---------------------------------|--|--|--|------------------------|
| 258 | — Transmission system operators referred to in point (35) of Article 2 of Directive (EU) 2019/944 | — Transmission system operators referred to in point (35) of Article 2 of Directive (EU) 2019/944 | — Transmission system operators referred to in point (35) of Article 2 of Directive (EU) 2019/944 | |
| Annex, Table 1, Column 3, Row 5 | | | | |
| 259 | — Producers referred to in point (38) of Article 2 of Directive (EU) 2019/944 | — Producers referred to in point (38) of Article 2 of Directive (EU) 2019/944 | — Producers referred to in point (38) of Article 2 of Directive (EU) 2019/944 | |
| Annex, Table 1, Column 3, Row 6 | | | | |
| 260 | — Nominated electricity market operators referred to in point 8 of Article 2 of Regulation (EU) 2019/943 ¹ _____ | — Nominated electricity market operators referred to in point 8 of Article 2 of Regulation (EU) 2019/943 ¹ _____ | — Nominated electricity market operators referred to in point 8 of Article 2 of Regulation (EU) 2019/943 ¹ _____ | |
| | 1. Directive (EU) 2019/944 of the European Parliament and of the Council | 1. Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 | 1. Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|---------------------------------|--|--|--|------------------------|
| | of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p.125 | on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p.125 | on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p.125 | |
| Annex, Table 1, Column 3, Row 7 | | | | |
| 261 | — Electricity market participants referred to in point (25) of Article 2 of Regulation (EU) 2019/943 providing aggregation, demand response or energy storage services referred to in points (18), (20) and (59) of Article 2 of Directive (EU) 2019/944 | — Electricity market participants referred to in point (25) of Article 2 of Regulation (EU) 2019/943 providing aggregation, demand response or energy storage services referred to in points (18), (20) and (59) of Article 2 of Directive (EU) 2019/944 | — Electricity market participants referred to in point (25) of Article 2 of Regulation (EU) 2019/943 providing aggregation, demand response or energy storage services referred to in points (18), (20) and (59) of Article 2 of Directive (EU) 2019/944 | |
| Annex, Table 1, Column 2 | | | | |
| 262 | Subsector | Subsector | Subsector | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|---------------------------------|---|---|---|-----------------|
| Annex, Table 1, Column 2, Row 3 | | | | |
| 263 | (b) District heating and cooling | (b) District heating and cooling | (b) District heating and cooling | |
| Annex, Table 1, Column 3 | | | | |
| 264 | Type of Entity | Type of Entity | Type of entity Categories of entities | |
| Annex, Table 1, Column 1, Row 8 | | | | |
| 265 | <p>— District heating and cooling referred to in point (19) of Article 2 of the Directive (EU) 2018/2001¹ on the promotion of the use of energy from renewable sources</p> <p>_____</p> <p>1. Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of</p> | <p>— District heating and cooling referred to in point (19) of Article 2 of the Directive (EU) 2018/2001¹ on the promotion of the use of energy from renewable sources</p> <p>_____</p> <p>1. Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328,</p> | <p>— District heating and cooling referred to in point (19) of Article 2 of the Directive (EU) 2018/2001¹ on the promotion of the use of energy from renewable sources</p> <p>_____</p> <p>1. Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328,</p> | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82). | 21.12.2018, p. 82). | 21.12.2018, p. 82). | |
| Annex, Table 1, Column 2 | | | | |
| 266 | Subsector | Subsector | Subsector | |
| Annex, Table 1, Column 2, Row 4 | | | | |
| 267 | (c) Oil | (c) Oil | (c) Oil | |
| Annex, Table 1, Column 3 | | | | |
| 268 | Type of Entity | Type of Entity | Type of entityCategories of entities | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|---|---|---|------------------------|
| | | | | |
| Annex, Table 1, Column 3, Row 9 | | | | |
| 269 | — Operators of oil transmission pipelines | — Operators of oil transmission pipelines | — Operators of oil transmission pipelines | |
| Annex, Table 1, Column 3, Row 10 | | | | |
| 270 | — Operators of oil production, refining and treatment facilities, storage and transmission | — Operators of oil production, refining and treatment facilities, storage and transmission | — Operators of oil production, refining and treatment facilities, storage and transmission | |
| Annex, Table 1, Column 3, Row 11 | | | | |
| 271 | — Central oil stockholding entities referred to in point (f) of Article 2 of Council Directive 2009/119/EC ¹ | — Central oil stockholding entities referred to in point (f) of Article 2 of Council Directive 2009/119/EC ¹ | — Central oil stockholding entities referred to in point (f) of Article 2 of Council Directive 2009/119/EC ¹ | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
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| | <p>_____</p> <p>1. Council Directive 2009/119/EC of 14 September 2009 imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products (OJ L 265, 9.10.2009, p.9).</p> | <p>_____</p> <p>1. Council Directive 2009/119/EC of 14 September 2009 imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products (OJ L 265, 9.10.2009, p.9).</p> | <p>_____</p> <p>1. Council Directive 2009/119/EC of 14 September 2009 imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products (OJ L 265, 9.10.2009, p.9).</p> | |
