



Brussels, 11 January 2022
(OR. en)

5163/22

Interinstitutional File:
2020/0359(COD)

CYBER 5
CSC 10
CSCI 2
CODEC 16
DATAPROTECT 1
JAI 27
MI 14
TELECOM 6

NOTE

From:	General Secretariat of the Council
To:	Horizontal Working Party on Cyber Issues
No. prev. doc.:	14337/21
No. Cion doc.:	14150/20 + ADD1
Subject:	Proposal for a Directive of the European Parliament and of the Council on measures for a high common level of cybersecurity across the Union, repealing Directive 2016/1148 - Four-column document

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 4 November 2021,
- the Council's mandate adopted by the Council on 3 December 2021

The text in the attached table is marked as follows:

<i>First column</i>	The Commission proposal as present in ST 14150/20 + 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
measures for a high common level of cybersecurity across the Union, repealing Directive (EU) 2016/1148
(Text with EEA relevance)**

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2020/0359 (COD)	2020/0359 (COD)	2020/0359 (COD)	
Proposal Title				
2	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on measures for a high common level of cybersecurity across the Union, repealing Directive (EU) 2016/1148 (Text with EEA relevance)	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on measures for a high common level of cybersecurity across the Union <i>(NIS 2 Directive)</i> , repealing Directive (EU) 2016/1148 <i>(Text with EEA relevance)</i>	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on measures for a high common level of cybersecurity across the Union, repealing Directive (EU) 2016/1148 (Text with EEA relevance)	
Formula				
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,	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	
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,	
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				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
8	Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ C , , p. .</u>	Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ C , , p. .</u>	Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ C , , p. .</u>	
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
Formula				
10	Whereas:	Whereas:	Whereas:	
Recital 1				
11	(1) Directive (EU) 2016/1148 of the European Parliament and the Council ¹ aimed at building cybersecurity capabilities across the Union, mitigating threats to network and information systems used to provide essential services in key sectors and ensuring the continuity of such services when facing cybersecurity incidents, thus contributing to the Union's economy and society to function effectively.	(1) Directive (EU) 2016/1148 of the European Parliament and the Council ¹ , <u>commonly known as the 'NIS directive'</u> aimed at building cybersecurity capabilities across the Union, mitigating threats to network and information systems used to provide essential services in key sectors and ensuring the continuity of such services when facing cybersecurity incidents, thus contributing to the Union's <u>economy and society to function</u>	(1) Directive (EU) 2016/1148 of the European Parliament and the Council ¹ aimed at building cybersecurity capabilities across the Union, mitigating threats to network and information systems used to provide essential services in key sectors and ensuring the continuity of such services when facing cybersecurity incidents, thus contributing to the Union's economy and society to function effectively.	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<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 194/1, 19.7.2016 p. 1).</p>	<p>effectively<u>security and to the effective functioning of its economy and society.</u></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 194/1, 19.7.2016 p. 1).</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 194/1, 19.7.2016 p. 1).</p>	
Recital 2				
12	<p>(2) Since the entry into force of Directive (EU) 2016/1148 significant progress has been made in increasing the Union's level of cybersecurity resilience. The review of that Directive has shown that it has served as a catalyst for the institutional and regulatory approach to cybersecurity in the Union, paving the way for a significant change in mind-set. That Directive has ensured the completion of national frameworks by defining national cybersecurity strategies, establishing national capabilities, and implementing regulatory measures covering essential infrastructures and actors identified by each Member State. It has also contributed to cooperation</p>	<p>(2) Since the entry into force of Directive (EU) 2016/1148 significant progress has been made in increasing the Union's level of cybersecurity resilience. The review of that Directive has shown that it has served as a catalyst for the institutional and regulatory approach to cybersecurity in the Union, paving the way for a significant change in mind-set. That Directive has ensured the completion of national frameworks by defining national cybersecurity strategies, establishing national capabilities, and implementing regulatory measures covering essential infrastructures and actors identified by each Member State. It has also contributed to cooperation</p>	<p>(2) Since the entry into force of Directive (EU) 2016/1148 significant progress has been made in increasing the Union's level of cybersecurity resilience. The review of that Directive has shown that it has served as a catalyst for the institutional and regulatory approach to cybersecurity in the Union, paving the way for a significant change in mind-set. That Directive has ensured the completion of national frameworks by defining national cybersecurity strategies<u>strategies on security of network and information systems</u>, establishing national capabilities, and implementing regulatory measures covering essential infrastructures and actors identified</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>at Union level through the establishment of the Cooperation Group¹ and a network of national Computer Security Incident Response Teams ('CSIRTs network')². Notwithstanding those achievements, the review of Directive (EU) 2016/1148 has revealed inherent shortcomings that prevent it from addressing effectively contemporaneous and emerging cybersecurity challenges.</p> <p>1. Article 11 of Directive (EU) 2016/1148. 2. Article 12 of Directive (EU) 2016/1148.</p>	<p>at Union level through the establishment of the Cooperation Group¹ and a network of national Computer Security Incident Response Teams ('CSIRTs network')². Notwithstanding those achievements, the review of Directive (EU) 2016/1148 has revealed inherent shortcomings that prevent it from addressing effectively contemporaneous and emerging cybersecurity challenges.</p> <p>1. Article 11 of Directive (EU) 2016/1148. 2. Article 12 of Directive (EU) 2016/1148.</p>	<p>by each Member State. It has also contributed to cooperation at Union level through the establishment of the Cooperation Group¹ and the network of national Computer Security Incident Response Teams ('CSIRTs network')². Notwithstanding those achievements, the review of Directive (EU) 2016/1148 has revealed inherent shortcomings that prevent it from addressing effectively contemporaneous and emerging cybersecurity challenges.</p> <p>1. Article 11 of Directive (EU) 2016/1148. 2. Article 12 of Directive (EU) 2016/1148.</p>	
Recital 3				
13	<p>(3) Network and information systems have developed into a central feature of everyday life with the speedy digital transformation and interconnectedness of society, including in cross-border exchanges. That development has led to an expansion of the cybersecurity threat landscape, bringing about new challenges, which require adapted, coordinated</p>	<p>(3) Network and information systems have developed into a central feature of everyday life with the speedy digital transformation and interconnectedness of society, including in cross-border exchanges. That development has led to an expansion of the cybersecurity threat landscape, bringing about new challenges, which require adapted, coordinated</p>	<p>(3) Network and information systems have developed into a central feature of everyday life with the speedy digital transformation and interconnectedness of society, including in cross-border exchanges. That development has led to an expansion of the cybersecurity threat landscape, bringing about new challenges, which require adapted, coordinated</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	and innovative responses in all Member States. The number, magnitude, sophistication, frequency and impact of cybersecurity incidents are increasing, and present a major threat to the functioning of network and information systems. As a result, cyber incidents can impede the pursuit of economic activities in the internal market, generate financial losses, undermine user confidence and cause major damage to the Union economy and society. Cybersecurity preparedness and effectiveness are therefore now more essential than ever to the proper functioning of the internal market.	and innovative responses in all Member States. The number, magnitude, sophistication, frequency and impact of cybersecurity incidents are increasing, and present a major threat to the functioning of network and information systems. As a result, cyber incidents can impede the pursuit of economic activities in the internal market, generate financial losses, undermine user confidence and cause major damage to the Union economy and society. Cybersecurity preparedness and effectiveness are therefore now more essential than ever to the proper functioning of the internal market. <u>Moreover, cybersecurity is a key enabler for many critical sectors to successfully embrace the digital transformation and to fully grasp the economic, social and sustainable benefits of digitalisation.</u>	and innovative responses in all Member States. The number, magnitude, sophistication, frequency and impact of cybersecurity incidents are increasing, and present a major threat to the functioning of network and information systems. As a result, cyber incidents can impede the pursuit of economic activities in the internal market, generate financial losses, undermine user confidence and cause major damage to the Union economy and society. Cybersecurity preparedness and effectiveness are therefore now more essential than ever to the proper functioning of the internal market.	