| Annex, Table 1, Column 2 | | | | |
| 272 | Subsector | Subsector | Subsector | |
| Annex, Table 1, Column 2, Row 5 | | | | |
| 273 | (d) Gas | (d) Gas | (d) Gas | |
| Annex, Table 1, Column 3 | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|---|---|---|------------------------|
| 274 | Type of Entity | Type of Entity | Type of entity Categories of entities | |
| Annex, Table 1, Column 3, Row 12 | | | | |
| 275 | <p>— Supply undertakings referred to in point (8) of Article 2 of Directive (EU) 2009/73/EC¹</p> <p>_____</p> <p>1. Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94).</p> | <p>— Supply undertakings referred to in point (8) of Article 2 of Directive (EU) 2009/73/EC¹</p> <p>_____</p> <p>1. Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94).</p> | <p>— Supply undertakings referred to in point (8) of Article 2 of Directive (EU) 2009/73/EC¹</p> <p>_____</p> <p>1. Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94).</p> | |
| Annex, Table 1, Column 3, Row 13 | | | | |
| 276 | — Distribution system operators | — Distribution system operators | — Distribution system operators | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|--|--|--|------------------------|
| | referred to in point (6) of Article 2 of Directive (EU) 2009/73/EC | referred to in point (6) of Article 2 of Directive (EU) 2009/73/EC | referred to in point (6) of Article 2 of Directive (EU) 2009/73/EC | |
| Annex, Table 1, Column 3, Row 14 | | | | |
| 277 | — Transmission system operators referred to in point (4) of Article 2 of Directive (EU) 2009/73/EC | — Transmission system operators referred to in point (4) of Article 2 of Directive (EU) 2009/73/EC | — Transmission system operators referred to in point (4) of Article 2 of Directive (EU) 2009/73/EC | |
| Annex, Table 1, Column 3, Row 15 | | | | |
| 278 | — Storage system operators referred to in point (10) of Article 2 of Directive (EU) 2009/73/EC | — Storage system operators referred to in point (10) of Article 2 of Directive (EU) 2009/73/EC | — Storage system operators referred to in point (10) of Article 2 of Directive (EU) 2009/73/EC | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|---|---|---|------------------------|
| Annex, Table 1, Column 3, Row 16 | | | | |
| 279 | — LNG system operators referred to in point (12) of Article 2 of Directive (EU) 2009/73/EC | — LNG system operators referred to in point (12) of Article 2 of Directive (EU) 2009/73/EC | — LNG system operators referred to in point (12) of Article 2 of Directive (EU) 2009/73/EC | |
| Annex, Table 1, Column 3, Row 17 | | | | |
| 280 | — Natural gas undertakings referred to in point (1) of Article 2 of Directive (EU) 2009/73/EC | — Natural gas undertakings referred to in point (1) of Article 2 of Directive (EU) 2009/73/EC | — Natural gas undertakings referred to in point (1) of Article 2 of Directive (EU) 2009/73/EC | |
| Annex, Table 1, Column 3, Row 18 | | | | |
| 281 | — Operators of natural gas | — Operators of natural gas refining | — Operators of natural gas refining | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|---------------------------------|---|------------------------------|--------------------------------------|-----------------|
| | refining and treatment facilities | and treatment facilities | and treatment facilities | |
| Annex, Table 1, Column 2 | | | | |
| 282 | Subsector | Subsector | Subsector | |
| Annex, Table 1, Column 2, Row 6 | | | | |
| 283 | (e) Hydrogen | (e) Hydrogen | (e) Hydrogen | |
| Annex, Table 1, Column 3 | | | | |
| 284 | Type of entity | Type of entity | Type of entityCategories of entities | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|--|--|--|-----------------|
| | | | | |
| Annex, Table 1, Column 3, Row 19 | | | | |
| 285 | — Operators of hydrogen production, storage and transmission | — Operators of hydrogen production, storage and transmission | — Operators of hydrogen production, storage and transmission | |
| Annex, Table 1, Column 1 | | | | |
| 286 | Sector | Sector | Sector Sectors | |
| Annex, Table 1, Column 1, Row 3 | | | | |
| 287 | 2. Transport | 2. Transport | 2. Transport | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|---|------------------------------|--------------------------------------|-----------------|
| Annex, Table 1, Column 2 | | | | |
| 288 | Subsector | Subsector | Subsector | |
| Annex, Table 1, Column 2, Row 7 | | | | |
| 289 | (a) Air | (a) Air | (a) Air | |
| Annex, Table 1, Column 3 | | | | |
| 290 | Type of entity | Type of entity | Type of entityCategories of entities | |
| Annex, Table 1, Column 3, Row 20 | | | | |
| 291 | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|--|--|--|-----------------|
| | <p>— Air carriers referred to in point (4) of Article 3 of Regulation (EC) No 300/2008¹</p> <p>_____</p> <p>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, 9.4.2008, p.72).</p> | <p>— Air carriers referred to in point (4) of Article 3 of Regulation (EC) No 300/2008¹</p> <p>_____</p> <p>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, 9.4.2008, p.72).</p> | <p>— Air carriers referred to in point (4) of Article 3 of Regulation (EC) No 300/2008¹ used for commercial purposes</p> <p>_____</p> <p>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, 9.4.2008, p.72).</p> | |