Recital 3a				
13a		<u>(3a) Large-scale cybersecurity incidents and crises at Union level</u>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<p><u>require coordinated action to ensure a rapid and effective response, because of the high degree of interdependence between sectors and countries. The availability of cyber-resilient networks and information systems and the availability, confidentiality and integrity of data are vital for the security of the Union within as well as beyond its borders, as cyber threats could originate from outside the Union. The Union's ambition to acquire a more prominent geopolitical role also rests on credible cyber defence and deterrence, including the capacity to identify malicious actions in a timely and effective manner and to respond adequately.</u></p>		
Recital 4				
14	(4) The legal basis of Directive (EU) 1148/2016 was Article 114 of the Treaty on the Functioning of the European Union (TFEU), the objective of which is the establishment and functioning of	(4) The legal basis of Directive (EU) 1148/2016 was Article 114 of the Treaty on the Functioning of the European Union (TFEU), the objective of which is the establishment and functioning of	(4) The legal basis of Directive (EU) 1148/2016 was Article 114 of the Treaty on the Functioning of the European Union (TFEU), the objective of which is the establishment and functioning of	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>the internal market by enhancing measures for the approximation of national rules. The cybersecurity requirements imposed on entities providing services or economically relevant activities vary considerably among Member States in terms of type of requirement, their level of detail and the method of supervision. Those disparities entail additional costs and create difficulties for undertakings that offer goods or services cross-border. Requirements imposed by one Member State that are different from, or even in conflict with, those imposed by another Member State, may substantially affect those cross-border activities. Furthermore, the possibility of suboptimal design or implementation of cybersecurity standards in one Member State is likely to have repercussions on the level of cybersecurity of other Member States, notably given the intense cross-border exchanges. The review of Directive (EU) 2016/1148 has shown a wide divergence in its implementation by Member States, including in</p>	<p>the internal market by enhancing measures for the approximation of national rules. The cybersecurity requirements imposed on entities providing services or economically relevant activities vary considerably among Member States in terms of type of requirement, their level of detail and the method of supervision. Those disparities entail additional costs and create difficulties for undertakings that offer goods or services cross-border. Requirements imposed by one Member State that are different from, or even in conflict with, those imposed by another Member State, may substantially affect those cross-border activities. Furthermore, the possibility of suboptimal design or implementation of cybersecurity standards in one Member State is likely to have repercussions on the level of cybersecurity of other Member States, notably given the intense cross-border exchanges. The review of Directive (EU) 2016/1148 has shown a wide divergence in its implementation by Member States, including in</p>	<p>the internal market by enhancing measures for the approximation of national rules. The cybersecurity requirements imposed on entities providing services or economically relevant activities vary considerably among Member States in terms of type of requirement, their level of detail and the method of supervision. Those disparities entail additional costs and create difficulties for undertakings that offer goods or services cross-border. Requirements imposed by one Member State that are different from, or even in conflict with, those imposed by another Member State, may substantially affect those cross-border activities. Furthermore, the possibility of suboptimal design or implementation of cybersecurity standards <u>measures</u> in one Member State is likely to have repercussions on the level of cybersecurity of other Member States, notably given the intense cross-border exchanges. The review of Directive (EU) 2016/1148 has shown a wide divergence in its implementation</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	relation to its scope, the delimitation of which was very largely left to the discretion of the Member States. Directive (EU) 2016/1148 also provided the Member States with very wide discretion as regards implementing the security and incident reporting obligations set out therein. Those obligations were therefore implemented in significantly different ways at national level. Similar divergence in the implementation occurred in relation to that Directive's provisions on supervision and enforcement.	relation to its scope, the delimitation of which was very largely left to the discretion of the Member States. Directive (EU) 2016/1148 also provided the Member States with very wide discretion as regards implementing the security and incident reporting obligations set out therein. Those obligations were therefore implemented in significantly different ways at national level. Similar divergence in the implementation occurred in relation to that Directive's provisions on supervision and enforcement.	by Member States, including in relation to its scope, the delimitation of which was very largely left to the discretion of the Member States. Directive (EU) 2016/1148 also provided the Member States with very wide discretion as regards implementing the security and incident reporting obligations set out therein. Those obligations were therefore implemented in significantly different ways at national level. Similar divergence in the implementation occurred in relation to that Directive's provisions on supervision and enforcement.	
Recital 5				
15	(5) All those divergences entail a fragmentation of the internal market and are liable to have a prejudicial effect on its functioning, affecting in particular the cross-border provision of services and level of cybersecurity resilience due to the application of different standards. This Directive aims to remove such wide	(5) All those divergences entail a fragmentation of the internal market and are liable to have a prejudicial effect on its functioning, affecting in particular the cross-border provision of services and level of cybersecurity resilience due to the application of different standards. <u>Ultimately, those divergences could lead to</u>	(5) All those divergences entail a fragmentation of the internal market and are liable to have a prejudicial effect on its functioning, affecting in particular the cross-border provision of services and level of cybersecurity resilience due to the application of different standards <u>measures</u> . This Directive aims to remove such	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	divergences among Member States, in particular by setting out minimum rules regarding the functioning of a coordinated regulatory framework, by laying down mechanisms for the effective cooperation among the responsible authorities in each Member State, by updating the list of sectors and activities subject to cybersecurity obligations and by providing effective remedies and sanctions which are instrumental to the effective enforcement of those obligations. Therefore, Directive (EU) 2016/1148 should be repealed and replaced by this Directive.	<u>higher vulnerability of some Member States to cybersecurity threats, with potential spill-over effects across the Union.</u> This Directive aims to remove such wide divergences among Member States, in particular by setting out minimum rules regarding the functioning of a coordinated regulatory framework, by laying down mechanisms for the effective cooperation among the responsible authorities in each Member State, by updating the list of sectors and activities subject to cybersecurity obligations and by providing effective remedies and sanctions which are instrumental to the effective enforcement of those obligations. Therefore, Directive (EU) 2016/1148 should be repealed and replaced by this Directive <u>(NIS 2 Directive)</u> .	wide divergences among Member States, in particular by setting out minimum rules regarding the functioning of a coordinated regulatory framework, by laying down mechanisms for the effective cooperation among the responsible authorities in each Member State, by updating the list of sectors and activities subject to cybersecurity obligations and by providing effective remedies and sanctions which are instrumental to the effective enforcement of those obligations. Therefore, Directive (EU) 2016/1148 should be repealed and replaced by this Directive.	