| Annex, Table 1, Column 3, Row 21 | | | | |
| 292 | <p>— Airport managing bodies referred to in point (2) of Article 2 of Directive 2009/12/EC¹, airports referred to in point (1) of Article 2 of that Directive, including the core airports listed in Section 2 of Annex II to Regulation (EU) No 1315/2013², and entities operating ancillary</p> | <p>— Airport managing bodies referred to in point (2) of Article 2 of Directive 2009/12/EC¹, airports referred to in point (1) of Article 2 of that Directive, including the core airports listed in Section 2 of Annex II to Regulation (EU) No 1315/2013², and entities operating ancillary installations contained</p> | <p>— Airport managing bodies referred to in point (2) of Article 2 of Directive 2009/12/EC¹, airports referred to in point (1) of Article 2 of that Directive, including the core airports listed in Section 2 of Annex II to Regulation (EU) No 1315/2013², and entities operating ancillary installations contained</p> | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|--|--|--|------------------------|
| | installations contained within airports 1. Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges (OJ L 70, 14.3.2009, p.11). 2. Regulation (EC) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p.1). | within airports 1. Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges (OJ L 70, 14.3.2009, p.11). 2. Regulation (EC) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p.1). | within airports 1. Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges (OJ L 70, 14.3.2009, p.11). 2. Regulation (EC) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p.1). | |
| Annex, Table 1, Column 3, Row 22 | | | | |
| 293 | — Traffic management control operators providing air traffic control (ATC) services referred to in point (1) of Article 2 of Regulation (EC) No 549/2004 ¹ | — Traffic management control operators providing air traffic control (ATC) services referred to in point (1) of Article 2 of Regulation (EC) No 549/2004 ¹ | — Traffic management control operators providing air traffic control (ATC) services referred to in point (1) of Article 2 of Regulation (EC) No 549/2004 ¹ | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|---------------------------------|---|---|---|------------------------|
| | <p>_____</p> <p>1. Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) (OJ L 96, 31.3.2004, p.1).</p> | <p>_____</p> <p>1. Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) (OJ L 96, 31.3.2004, p.1).</p> | <p>_____</p> <p>1. Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) (OJ L 96, 31.3.2004, p.1).</p> | |
| Annex, Table 1, Column 2 | | | | |
| 294 | Subsector | Subsector | Subsector | |
| Annex, Table 1, Column 2, Row 8 | | | | |
| 295 | (b) Rail | (b) Rail | (b) Rail | |
| Annex, Table 1, Column 3 | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|--|--|--|------------------------|
| 296 | Type of entity | Type of entity | Type of entity Categories of entities | |
| Annex, Table 1, Column 3, Row 23 | | | | |
| 297 | <p>— Infrastructure managers referred to in point (2) of Article 3 of Directive 2012/34/EU¹</p> <p>_____</p> <p>1. Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343, 14.12.2012, p.32).</p> | <p>— Infrastructure managers referred to in point (2) of Article 3 of Directive 2012/34/EU¹</p> <p>_____</p> <p>1. Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343, 14.12.2012, p.32).</p> | <p>— Infrastructure managers referred to in point (2) of Article 3 of Directive 2012/34/EU¹</p> <p>_____</p> <p>1. Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343, 14.12.2012, p.32).</p> | |
| Annex, Table 1, Column 3, Row 24 | | | | |
| 298 | — Railway undertakings referred to in point (1) of Article 3 of | — Railway undertakings referred to in point (1) of Article 3 of Directive | — Railway undertakings referred to in point (1) of Article 3 of Directive | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|---------------------------------|--|--|--|------------------------|
| | Directive 2012/34/EU, including operators of service facilities referred to in point (12) of Article 3 of Directive 2012/34/EU | 2012/34/EU, including operators of service facilities referred to in point (12) of Article 3 of Directive 2012/34/EU | 2012/34/EU, including and operators of service facilities referred to in point (12) of Article 3 of Directive 2012/34/EU | |
| Annex, Table 1, Column 2 | | | | |
| 299 | Subsector | Subsector | Subsector | |
| Annex, Table 1, Column 2, Row 9 | | | | |
| 300 | (c) Water | (c) Water | (c) Water | |
| Annex, Table 1, Column 3 | | | | |
| 301 | Type of entity | Type of entity | Type of entity Categories of entities | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|---|---|---|-----------------|
| | | | | |
| Annex, Table 1, Column 3, Row 25 | | | | |
| 302 | <p>— Inland, sea and coastal passenger and freight water transport companies, referred to for maritime transport in Annex I to Regulation (EC) No 725/2004¹, not including the individual vessels operated by those companies</p> <p>_____</p> <p>1. 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).</p> | <p>— Inland, sea and coastal passenger and freight water transport companies, referred to for maritime transport in Annex I to Regulation (EC) No 725/2004¹, not including the individual vessels operated by those companies</p> <p>_____</p> <p>1. 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).</p> | <p>— Inland, sea and coastal passenger and freight water transport companies, referred to for maritime transport in Annex I to Regulation (EC) No 725/2004¹, not including the individual vessels operated by those companies</p> <p>_____</p> <p>1. 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).</p> | |