Recital 6				
16	(6) This Directive leaves unaffected the ability of Member States to take the necessary measures to ensure the protection of the essential interests of their	(6) This Directive leaves unaffected the ability of Member States to take the necessary measures to ensure the protection of the essential interests of their	(6) This Directive leaves unaffected the ability of Member States <u>Member States should be able</u> to take the necessary measures to ensure the protection of the	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>security, to safeguard public policy and public security, and to allow for the investigation, detection and prosecution of criminal offences, in compliance with Union law. In accordance with Article 346 TFEU, 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. In this context, national and Union rules for protecting classified information, non-disclosure agreements, and informal non-disclosure agreements such as the Traffic Light Protocol¹, are of relevance.</p> <p>¹ The Traffic Light Protocol (TLP) is a means for someone sharing information to inform their audience about any limitations in further spreading this information. It is used in almost all CSIRT communities and some Information Analysis and Sharing Centres (ISACs).</p>	<p>security, to safeguard public policy and public security, and to allow for the <u>prevention</u>, investigation, detection and prosecution of criminal offences, in compliance with Union law. In accordance with Article 346 TFEU, 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. In this context, national and Union rules for protecting classified information, non-disclosure agreements, and informal non-disclosure agreements such as the Traffic Light Protocol¹, are of relevance.</p> <p>¹ The Traffic Light Protocol (TLP) is a means for someone sharing information to inform their audience about any limitations in further spreading this information. It is used in almost all CSIRT communities and some Information Analysis and Sharing Centres (ISACs).</p>	<p>essential interests of their security, to safeguard public policy and public security, and to allow for the investigation, detection and prosecution of criminal offences, in compliance with Union law. In accordance with Article 346 TFEU. <u>The Directive should not apply to certain public or private entities that carry out activities in these areas. It should also not apply to the activities of entities conducted in these areas.</u> <u>Furthermore</u>, 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. In this context, National and/or Union rules for protecting classified information, non-disclosure agreements, and informal non-disclosure agreements such as the Traffic Light Protocol¹, are of relevance.</p> <p>¹ The Traffic Light Protocol (TLP) is a means for someone sharing information to inform their audience about any limitations in further spreading this information. It is used in almost all CSIRT communities and some Information Analysis and Sharing Centres (ISACs).</p>	
Recital 6a				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
16a			<u><i>(6a) Union law on the protection of personal data and privacy applies to any processing of personal data under this Directive. In particular, this Directive is without prejudice to Regulation (EU) 2016/679 and Directive 2002/58/EC of the European Parliament and of the Council and therefore should in particular not affect the tasks and powers of the independent supervisory authorities competent to monitor compliance with the respective Union data protection law.</i></u>	
Recital 7				
17	(7) With the repeal of Directive (EU) 2016/1148, the scope of application by sectors should be extended to a larger part of the economy in light of the considerations set out in recitals (4) to (6). The sectors covered by Directive (EU) 2016/1148 should therefore be extended to provide a comprehensive coverage of the sectors and services of vital importance for key societal and	(7) With the repeal of Directive (EU) 2016/1148, the scope of application by sectors should be extended to a larger part of the economy in light of the considerations set out in recitals (4) to (6). The sectors covered by Directive (EU) 2016/1148 should therefore be extended to provide a comprehensive coverage of the sectors and services of vital importance for key societal and	(7) With the repeal of Directive (EU) 2016/1148, the scope of application by sectors should be extended to a larger part of the economy in light of the considerations set out in recitals (4) to (6). The sectors covered by Directive (EU) 2016/1148 should therefore be extended to provide a comprehensive coverage of the sectors and services of vital importance for key societal and	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	economic activities within the internal market. The rules should not be different according to whether the entities are operators of essential services or digital service providers. That differentiation has proven obsolete, since it does not reflect the actual importance of the sectors or services for the societal and economic activities in the internal market.	economic activities within the internal market. The rules <u>risk management requirements and reporting obligations</u> should not be different according to whether the entities are operators of essential services or digital service providers. That differentiation has proven obsolete, since it does not reflect the actual importance of the sectors or services for the societal and economic activities in the internal market.	economic activities within the internal market. The rules should not be different according to whether the entities are operators of essential services or digital service providers. That differentiation has proven obsolete, since it does not reflect the actual importance of the sectors or services for the societal and economic activities in the internal market.	
Recital 8				
18	(8) In accordance with Directive (EU) 2016/1148, Member States were responsible for determining which entities meet the criteria to qualify as operators of essential services ('identification process'). In order to eliminate the wide divergences among Member States in that regard and ensure legal certainty for the risk management requirements and reporting obligations for all relevant entities, a uniform criterion should be established that determines the entities falling within the scope of	(8) In accordance with Directive (EU) 2016/1148, Member States were responsible for determining which entities meet the criteria to qualify as operators of essential services ('identification process'). In order to eliminate the wide divergences among Member States in that regard and ensure legal certainty for the risk management requirements and reporting obligations for all relevant entities, a uniform criterion should be established that determines the entities falling within the scope of	(8) In accordance with Directive (EU) 2016/1148, Member States were responsible for determining which entities meet the criteria to qualify as operators of essential services ('identification process'). In order to eliminate the wide divergences among Member States in that regard and ensure legal certainty for the risk management requirements and reporting obligations for all relevant entities, a uniform criterion should be established that determines the entities falling within the scope of	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>application of this Directive. That criterion should consist of the application of the size-cap rule, whereby all medium and large enterprises, as defined by Commission Recommendation 2003/361/EC¹, that operate within the sectors or provide the type of services covered by this Directive, fall within its scope. Member States should not be required to establish a list of the entities that meet this generally applicable size-related criterion.</p> <p><small>1. Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).</small></p>	<p>application of this Directive. That criterion should consist of the application of the size-cap rule, whereby all medium and large enterprises, as defined by Commission Recommendation 2003/361/EC¹, that operate within the sectors or provide the type of services covered by this Directive, fall within its scope. Member States should not be required to establish a list of the entities that meet this generally applicable size-related criterion.</p> <p><small>1. Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).</small></p>	<p>application of this Directive. That criterion should consist of the application of the size-cap rule, whereby all medium and large enterprises, as defined by Commission Recommendation 2003/361/EC¹, that operate within the sectors or provide the type of services covered by this Directive, fall within its scope. Member States should not be required to establish a list of the entities that meet this generally applicable size-related criterion.</p> <p><small>1. Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).</small></p>	
Recital 8a				
18a			<p><u>(8a) In order to ensure a clear overview of the entities falling within the scope of this Directive, Member States should be able to establish national mechanisms for self-notification that require entities that are subject to this Directive to submit at least their name, address and contact details,</u></p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>as well as the sector in which they operate or type of service they provide and, where applicable, a list of Member States where the entity provides their services to the competent authorities under this Directive or bodies designated for that purpose by the Member States. Member States can decide on the appropriate mechanisms where registers exist at national level, that allow for the identification of entities falling within the scope of this Directive.</u>	
Recital 9				
19	(9) However, small or micro entities fulfilling certain criteria that indicate a key role for the economies or societies of Member States or for particular sectors or types of services, should also be covered by this Directive. Member States should be responsible for establishing a list of such entities, and submit it to the Commission.	(9) However, small or micro entities fulfilling certain criteria that indicate a key role for the economies or societies of Member States or for particular sectors or types of services, should also be covered by this Directive. Member States should be responsible for establishing a list of such entities, and submit it to the Commission.	(9) However, small or micro <u>Micro or small</u> entities fulfilling certain criteria that indicate a key role for the economies or societies of Member States or for particular sectors or types of services, should also be covered by this Directive. Member States should be responsible for establishing a list of such <u>submitting to the Commission at least relevant information on the number of identified</u> entities, <u>the sector they belong to or type of service they</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<i><u>provide, and the specific criteria based on which they were identified. Member States can also decide, where in accordance with national security rules, to submitand submit it to the Commission <u>the names of these entities</u>.</u></i>	
Recital 9a				
19a			<i><u>(9a) Public administration entities that carry out activities in the areas of national security, defence, public security, law enforcement, as well as the judiciary, parliaments and central banks are excluded from the scope of this Directive. For the purpose of this Directive, entities with regulatory competence are not considered as carrying out activities in the area of law enforcement and, therefore, they are not excluded on these grounds from the scope of this Directive. Furthermore public administration entities of central government that are jointly established with a third country in accordance with an international</u></i>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>agreement are not within the scope of this Directive.</u>	