| Annex, Table 1, Column 3, Row 26 | | | | |
| 303 | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|--|--|--|------------------------|
| | <p>— Managing bodies of ports referred to in point (1) of Article 3 of Directive 2005/65/EC¹, including their port facilities referred to in point (11) of Article 2 of Regulation (EC) No 725/2004, and entities operating works and equipment contained within ports</p> <p>_____</p> <p>1. 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).</p> | <p>— Managing bodies of ports referred to in point (1) of Article 3 of Directive 2005/65/EC¹, including their port facilities referred to in point (11) of Article 2 of Regulation (EC) No 725/2004, and entities operating works and equipment contained within ports</p> <p>_____</p> <p>1. 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).</p> | <p>— Managing bodies of ports referred to in point (1) of Article 3 of Directive 2005/65/EC¹, including their port facilities referred to in point (11) of Article 2 of Regulation (EC) No 725/2004, and entities operating works and equipment contained within ports</p> <p>_____</p> <p>1. 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).</p> | |
| Annex, Table 1, Column 3, Row 27 | | | | |
| 304 | <p>— Operators of vessel traffic services referred to in point (o) of Article 3 of Directive 2002/59/EC¹ of the European Parliament and of the Council</p> <p>_____</p> | <p>— Operators of vessel traffic services referred to in point (o) of Article 3 of Directive 2002/59/EC¹ of the European Parliament and of the Council _____</p> | <p>— Operators of vessel traffic services referred to in point (o) of Article 3 of Directive 2002/59/EC¹ of the European Parliament and of the Council _____</p> | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|--|--|--|------------------------|
| | 1. Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p.10) | 1. Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p.10) | 1. Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p.10) | |
| Annex, Table 1, Column 2 | | | | |
| 305 | Subsector | Subsector | Subsector | |
| Annex, Table 1, Column 2, Row 10 | | | | |
| 306 | (d) Road | (d) Road | (d) Road | |
| Annex, Table 1, Column 3 | | | | |
| 307 | Type of entity | Type of entity | Type of entity Categories of entities | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|---|---|--|-----------------|
| | | | | |
| Annex, Table 1, Column 3, Row 28 | | | | |
| 308 | <p>— Road authorities referred to in point (12) of Article 2 of Commission Delegated Regulation (EU) 2015/962¹ responsible for traffic management control</p> <p>_____</p> <p>1. Commission Delegated Regulation (EU) 2015/962 of 18 December 2014 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of EU-wide real-time traffic information services (OJ L 157, 23.6.2015, p. 21).</p> | <p>— Road authorities referred to in point (12) of Article 2 of Commission Delegated Regulation (EU) 2015/962¹ responsible for traffic management control</p> <p>_____</p> <p>1. Commission Delegated Regulation (EU) 2015/962 of 18 December 2014 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of EU-wide real-time traffic information services (OJ L 157, 23.6.2015, p. 21).</p> | <p>— Road authorities referred to in point (12) of Article 2 of Commission Delegated Regulation (EU) 2015/962¹ responsible for traffic management control, excluding public entities for whom traffic-management or operators of intelligent transport systems is only a non-essential part of their general activity</p> <p>_____</p> <p>1. Commission Delegated Regulation (EU) 2015/962 of 18 December 2014 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of EU-wide real-time traffic information services (OJ L 157, 23.6.2015, p. 21).</p> | |
| Annex, Table 1, Column 3, Row 29 | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|---|---|---|-----------------|
| 309 | <p>— Operators of Intelligent Transport Systems referred to in point (1) of Article 4 of Directive 2010/40/EU¹</p> <p>_____</p> <p>1. Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (OJ L 207, 6.8.2010, p. 1).</p> | <p>— Operators of Intelligent Transport Systems referred to in point (1) of Article 4 of Directive 2010/40/EU¹</p> <p>_____</p> <p>1. Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (OJ L 207, 6.8.2010, p. 1).</p> | <p>— Operators of Intelligent Transport Systems referred to in point (1) of Article 4 of Directive 2010/40/EU¹</p> <p>_____</p> <p>1. Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (OJ L 207, 6.8.2010, p. 1).</p> | |
| Annex, Table 1, Column 2 | | | | |
| 310 | | <u>Subsector</u> | | |
| Annex, Table 1, Column 2, Row 11 | | | | |
| 311 | | <u>(e) public transport</u> | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|---|--|-------------------------------|-----------------|
| Annex, Table 1, Column 3 | | | | |
| 312 | | <u>Type of Entity</u> | | |
| Annex, Table 1, Column 3, Row 30 | | | | |
| 313 | | <p><u>—Public transport authorities and service operators as referred to in Article 2, points (b) and (d), of Regulation (EC) No 1370/2007 of the European Parliament and of the Council^{65a1}.</u></p> <p>_____</p> <p><u>1. 65a Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70 (OJ L 315, 3.12.2007, p. 1).</u></p> | | |
| Annex, Table 1, Column 1 | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|---|--|--|-----------------|
| 314 | Sector | Sector | Sector Sectors | |
| Annex, Table 1, Column 1, Row 4 | | | | |
| 315 | 3. Banking | 3. Banking | 3. Banking - solely for the purposes of Articles 1-9 of this Directive | |
| Annex, Table 1, Column 3 | | | | |
| 316 | Type of entity | Type of entity | Type of entity Categories of entities | |
| Annex, Table 1, Column 3, Row 31 | | | | |
| 317 | Credit institutions referred to in | Credit institutions referred to in point | Credit institutions referred to in point | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|---------------------------------|---|---|---|-----------------|
| | <p>point (1) of Article 4 of Regulation (EU) No 575/2013¹</p> <p>_____</p> <p>1. 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).</p> | <p>(1) of Article 4 of Regulation (EU) No 575/2013¹</p> <p>_____</p> <p>1. 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).</p> | <p>(1) of Article 4 of Regulation (EU) No 575/2013¹</p> <p>_____</p> <p>1. 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).</p> | |
| Annex, Table 1, Column 1 | | | | |
| 318 | Sector | Sector | Sector Sectors | |
| Annex, Table 1, Column 1, Row 5 | | | | |
| 319 | 4. Financial market infrastructures | 4. Financial market infrastructures | 4. Financial market infrastructures - solely for the purposes of Articles | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|--|--|--|-----------------|
| | | | 1-9 of this Directive | |
| Annex, Table 1, Column 3 | | | | |
| 320 | Type of entity | Type of entity | Type of entity Categories of entities | |
| Annex, Table 1, Column 3, Row 32 | | | | |
| 321 | <p>— Operators of trading venues referred to in point (24) of Article 4 of Directive 2014/65/EU¹</p> <p>_____</p> <p>1. 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).</p> | <p>— Operators of trading venues referred to in point (24) of Article 4 of Directive 2014/65/EU¹</p> <p>_____</p> <p>1. 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).</p> | <p>— Operators of trading venues referred to in point (24) of Article 4 of Directive 2014/65/EU¹</p> <p>_____</p> <p>1. 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).</p> | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|--|--|--|-----------------|
| Annex, Table 1, Column 3, Row 33 | | | | |
| 322 | <p>— Central counterparties (CCPs) referred to in point (1) of Article 2 of Regulation (EU) No 648/2012¹</p> <p>_____</p> <p>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).</p> | <p>— Central counterparties (CCPs) referred to in point (1) of Article 2 of Regulation (EU) No 648/2012¹</p> <p>_____</p> <p>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).</p> | <p>— Central counterparties (CCPs) referred to in point (1) of Article 2 of Regulation (EU) No 648/2012¹</p> <p>_____</p> <p>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).</p> | |
| Annex, Table 1, Column 1 | | | | |
| 323 | Sector | Sector | Sector Sectors | |
| Annex, Table 1, Column 1, Row 6 | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|---|---|---|-----------------|
| 324 | 5. Health | 5. Health | 5. Health | |
| Annex, Table 1, Column 3 | | | | |
| 325 | Type of entity | Type of entity | Type of entity Categories of entities | |
| Annex, Table 1, Column 3, Row 34 | | | | |
| 326 | <p>— Healthcare providers referred to in point (g) of Article 3 of Directive 2011/24/EU¹</p> <p>_____</p> <p>1. Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88,</p> | <p>— Healthcare providers referred to in point (g) of Article 3 of Directive 2011/24/EU¹</p> <p>_____</p> <p>1. Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88, 4.4.2011,</p> | <p>— Healthcare providers referred to in point (g) of Article 3 of Directive 2011/24/EU¹</p> <p>_____</p> <p>1. Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88, 4.4.2011,</p> | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|--|--|--|------------------------|
| | 4.4.2011, p. 45). | p. 45). | p. 45). | |
| Annex, Table 1, Column 3, Row 35 | | | | |
| 327 | <p>— EU reference laboratories referred to in Article 15 of Regulation [XX] on serious cross borders threats to health¹</p> <p>_____</p> <p>1. [Regulation of the European Parliament and of the Council on serious cross-border threats to health and repealing Decision No 1082/2013/EU, reference to be updated once the proposal COM(2020) 727 final is adopted].</p> | <p>— EU reference laboratories referred to in Article 15 of Regulation [XX] on serious cross borders threats to health¹</p> <p>_____</p> <p>1. [Regulation of the European Parliament and of the Council on serious cross-border threats to health and repealing Decision No 1082/2013/EU, reference to be updated once the proposal COM(2020) 727 final is adopted].</p> | <p>— EU reference laboratories referred to in Article 15 of Regulation [XX] on serious cross borders threats to health¹</p> <p>_____</p> <p>1. [Regulation of the European Parliament and of the Council on serious cross-border threats to health and repealing Decision No 1082/2013/EU, reference to be updated once the proposal COM(2020) 727 final is adopted].</p> | |