Recital 9a				
19b		<u>(9a) Member States should establish a list of all essential and important entities. That list should include the entities that meet the generally applicable size-related criteria as well as the small enterprises and microenterprises that fulfil certain criteria that indicate their key role for the economies or societies of Member States. In order for computer security incident response teams (CSIRTs) and competent authorities to provide assistance and to warn entities about cyber incidents that could affect them, it is important that those authorities have the correct contact details of the entities. Essential and important entities should therefore submit at least the following information to the competent authorities: the name of the entity, the address and up-to-date contact details, including email addresses, IP ranges,</u>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<p><u>telephone numbers and relevant sector(s) and subsector(s) referred to in Annexes I and II. The entities should notify the competent authorities of any changes to that information. Member States should without undue delay, ensure that that information can be easily provided through a single entry point. To that end, ENISA, in cooperation with the Cooperation Group, should without undue delay issue guidelines and templates regarding the notification obligations. Member States should notify to the Commission and the Cooperation Group of the number of essential and important entities. Member States should also notify the Commission for the purpose of the review referred to in this Directive of the names of the small enterprises and microenterprises identified as essential and important entities, in order to enable the Commission to assess consistency among the Member States' approaches. That information should be handled as strictly confidential.</u></p>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Recital 9aa				
19c			<u>(9aa) Member States should be able to establish that entities identified before the entry into force of this Directive as operators of essential services in accordance with Directive (EU) 2016/1148 are to be considered essential entities.</u>	
Recital 9aaa				
19d			<u>(9aaa) This Directive does not apply to Member States' diplomatic and consular missions abroad and to their ICT infrastructure used by such missions, insofar as such infrastructure is located abroad or is operated for users abroad.</u>	
Recital 10				
20	(10) The Commission, in cooperation with the Cooperation Group, may issue guidelines on the implementation of the criteria applicable to micro and small enterprises.	(10) The Commission, in cooperation with the Cooperation Group <u>and relevant stakeholders,</u> should may issue guidelines on the implementation of the criteria applicable to <u>microenterprises and small enterprises. The</u>	(10) The Commission, in cooperation with the Cooperation Group, may issue guidelines on the implementation of the criteria applicable to micro and small enterprises.	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<i><u>Commission should also ensure that appropriate guidance is given to all micro and small enterprises falling within the scope of this Directive. The Commission should, with the support of the Member States, provide microenterprises and small enterprises with information in that regard.</u></i>		
Recital 10a				
20a		<i><u>(10a) The Commission should also issue guidelines to support Member States in correctly implementing the provisions on the scope, and to evaluate the proportionality of the obligations set out by this Directive, in particular as regards entities with complex business models or operating environments, whereby an entity may simultaneously fulfil the criteria assigned to both essential and important entities, or may simultaneously conduct activities that are some within and some outside the scope of this Directive.</u></i>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Recital 11				
21	<p>(11) Depending on the sector in which they operate or the type of service they provide, the entities falling within the scope of this Directive should be classified into two categories: essential and important. That categorisation should take into account the level of criticality of the sector or of the type of service, as well as the level of dependency of other sectors or types of services. Both essential and important entities should be subject to the same risk management requirements and reporting obligations. The supervisory and penalty regimes between these two categories of entities should be differentiated to ensure a fair balance between requirements and obligations on one hand, and the administrative burden stemming from the supervision of compliance on the other hand.</p>	<p>(11) Depending on the sector in which they operate or the type of service they provide, the entities falling within the scope of this Directive should be classified into two categories: essential and important. That categorisation should take into account the level of criticality of the sector or of the type of service, as well as the level of dependency of other sectors or types of services. Both essential and important entities should be subject to the same risk management requirements and reporting obligations. The supervisory and penalty regimes between these two categories of entities should be differentiated to ensure a fair balance between requirements and obligations on one hand, and the administrative burden stemming from the supervision of compliance on the other hand.</p>	<p>(11) Depending on the sector in which they operate or the type of service they provide, the Entities falling within the scope of this Directive should be classified into two categories: essential and important. That categorisation should <u>that</u> take into account the level of criticality of the sector or of the type of service <u>services they provide</u>, as well as the level of dependency of other sectors or types of services <u>their size. In this regard, due account should also be taken of any relevant sectoral risk assessments or guidance by competent authorities, where applicable</u>. Both essential and important entities should be subject to the same risk management requirements and reporting obligations. The supervisory and penalty regimes between these two categories of entities should be differentiated to ensure a fair balance between <u>risk-based</u> requirements and obligations on one hand, and the administrative burden stemming from the supervision of compliance on the</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			other hand.	
Recital 12				
22	<p>(12) Sector-specific legislation and instruments can contribute to ensuring high levels of cybersecurity, while taking full account of the specificities and complexities of those sectors. Where a sector-specific Union legal act requires essential or important entities to adopt cybersecurity risk management measures or to notify incidents or significant cyber threats of at least an equivalent effect to the obligations laid down in this Directive, those sector-specific provisions, including on supervision and enforcement, should apply. The Commission may issue guidelines in relation to the implementation of the lex specialis. This Directive does not preclude the adoption of additional sector-specific Union acts addressing cybersecurity risk management measures and incident notifications. This Directive is without prejudice to the existing</p>	<p>(12) Sector-specific legislation and instruments can contribute to ensuring high levels of cybersecurity, while taking full account of the specificities and complexities of those sectors. <u>Sector-specific Union legal acts that require essential or important entities to adopt cybersecurity risk management measures or to report significant incidents, should, where possible, be consistent with the terminology, and refer to the definitions laid down in this Directive.</u> Where a sector-specific Union legal act requires essential or important entities to adopt cybersecurity risk management measures or to notify incidents, <u>and where those requirements are or significant cyber threats</u> of at least an equivalent effect to the obligations laid down in this Directive, <u>and apply to the entirety of the security aspects of the operations and services provided by essential and</u></p>	<p>(12) Sector-specific legislation and instruments can contribute to ensuring high levels of cybersecurity, while taking full account of the specificities and complexities of those sectors. Where a sector-specific <u>This Directive sets out the baseline for cybersecurity risk management measures and reporting obligations across all sectors that fall within its scope. In order to avoid fragmentation of cybersecurity provisions of</u> Union legal act requires essential or important entities to adopt acts, <u>when additional sector-specific provisions pertaining to</u> cybersecurity risk management measures or to notify incidents or significant cyber threats of at least an equivalent effect to the obligations laid down <u>and reporting obligations are considered necessary to ensure a high level of cybersecurity, the Commission should assess</u></p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>implementing powers that have been conferred to the Commission in a number of sectors, including transport and energy.</p>	<p><u>important entities</u>, those sector-specific provisions, including on supervision and enforcement, should apply. The Commission may<u>should</u> issue <u>comprehensive</u> guidelines in relation to the implementation of the lex specialis, <u>taking into account relevant opinions, expertise and best practices of ENISA and the Cooperation Group</u>. This Directive does not preclude the adoption of additional sector-specific Union acts addressing cybersecurity risk management measures and incident notifications <u>that duly take into account the need for a comprehensive and consistent cybersecurity framework</u>. This Directive is without prejudice to the existing implementing powers that have been conferred to the Commission in a number of sectors, including transport and energy.</p>	<p><u>whether such provisions could be stipulated in an implementing act under the empowerment provided for</u> in this Directive, those sector-specific provisions, including on supervision and enforcement, should apply. The Commission may issue guidelines in relation to the implementation. Should such acts not be suitable for that purpose, sector-specific legislation could contribute to ensuring a high level of cybersecurity, while taking full account of the specificities and complexities of the lex specialis sectors concerned. The reasoning why an implementing act under the empowerment provided for in this Directive does not preclude the adoption of additional<u>was not appropriate is to be explained in the sector-specific legislation. At the same time, such</u> sector-specific <u>provisions of</u> Union <u>legal acts should duly take into account the need for a comprehensive and harmonised cybersecurity framework</u> acts addressing cybersecurity risk management measures and incident notifications. This Directive <u>This</u> is without prejudice to the existing</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			implementing powers that have been conferred to <u>on</u> the Commission in a number of sectors, including transport and energy.	