| Annex, Table 1, Column 3, Row 36 | | | | |
| 328 | — Entities carrying out research | — Entities carrying out research and | — Entities carrying out research and | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|--|--|--|------------------------|
| | <p>and development activities of medicinal products referred to in Article 1 point 2 of Directive 2001/83/EC¹</p> <p>_____</p> <p>1. Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p.67).</p> | <p>development activities of medicinal products referred to in Article 1 point 2 of Directive 2001/83/EC¹</p> <p>_____</p> <p>1. Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p.67).</p> | <p>development activities of medicinal products referred to in Article 1 point 2 of Directive 2001/83/EC¹</p> <p>_____</p> <p>1. Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p.67).</p> | |
| Annex, Table 1, Column 3, Row 37 | | | | |
| 329 | <p>— Entities manufacturing basic pharmaceutical products and pharmaceutical preparations referred to in section C division 21 of NACE Rev. 2</p> | <p>— Entities manufacturing basic pharmaceutical products and pharmaceutical preparations referred to in section C division 21 of NACE Rev. 2</p> | <p>— Entities manufacturing basic pharmaceutical products and pharmaceutical preparations referred to in section C division 21 of NACE Rev. 2</p> | |
| Annex, Table 1, Column 3, Row 38 | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|---|---|---|-----------------|
| 330 | <p>— Entities manufacturing medical devices considered as critical during a public health emergency (‘the public health emergency critical devices list’) referred to in Article 20 of Regulation XXXX¹</p> <p>_____</p> <p>1. [Regulation on a reinforced role for the European Medicines Agency in crisis preparedness and management for medicinal products and medical devices COM(2020) 725 final] reference once the proposal is updated].</p> | <p>— Entities manufacturing medical devices considered as critical during a public health emergency (‘the public health emergency critical devices list’) referred to in Article 20 of Regulation XXXX¹</p> <p>_____</p> <p>1. [Regulation on a reinforced role for the European Medicines Agency in crisis preparedness and management for medicinal products and medical devices COM(2020) 725 final] reference once the proposal is updated].</p> | <p>— Entities manufacturing medical devices considered as critical during a public health emergency (‘the public health emergency critical devices list’) referred to in Article 20 of Regulation XXXX¹</p> <p>_____</p> <p>1. [Regulation on a reinforced role for the European Medicines Agency in crisis preparedness and management for medicinal products and medical devices COM(2020) 725 final] reference once the proposal is updated].</p> | |
| Annex, Table 1, Column 3, Row 39 | | | | |
| 331 | | <p><u>— Entities holding a distribution authorisation as referred to in Article 79 of Directive 2001/83/EC</u></p> | | |
| Annex, Table 1, Column 2 | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|---|------------------------------|---|-----------------|
| 332 | Sector | Sector | Sector Sectors | |
| Annex, Table 1, Column 1, Row 7 | | | | |
| 333 | 6. Drinking Water | 6. Drinking Water | 6. Drinking Water | |
| Annex, Table 1, Column 3 | | | | |
| 334 | Type of entity | Type of entity | Type of entity Categories of entities | |
| Annex, Table 1, Column 3, Row 40 | | | | |
| 335 | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|--------------------------|--|--|--|-----------------|
| | <p>Suppliers and distributors of water intended for human consumption referred to in point (1)(a) of Article 2 of Council Directive 98/83/EC¹ but excluding distributors for whom distribution of water for human consumption is only part of their general activity of distributing other commodities and goods which are not considered essential or important services</p> <p>_____</p> <p>1. Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption (OJ L 330, 5.12.1998, p. 32).</p> | <p>Suppliers and distributors of water intended for human consumption referred to in point (1)(a) of Article 2 of Council Directive 98/83/EC¹ but excluding distributors for whom distribution of water for human consumption is only part of their general activity of distributing other commodities and goods which are not considered essential or important services</p> <p>_____</p> <p>1. Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption (OJ L 330, 5.12.1998, p. 32).</p> | <p>Suppliers and distributors of water intended for human consumption referred to in point (1)(a) of Article 2 of Council Directive 98/83/EC¹ but excluding distributors for whom distribution of water for human consumption is only non-essential part of their general activity of distributing other commodities and goods which are not considered essential or important services</p> <p>_____</p> <p>1. Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption (OJ L 330, 5.12.1998, p. 32).</p> | |
| Annex, Table 1, Column 1 | | | | |
| 336 | Sector | Sector | Sector Sectors | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|--|--|--|-----------------|
| Annex, Table 1, Column 1, Row 8 | | | | |
| 337 | 7. Waste Water | 7. Waste Water | 7. Waste Water | |
| Annex, Table 1, Column 3 | | | | |
| 338 | Type of entity | Type of entity | Type of entity Categories of entities | |
| Annex, Table 1, Column 1, Row 41 | | | | |
| 339 | Undertakings collecting, disposing or treating urban, domestic and industrial waste water referred to in points (1) to (3) of Article 2 of Council Directive 91/271/EEC ¹ | Undertakings collecting, disposing or treating urban, domestic and industrial waste water referred to in points (1) to (3) of Article 2 of Council Directive 91/271/EEC ¹ | Undertakings collecting, disposing or treating urban, domestic and industrial waste water referred to in points (1) to (3) of Article 2 of Council Directive 91/271/EEC ¹ , but excluding undertakings for whom | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|---------------------------------|--|--|---|-----------------|
| | <p>_____</p> <p>1. Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment (OJ L 135, 30.5.1991, p.40).</p> | <p>_____</p> <p>1. Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment (OJ L 135, 30.5.1991, p.40).</p> | <p>collecting, disposing or treating of urban, domestic and industrial waste water is only a non-essential part of their general activity</p> <p>_____</p> <p>1. Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment (OJ L 135, 30.5.1991, p.40).</p> | |
| Annex, Table 1, Column 1 | | | | |
| 340 | Sector | Sector | Sector Sectors | |
| Annex, Table 1, Column 1, Row 9 | | | | |
| 341 | 8. Digital infrastructure | 8. Digital infrastructure | 8. Digital infrastructure - solely for the purposes of Articles 1- 9 | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|---|---|---|-----------------|
| | | | of this Directive | |
| Annex, Table 1, Column 3 | | | | |
| 342 | Type of entity | Type of entity | Type of entity Categories of entities | |
| Annex, Table 1, Column 3, Row 42 | | | | |
| 343 | — Providers of Internet Exchange Point [referred to in point (X) of Article 4 of NIS 2 Directive] | — Providers of Internet Exchange Point [referred to in point (X) of Article 4 of NIS 2 Directive] | — Providers of Internet Exchange Point [referred to in point (X) of Article 4 of NIS 2 Directive] | |
| Annex, Table 1, Column 3, Row 43 | | | | |
| 344 | — DNS service providers [referred to in point (X) of Article 4 of NIS 2 Directive] | — DNS service providers [referred to in point (X) of Article 4 of NIS 2 Directive] | — DNS service providers [referred to in point (X) of Article 4 of NIS 2 Directive], excluding operators of | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|---|---|---|------------------------|
| | | | root name servers | |
| Annex, Table 1, Column 3, Row 44 | | | | |
| 345 | — TLD name registries [referred to in point (X) of Article 4 of NIS 2 Directive] | — TLD name registries [referred to in point (X) of Article 4 of NIS 2 Directive] | — TLD name registries [referred to in point (X) of Article 4 of NIS 2 Directive] | |
| Annex, Table 1, Column 3, Row 45 | | | | |
| 346 | — Providers of Cloud computing service [referred to in point (X) of Article 4 of NIS 2 Directive] | — Providers of Cloud computing service [referred to in point (X) of Article 4 of NIS 2 Directive] | — Providers of Cloud computing service [referred to in point (X) of Article 4 of NIS 2 Directive] | |
| Annex, Table 1, Column 3, Row 46 | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|---|---|---|------------------------|
| 347 | — Providers of Data centre service [referred to in point (X) of Article 4 of NIS 2 Directive] | — Providers of Data centre service [referred to in point (X) of Article 4 of NIS 2 Directive] | — Providers of Data centre service [referred to in point (X) of Article 4 of NIS 2 Directive] | |
| Annex, Table 1, Column 3, Row 47 | | | | |
| 348 | — Providers of Content delivery network [referred to in point (X) of Article 4 of NIS 2 Directive] | — Providers of Content delivery network [referred to in point (X) of Article 4 of NIS 2 Directive] | — Providers of Content delivery network [referred to in point (X) of Article 4 of NIS 2 Directive] | |
| Annex, Table 1, Column 3, Row 48 | | | | |
| 349 | — Trust service providers referred to in point (19) of Article 3 of Regulation (EU) No 910/2014 ¹ _____ | — Trust service providers referred to in point (19) of Article 3 of Regulation (EU) No 910/2014 ¹ _____ | — Trust service providers referred to in point (19) of Article 3 of Regulation (EU) No 910/2014 ¹ _____ | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|---|---|---|------------------------|
| | 1. Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p.73). | 1. Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p.73). | 1. Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p.73). | |
| Annex, Table 1, Column 3, Row 49 | | | | |
| 350 | <p>— Providers of public electronic communications networks referred to in point (8) of Article 2 of Directive (EU) 2018/1972¹ or providers of electronic communications services within the meaning of point (4) of Article 2 of Directive (EU) 2018/1972 insofar as their services are publicly available</p> <p>_____</p> <p>1. Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communication</p> | <p>— Providers of public electronic communications networks referred to in point (8) of Article 2 of Directive (EU) 2018/1972¹ or providers of electronic communications services within the meaning of point (4) of Article 2 of Directive (EU) 2018/1972 insofar as their services are publicly available</p> <p>_____</p> <p>1. Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communication Code (OJ L 321,</p> | <p>— Providers of public electronic communications networks referred to in point (8) of Article 2 of Directive (EU) 2018/1972¹ or providers of electronic communications services within the meaning of point (4) of Article 2 of Directive (EU) 2018/1972 insofar as their services are publicly available</p> <p>_____</p> <p>1. Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communication Code (OJ L 321,</p> | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|---|---|--|-----------------|