Recital 12a				
22a			<u>(12a) Where a sector-specific Union legal act contains provisions requiring essential or important entities to adopt measures of at least equivalent effect to the obligations laid down in this Directive related to cybersecurity risk management and obligations to notify significant incidents or significant cyber threats, those sector-specific provisions, including on supervision and enforcement, should apply. When determining the equivalent effect of obligations set out in the sector-specific provisions of a Union legal act, the following aspects should be considered: (i) the cybersecurity risk management measures should consist of appropriate and proportionate technical and organisational measures to</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<p><u>manage the risks posed to the security of network and information systems which the relevant entities use in the provision of their services, and should include as a minimum all the elements laid down in this Directive; (ii) the obligation to notify significant incidents and cyber threats should be at least equivalent to the obligations set out in this Directive as regards the content, format and timelines of the notifications; (iii) the reporting modalities by entities and the relevant authorities of sector-specific Union legal acts should be at least equivalent to the requirements set out in this Directive as regards their content, format and timelines and should take into account the role of the CSIRTs; (iv) the cross-border cooperation requirements for the relevant authorities should be at least equivalent to those set out in this Directive. If the sector-specific provisions of a Union legal act do not cover all entities in a specific sector falling within the scope of this Directive, the relevant provisions of this</u></p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u><i>Directive should continue to apply to the entities not covered by those sector-specific provisions.</i></u>	
Recital 12aa				
22b			<u><i>(12aa) The Commission should periodically review the application of the equivalent effect requirement in relation to sector-specific provisions of Union legal acts may. The Commission is to consult the Cooperation Group when preparing the periodical review.</i></u>	
Recital 12aaa				
22c			<u><i>(12aaa) Future sector-specific Union legal acts should take due account of the definitions outlined in Article 4 of this Directive and the supervisory and enforcement framework laid down in Chapter VI of this Directive.</i></u>	
Recital 12ab				
22d			<u><i>(12ab) Where sector-specific provisions of Union legal acts</i></u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<p><u>require essential or important entities to adopt measures of at least equivalent effect to the reporting obligations laid down in this Directive, overlapping reporting obligations should be avoided, and coherence and effectiveness of handling of notifications of cyber threats or incidents should be ensured. For that purpose, those sector-specific provisions can allow Member States to establish a common, automatic and direct reporting mechanism for notifying significant incidents and cyber threats to both the authorities whose tasks are set out in the respective sector-specific provisions and the competent authorities, including the single point of contact and CSIRTs as appropriate, responsible for the cybersecurity tasks provided for in this Directive, or for a mechanism that ensures systematic and immediate sharing of information and cooperation among the relevant authorities and CSIRTs concerning the handling of such notifications. For the purposes of simplifying reporting and of</u></p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>implementing the common, automatic and direct reporting mechanism, Member States may, in accordance with sector-specific legislations, utilise the single-entry point they establish according to Article 11(5a) of this Directive. To ensure harmonisation, reporting obligations of sector-specific Union legal acts should be aligned with those specified under this Directive. Member States can determine that competent authorities under this Directive or national CSIRTs are the addressees of the reporting, in accordance with sector-specific legislations.</u>	
Recital 13				
23	(13) Regulation XXXX/XXXX of the European Parliament and of the Council ¹ should be considered to be a sector-specific Union legal act in relation to this Directive with regard to the financial sector entities. The provisions of Regulation XXXX/XXXX relating to information and	(13) Regulation XXXX/XXXX of the European Parliament and of the Council ¹ should be considered to be a sector-specific Union legal act in relation to this Directive with regard to the financial sector entities. The provisions of Regulation XXXX/XXXX relating to information and communications	(13) Regulation XXXX/XXXX of the European Parliament and of the Council ¹ should be considered to be a sector-specific Union legal act in relation to this Directive with regard to the financial sector entities. The provisions of Regulation XXXX/XXXX relating to information and	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	communications technology (ICT) risk management measures, management of ICT-related incidents and notably incident reporting, as well as on digital operational resilience testing, information sharing arrangements and ICT third party risk should apply instead of those set up under this Directive. Member States should therefore not apply the provisions of this Directive on cybersecurity risk management and reporting obligations, information sharing and supervision and enforcement to any financial entities covered by Regulation XXXX/XXXX. At the same time, it is important to maintain a strong relationship and the exchange of information with the financial sector under this Directive. To that end, Regulation XXXX/XXXX allows all financial supervisors, the European Supervisory Authorities (ESAs) for the financial sector and the national competent authorities under Regulation XXXX/XXXX, to participate in strategic policy discussions and technical workings of the Cooperation Group, and to exchange information and	technology (ICT) risk management measures, management of ICT-related incidents and notably incident reporting, as well as on digital operational resilience testing, information sharing arrangements and ICT third party risk should apply instead of those set up under this Directive. Member States should therefore not apply the provisions of this Directive on cybersecurity risk management and reporting obligations, information sharing and supervision and enforcement to any financial entities covered by Regulation XXXX/XXXX. At the same time, it is important to maintain a strong relationship and the exchange of information with the financial sector under this Directive. To that end, Regulation XXXX/XXXX allows all financial supervisors, the European Supervisory Authorities (ESAs) for the financial sector and the national competent authorities under Regulation XXXX/XXXX, to participate in strategic policy discussions and technical workings of the Cooperation Group, and to exchange information and	communications technology (ICT) risk management measures, management of ICT-related incidents and notably incident reporting, as well as on digital operational resilience testing, information sharing arrangements and ICT third party risk should apply instead of those set up under <ins>out in</ins> this Directive. Member States should therefore not apply the provisions of this Directive on cybersecurity risk management ; and reporting obligations, information sharing and supervision and enforcement to any financial entities covered by Regulation XXXX/XXXX. At the same time, it is important to maintain a strong relationship and the exchange of information with the financial sector under this Directive. To that end, Regulation XXXX/XXXX allows all financial supervisors; the European Supervisory Authorities (ESAs) for the financial sector and the national competent authorities under Regulation XXXX/XXXX ; to participate in strategic policy discussions and technical workings <ins>the work</ins> of the	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>cooperate with the single points of contact designated under this Directive and with the national CSIRTs. The competent authorities under Regulation XXXX/XXXX should transmit details of major ICT-related incidents also to the single points of contact designated under this Directive. Moreover, Member States should continue to include the financial sector in their cybersecurity strategies and national CSIRTs may cover the financial sector in their activities.</p> <p>1. [insert the full title and OJ publication reference when known]</p>	<p>cooperate with the single points of contact designated under this Directive and with the national CSIRTs. The competent authorities under Regulation XXXX/XXXX should transmit details of major ICT-related incidents also to the single points of contact designated under this Directive. Moreover, Member States should continue to include the financial sector in their cybersecurity strategies and national CSIRTs may cover the financial sector in their activities.</p> <p>1. [insert the full title and OJ publication reference when known]</p>	<p>Cooperation Group, and to exchange information and cooperate with the single points of contact designated under this Directive, <u>as well as</u> and with the national CSIRTs. The competent authorities under Regulation XXXX/XXXX should transmit details of major ICT-related incidents <u>and significant cyber threats</u> also to the single points of contact, <u>the competent authorities or the national CSIRTs</u> designated under this Directive. <u>This is achievable by automatic and direct forwarding of incident notifications or a common reporting platform.</u> Moreover, Member States should continue to include the financial sector in their cybersecurity strategies and national CSIRTs may<u>can</u> cover the financial sector in their activities.</p> <p>1. [insert the full title and OJ publication reference when known]</p>	
Recital 13a				
23a			<p><u>(13a) In order to avoid gaps between and duplications of cybersecurity obligations imposed</u></p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<p><u>on entities in the aviation sector referred to in point 2 (a) of Annex I, national authorities designated under Regulations (EC) No 300/2008¹ and (EU) 2018/1139² of the European Parliament and of the Council and competent authorities under this Directive should cooperate in relation to the implementation of cybersecurity risk management measures and the supervision of those measures at national level. The compliance of an entity with the cybersecurity risk management measures under this Directive could be considered by the national authorities designated under Regulations (EC) No 300/2008 and (EU) 2018/1139 as compliant with the requirements laid down in those, and the relevant delegated and implementing acts adopted pursuant to those Regulations.</u></p> <p><u>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).</u></p> <p><u>2. Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the</u></p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1).</u>	
Recital 14				
24	(14) In view of the interlinkages between cybersecurity and the physical security of entities, a coherent approach should be ensured between Directive (EU) XXX/XXX of the European Parliament and of the Council ¹ and this Directive. To achieve this, Member States should ensure that critical entities, and equivalent entities, pursuant to Directive (EU) XXX/XXX are considered to be essential entities under this Directive. Member States should also ensure that their cybersecurity strategies provide for a policy framework for enhanced coordination between the competent authority under this	(14) In view of the interlinkages between cybersecurity and the physical security of entities, a coherent approach should be ensured between Directive (EU) XXX/XXX of the European Parliament and of the Council ¹ and this Directive. To achieve this, Member States should ensure that critical entities, and equivalent entities, pursuant to Directive (EU) XXX/XXX are considered to be essential entities under this Directive. Member States should also ensure that their cybersecurity strategies provide for a policy framework for enhanced coordination between the competent authority <u>authorities</u>	(14) In view of the interlinkages between cybersecurity and the physical security of entities, a coherent approach should be ensured between Directive (EU) XXX/XXX of the European Parliament and of the Council ¹ and this Directive. To achieve this, Member States should ensure that critical entities, <u>and</u> equivalent entities <u>L</u> , pursuant to Directive (EU) XXX/XXX are considered to be <u>as</u> essential entities under this Directive. Member States should also ensure that their cybersecurity strategies provide for a policy framework for enhanced coordination between the competent authority under this	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>Directive and the one under Directive (EU) XXX/XXX in the context of information sharing on incidents and cyber threats and the exercise of supervisory tasks. Authorities under both Directives should cooperate and exchange information, particularly in relation to the identification of critical entities, cyber threats, cybersecurity risks, incidents affecting critical entities as well as on the cybersecurity measures taken by critical entities. Upon request of competent authorities under Directive (EU) XXX/XXX, competent authorities under this Directive should be allowed to exercise their supervisory and enforcement powers on an essential entity identified as critical. Both authorities should cooperate and exchange information for this purpose.</p> <p>1. [insert the full title and OJ publication reference when known]</p>	<p><u>within and between Member States</u>, under this Directive and the one under Directive (EU) XXX/XXX in the context of information sharing on incidents and cyber threats and the exercise of supervisory tasks. Authorities under both Directives should cooperate and exchange information <u>without undue delay</u>, particularly in relation to the identification of critical entities, cyber threats, cybersecurity risks, incidents affecting critical entities as well as on the cybersecurity measures taken by critical entities. Upon request of competent authorities under Directive (EU) XXX/XXX, competent authorities under this Directive should be allowed to exercise their supervisory and enforcement powers on an essential entity identified as critical. Both authorities should cooperate and exchange information <u>where possible in real time</u>, for this purpose.</p> <p>1. [insert the full title and OJ publication reference when known]</p>	<p>Directive and the one under Directive (EU) XXX/XXX in the context of information sharing on incidents, and cyber threats, and the exercise of supervisory tasks. <u>Competent</u> authorities under both Directives should cooperate and exchange information, particularly in relation to the identification of critical entities, cyber threats, cybersecurity risks, incidents <u>as well as on non-cyber risks, threats and incidents</u> affecting critical entities as well as on <u>for entities equivalent to critical entities</u>, including the cybersecurity <u>and physical</u> measures taken by critical entities <u>and the results of supervisory activities carried out with regard to such entities</u>. <u>Furthermore, in order to streamline supervisory activities between the competent authorities designated under both Directives and in order to minimise the administrative burden for the entities concerned, competent authorities should endeavour to harmonise incident notification templates and supervisory processes. Where appropriate,</u> Upon request of competent</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<p>authorities under Directive (EU) XXX/XXX. <u>can request</u> competent authorities under this Directive should be allowed to exercise their supervisory and enforcement powers on<u>in relation to</u> an essential entity identified as critical. Both authorities should cooperate and exchange information for this purpose.</p> <p>†. [insert the full title and OJ publication reference when known]</p>	
Recital 14a				
24a			<p><u>(14a) Entities belonging to the digital infrastructure sector are in essence based on network and information systems and therefore the obligations imposed on those entities by this Directive should address in a comprehensive manner the physical security of such systems as part of their cybersecurity risk management and reporting obligations. Since those matters are covered by this Directive, the obligations laid down in Chapters III to VI of Directive (EU) XXX/XXX [CER] do not apply to such entities.</u></p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Recital 15				
25	<p>(15) Upholding and preserving a reliable, resilient and secure domain name system (DNS) is a key factor in maintaining the integrity of the Internet and is essential for its continuous and stable operation, on which the digital economy and society depend. Therefore, this Directive should apply to all providers of DNS services along the DNS resolution chain, including operators of root name servers, top-level-domain (TLD) name servers, authoritative name servers for domain names and recursive resolvers.</p>	<p>(15) Upholding and preserving a reliable, resilient and secure domain name system (DNS) is a key factor in maintaining the integrity of the Internet and is essential for its continuous and stable operation, on which the digital economy and society depend. Therefore, this Directive should apply to all providers of DNS services along the DNS<u>top-level-domain (TLD) name servers, publicly available recursive domain name resolution chain, including operators of root name servers, top-level-domain (TLD) name servers, authoritative name servers for domain names and recursive resolvers</u><u>services for internet end-users and authoritative domain name resolution services. This Directive does not apply to root name servers.</u></p>	<p>(15) Upholding and preserving a reliable, resilient and secure domain name system (DNS) is a key factor in maintaining the integrity of the Internet and is essential for its continuous and stable operation, on which the digital economy and society depend. Therefore, this Directive should apply to allproviders of DNS services along the DNS resolution chain,including operators of root name servers that are of importance for the internal market, including, top-level-domain (TLD) name servers,registries , the entities providing domain name registration services, operators of authoritative name servers for domain names and <u>operators of recursive resolvers. The term ‘DNS service provider’ should not apply to DNS services operated for own purposes of the concerned entity and its affiliated entities. The cybersecurity obligations arising from this Directive for this</u></p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u><i>category of providers are strictly limited to cybersecurity risk-management measures and reporting and, thus they are without prejudice to the governance of the global DNS by the multi-stakeholder community.</i></u>	
Recital 16				
26	(16) Cloud computing services should cover services that allow on-demand and broad remote access to a scalable and elastic pool of shareable and distributed computing resources. Those computing resources include resources such as networks, servers or other infrastructure, operating systems, software, storage, applications and services. The deployment models of cloud computing should include private, community, public and hybrid cloud. The aforementioned service and deployment models have the same meaning as the terms of service and deployment models defined under ISO/IEC 17788:2014 standard. The capability of the cloud computing	(16) Cloud computing services should cover services that allow on-demand and broad remote access to a scalable and elastic pool of shareable and distributed computing resources. Those computing resources include resources such as networks, servers or other infrastructure, operating systems, software, storage, applications and services. The deployment models of cloud computing should include private, community, public and hybrid cloud. The aforementioned service and deployment models have the same meaning as the terms of service and deployment models defined under ISO/IEC 17788:2014 standard. The capability of the cloud computing user to	(16) Cloud computing services should cover services that allow on-demand and broad remote access to a scalable and elastic pool of shareable and distributed computing resources. Those computing resources include resources such as networks, servers or other infrastructure, operating systems, software, storage, applications and services. The <u><i>service models of cloud computing include, amongst others, Infrastructure-as-a-Service (IaaS), Platform-as-a-Service (PaaS), Software-as-a-Service (SaaS) and Network as a Service (NaaS).