| | Code (OJ L 321, 17.12.2018, p. 36). | 17.12.2018, p. 36). | 17.12.2018, p. 36). | |
| Annex, Table 1, Column 1 | | | | |
| 351 | Sector | Sector | Sector Sectors | |
| Annex, Table 1, Column 1, Row 10 | | | | |
| 352 | 9. Public administration | 9. Public administration <u>and democratic institutions</u> | 9. Public administration | |
| Annex, Table 1, Column 3 | | | | |
| 353 | Type of entity | Type of entity | Type of entity Categories of entities | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|--|--|---|-----------------|
| | | | | |
| Annex, Table 1, Column 3, Row 50 | | | | |
| 354 | | <u>— Central, regional and local governments and assemblies</u> | | |
| Annex, Table 1, Column 3, Row 51 | | | | |
| 355 | — Public administration entities, [referred to in point (X) of Article 4 of NIS 2 Directive], of central governments | — Public administration entities, [referred to in point (X) of Article 4 of NIS 2 Directive], of central governments | — Public administration entities, [referred to in point (X) of Article 4 of NIS 2 Directive], of central governments | |
| Annex, Table 1, Column 3, Row 52 | | | | |
| 356 | — Public administration entities, [referred to in point (X) of Article 4 of NIS 2 Directive], of NUTS | — Public administration entities, [referred to in point (X) of Article 4 of NIS 2 Directive], of NUTS level 1 | — Public administration entities, [referred to in point (X) of Article 4 of NIS 2 Directive], of NUTS level 1 | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|---|---|---|------------------------|
| | <p>level 1 regions listed in Annex I to Regulation (EC) No 1059/2003¹</p> <p>_____</p> <p>1. Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).</p> | <p>regions listed in Annex I to Regulation (EC) No 1059/2003¹</p> <p>_____</p> <p>1. Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).</p> | <p>regions listed in Annex I to Regulation (EC) No 1059/2003¹</p> <p>=====</p> <p>1. Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).</p> | |
| Annex, Table 1, Column 3, Row 53 | | | | |
| 357 | <p>— Public administration entities, [referred to in point (X) of Article 4 of NIS 2 Directive], of NUTS level 2 regions listed in Annex I to Regulation (EC) No 1059/2003</p> | <p>— Public administration entities, [referred to in point (X) of Article 4 of NIS 2 Directive], of NUTS level 2 regions listed in Annex I to Regulation (EC) No 1059/2003</p> | <p>— Public administration entities, [referred to in point (X) of Article 4 of NIS 2 Directive], of NUTS level 2 regions listed in Annex I to Regulation (EC) No 1059/2003</p> | |
| Annex, Table 1, Column 1 | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|---|--|--|-----------------|
| 358 | Sector | Sector | Sector Sectors | |
| Annex, Table 1, Column 1, Row 11 | | | | |
| 359 | 10. Space | 10. Space | 10. Space | |
| Annex, Table 1, Column 3 | | | | |
| 360 | Type of entity | Type of entity | Type of entity Categories of entities | |
| Annex, Table 1, Column 3, Row 54 | | | | |
| 361 | — Operators of ground-based infrastructure, owned, managed and operated by Member States or | — Operators of ground-based infrastructure, owned, managed and operated by Member States or by | — Operators of ground-based infrastructure, owned, managed and operated by Member States or by | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|---|--|--|-----------------|
| | by private parties, that support the provision of space-based services, excluding providers of public electronic communications networks within the meaning of point (8) of Article 2 of Directive (EU) 2018/1972 | private parties, that support the provision of space-based services, excluding providers of public electronic communications networks within the meaning of point (8) of Article 2 of Directive (EU) 2018/1972 | private parties, that support the provision of space-based services, excluding providers of public electronic communications networks within the meaning of point (8) of Article 2 of Directive (EU) 2018/1972 | |
| Annex, Table 1, Column 1 | | | | |
| 362 | | <u>Sector</u> | | |
| Annex, Table 1, Column 1, Row 12 | | | | |
| 363 | | <u>11. Food production, processing and distribution</u> | | |
| Annex, Table 1, Column 3 | | | | |

| | Commission Proposal (14262/20 + ADD 1) | EP Mandate (A9-0289/2021) | Council Mandate (14594/21) | Draft Agreement |
|----------------------------------|---|--|-------------------------------|-----------------|
| 364 | | <u>Type of Entity</u> | | |
| Annex, Table 1, Column 3, Row 56 | | | | |
| 365 | | <p><u>— Food businesses as referred to in Article 3, point (2), of Regulation (EC) No 178/2002 of the European Parliament and of the Council¹</u></p> <p>_____</p> <p><u>1. Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).</u></p> | | |