</i></u> The deployment models of cloud computing should include private, community, public and hybrid cloud. The aforementioned	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>user to unilaterally self-provision computing capabilities, such as server time or network storage, without any human interaction by the cloud computing service provider could be described as on-demand administration. The term ‘broad remote access’ is used to describe that the cloud capabilities are provided over the network and accessed through mechanisms promoting use of heterogeneous thin or thick client platforms (including mobile phones, tablets, laptops, workstations). The term ‘scalable’ refers to computing resources that are flexibly allocated by the cloud service provider, irrespective of the geographical location of the resources, in order to handle fluctuations in demand. The term ‘elastic pool’ is used to describe those computing resources that are provisioned and released according to demand in order to rapidly increase and decrease resources available depending on workload. The term ‘shareable’ is used to describe those computing resources that are provided to multiple users who share a common access to the service, but</p>	<p>unilaterally self-provision computing capabilities, such as server time or network storage, without any human interaction by the cloud computing service provider could be described as on-demand administration. The term ‘broad remote access’ is used to describe that the cloud capabilities are provided over the network and accessed through mechanisms promoting use of heterogeneous thin or thick client platforms (including mobile phones, tablets, laptops, workstations). The term ‘scalable’ refers to computing resources that are flexibly allocated by the cloud service provider, irrespective of the geographical location of the resources, in order to handle fluctuations in demand. The term ‘elastic pool’ is used to describe those computing resources that are provisioned and released according to demand in order to rapidly increase and decrease resources available depending on workload. The term ‘shareable’ is used to describe those computing resources that are provided to multiple users who share a common access to the service, but</p>	<p>service and deployment models have the same meaning as the terms of service and deployment models defined under ISO/IEC 17788:2014 standard. The capability of the cloud computing user to unilaterally self-provision computing capabilities, such as server time or network storage, without any human interaction by the cloud computing service provider could be described as on-demand administration. The term ‘broad remote access’ is used to describe that the cloud capabilities are provided over the network and accessed through mechanisms promoting use of heterogeneous thin or thick client platforms (including mobile phones, tablets, laptops, workstations). The term ‘scalable’ refers to computing resources that are flexibly allocated by the cloud service provider, irrespective of the geographical location of the resources, in order to handle fluctuations in demand. The term ‘elastic pool’ is used to describe those computing resources that are provisioned and released according to demand in order to rapidly increase and decrease</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	where the processing is carried out separately for each user, although the service is provided from the same electronic equipment. The term ‘distributed’ is used to describe those computing resources that are located on different networked computers or devices and which communicate and coordinate among themselves by message passing.	where the processing is carried out separately for each user, although the service is provided from the same electronic equipment. The term ‘distributed’ is used to describe those computing resources that are located on different networked computers or devices and which communicate and coordinate among themselves by message passing.	resources available depending on workload. The term ‘shareable’ is used to describe those computing resources that are provided to multiple users who share a common access to the service, but where the processing is carried out separately for each user, although the service is provided from the same electronic equipment. The term ‘distributed’ is used to describe those computing resources that are located on different networked computers or devices and which communicate and coordinate among themselves by message passing.	
Recital 17				
27	(17) Given the emergence of innovative technologies and new business models, new cloud computing deployment and service models are expected to appear on the market in response to evolving customer needs. In that context, cloud computing services may be delivered in a highly distributed form, even closer to where data are being generated or collected, thus	(17) Given the emergence of innovative technologies and new business models, new cloud computing deployment and service models are expected to appear on the market in response to evolving customer needs. In that context, cloud computing services may be delivered in a highly distributed form, even closer to where data are being generated or collected, thus	(17) Given the emergence of innovative technologies and new business models, new cloud computing deployment and service models are expected to appear on the market in response to evolving customer needs. In that context, cloud computing services may be delivered in a highly distributed form, even closer to where data are being generated or collected, thus	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	moving from the traditional model to a highly distributed one ('edge computing').	moving from the traditional model to a highly distributed one ('edge computing').	moving from the traditional model to a highly distributed one ('edge computing').	
Recital 18				
28	<p>(18) Services offered by data centre service providers may not always be provided in a form of cloud computing service. Accordingly, data centres may not always constitute a part of cloud computing infrastructure. In order to manage all the risks posed to the security of network and information systems, this Directive should cover also providers of such data centre services that are not cloud computing services. For the purpose of this Directive, the term 'data centre service' should cover provision of a service that encompasses structures, or groups of structures, dedicated to the centralised accommodation, interconnection and operation of information technology and network equipment providing data storage, processing and transport services together with all the facilities and infrastructures for</p>	<p>(18) Services offered by data centre service providers may not always be provided in a form of cloud computing service. Accordingly, data centres may not always constitute a part of cloud computing infrastructure. In order to manage all the risks posed to the security of network and information systems, this Directive should cover also providers of such data centre services that are not cloud computing services. For the purpose of this Directive, the term 'data centre service' should cover provision of a service that encompasses structures, or groups of structures, dedicated to the centralised accommodation, interconnection and operation of information technology and network equipment providing data storage, processing and transport services together with all the facilities and infrastructures for</p>	<p>(18) Services offered by data centre service providers may not always be provided in a form of cloud computing service. Accordingly, data centres may not always constitute a part of cloud computing infrastructure. In order to manage all the risks posed to the security of network and information systems, this Directive should cover also providers of such data centre services that are not cloud computing services. For the purpose of this Directive, the term 'data centre service' should cover provision of a service that encompasses structures, or groups of structures, dedicated to the centralised accommodation, interconnection and operation of information technology and network equipment providing data storage, processing and transport services together with all the facilities and infrastructures for</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	power distribution and environmental control. The term ‘data centre service’ does not apply to in-house, corporate data centres owned and operated for own purposes of the concerned entity.	power distribution and environmental control. The term ‘data centre service’ does not apply to in-house, corporate data centres owned and operated for own purposes of the concerned entity.	power distribution and environmental control. The term ‘data centre service’ does not apply to in-house, corporate data centres owned and operated for own purposes of the concerned entity.	
Recital 19				
29	<p>(19) Postal service providers within the meaning of Directive 97/67/EC of the European Parliament and of the Council¹, as well as express and courier delivery service providers, should be subject to this Directive if they provide at least one of the steps in the postal delivery chain and in particular clearance, sorting or distribution, including pick-up services. Transport services that are not undertaken in conjunction with one of those steps should fall outside of the scope of postal services.</p> <p>¹. Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service (OJ L 15, 21.1.1998, p. 14).</p>	<p>(19) Postal service providers within the meaning of Directive 97/67/EC of the European Parliament and of the Council¹, as well as express and courier delivery service providers, should be subject to this Directive if they provide at least one of the steps in the postal delivery chain and in particular clearance, sorting or distribution, including pick-up services, <u>while taking into account the degree of their dependence on network and information systems</u>. Transport services that are not undertaken in conjunction with one of those steps should fall outside of the scope of postal services.</p> <p>¹. Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of</p>	<p>(19) Postal service providers within the meaning of Directive 97/67/EC of the European Parliament and of the Council¹, as well as express and <u>including</u> courier delivery service providers, should be subject to this Directive if they provide at least one of the steps in the postal delivery chain and in particular clearance, sorting or distribution, including pick-up services. Transport services that are not undertaken in conjunction with one of those steps should fall outside of the scope of postal services.</p> <p>¹. Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service (OJ L 15, 21.1.1998, p. 14).</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		Community postal services and the improvement of quality of service (OJ L 15, 21.1.1998, p. 14).		
Recital 20				
30	(20) Those growing interdependencies are the result of an increasingly cross-border and interdependent network of service provision using key infrastructures across the Union in the sectors of energy, transport, 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. Those interdependencies mean that any disruption, even one initially confined to one entity or one sector, can have cascading effects more broadly, potentially resulting	(20) Those growing interdependencies are the result of an increasingly cross-border and interdependent network of service provision using key infrastructures across the Union in the sectors of energy, transport, 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. Those interdependencies mean that any disruption, even one initially confined to one entity or one sector, can have cascading effects more broadly, potentially resulting	(20) Those growing interdependencies are the result of an increasingly cross-border and interdependent network of service provision using key infrastructures across the Union in the sectors of energy, transport, 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. Those interdependencies mean that any disruption, even one initially confined to one entity or one sector, can have cascading effects more broadly, potentially resulting	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	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.	in far-reaching and long-lasting negative impacts in the delivery of services across the internal market. The <u>intensified attacks against network and information systems during the</u> COVID-19 pandemic has <u>have</u> shown the vulnerability of our increasingly interdependent societies in the face of low-probability risks.	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 20a				
30a			<u>(20a) For the purpose of achieving and maintaining a high level of cybersecurity, the national cybersecurity strategies required by this Directive should consist of coherent frameworks that provide for a governance in the area of cybersecurity. These strategies can be composed of one or several documents of legislative or non-legislative nature.</u>	
Recital 21				
31	(21) In view of the differences in national governance structures and in order to safeguard already existing sectoral arrangements or	(21) In view of the differences in national governance structures and in order to safeguard already existing sectoral arrangements or	(21) In view of the differences in national governance structures and in order to safeguard already existing sectoral arrangements or	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	Union supervisory and regulatory bodies, Member States should be able to designate more than one national competent authority responsible for fulfilling the tasks linked to the security of the network and information systems of essential and important entities under this Directive. Member States should be able to assign this role to an existing authority.	Union supervisory and regulatory bodies, Member States should be able to designate more than one national competent authority responsible for fulfilling the tasks linked to the security of the network and information systems of essential and important entities under this Directive. Member States should be able to assign this role to an existing authority.	Union supervisory and regulatory bodies, Member States should be able to designate more than one national competent authority responsible for fulfilling the tasks linked to the security of the network and information systems of essential and important entities under this Directive. Member States should be able to assign this role to an existing authority.	
Recital 22				
32	(22) In order to facilitate cross-border cooperation and communication among authorities and to enable this Directive to be implemented effectively, it is necessary for each Member State to designate a national single point of contact responsible for coordinating issues related to the security of network and information systems and cross-border cooperation at Union level.	(22) In order to facilitate cross-border cooperation and communication among authorities and to enable this Directive to be implemented effectively, it is necessary for each Member State to designate a national single point of contact responsible for coordinating issues related to the security of network and information systems and cross-border cooperation at Union level.	(22) In order to facilitate cross-border cooperation and communication among authorities and to enable this Directive to be implemented effectively, it is necessary for each Member State to designate a national single point of contact responsible for coordinating issues related to the security of network and information systems and cross-border cooperation at Union level.	
Recital 23				
33	(23) Competent authorities or the CSIRTs should receive	(23) Competent authorities or the CSIRTs should receive	(23) Competent authorities or the CSIRTs should receive	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>notifications of incidents from entities in an effective and efficient way. The single points of contact should be tasked with forwarding incident notifications to the single points of contact of other affected Member States. At the level of Member States' authorities, to ensure one single entry point in every Member States, the single points of contacts should also be the addressees of relevant information on incidents concerning financial sector entities from the competent authorities under Regulation XXXX/XXXX which they should be able to forward, as appropriate, to the relevant national competent authorities or CSIRTs under this Directive.</p>	<p>notifications of incidents from entities in an effective and efficient way. The single points of contact should be tasked with forwarding incident notifications to the single points of contact of other affected Member States. At the level of Member States' authorities, to ensure one single entry point in every Member States, the single points of contacts should also be the addressees of relevant information on incidents concerning financial sector entities from the competent authorities under Regulation XXXX/XXXX which they should be able to forward, as appropriate, to the relevant national competent authorities or CSIRTs under this Directive.</p>	<p>notifications of incidents from entities in an effective and efficient way. The single points of contact should be tasked with forwarding incident notifications to the single points of contact of other affected Member States. At the level of Member States' authorities, to ensure one single entry point in every Member States, <u>also with a view to facilitate, where appropriate, a timely response to incidents and to provide a response to the notifying entity.</u> The single points of contacts <u>contact</u> should also be the addressees of relevant information on incidents concerning financial sector entities from the competent authorities under Regulation XXXX/XXXX which they should be able to forward, as appropriate, <u>be tasked with forwarding incident notifications</u> to the relevant national competent authorities or CSIRTs under this Directive <u>single points of contact of other affected Member States.</u></p>	
Recital 23a				
33a				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<p><u>(23a) The sector-specific Union legal acts which require cybersecurity risk management measures or reporting obligations of at least equivalent effect with those laid down in this Directive could provide that their designated competent authorities exercise their supervisory and enforcement powers in relation to such measures or obligations with the assistance of the competent authorities designated in accordance with this Directive. The competent authorities concerned could establish cooperation arrangements for this purpose. Such cooperation arrangements could specify, amongst others, the procedures concerning the coordination of supervisory activities, including the procedures of investigations and on-site inspections in accordance with the national law and a mechanism for the exchange of relevant information between competent authorities on supervision and enforcement, including access to cyber-related information requested by competent authorities designated</u></p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>in accordance with this Directive.</u>	
Recital 24				
34	<p>(24) Member States should be adequately equipped, in terms of both technical and organisational capabilities, to prevent, detect, respond to and mitigate network and information system incidents and risks. Member States should therefore ensure that they have well-functioning CSIRTs, also known as computer emergency response teams ('CERTs'), complying with essential requirements in order to guarantee effective and compatible capabilities to deal with incidents and risks and to ensure efficient cooperation at Union level. In view of enhancing the trust relationship between the entities and the CSIRTs, in cases where a CSIRT is part of the competent authority, Member States should consider functional separation between the operational tasks provided by CSIRTs, notably in relation to information sharing and support to the entities, and the supervisory</p>	<p>(24) Member States should be adequately equipped, in terms of both technical and organisational capabilities, to prevent, detect, respond to and mitigate network and information system incidents and risks. Member States should therefore ensure that they have well-functioning <u>designate one or more</u> CSIRTs, also known as computer emergency response teams ('CERTs') <u>under this Directive and ensure that they are well-functioning</u>, complying with essential requirements in order to guarantee effective and compatible capabilities to deal with incidents and risks and to ensure efficient cooperation at Union level. <u>Member States may designate existing computer emergency response teams (CERTs) as CSIRTs.</u> In view of enhancing the trust relationship between the entities and the CSIRTs, in cases where a CSIRT is part of the competent authority, Member</p>	<p>(24) Member States should be adequately equipped, in terms of both technical and organisational capabilities, to prevent, detect, respond to and mitigate network and information system incidents and risks. Member States should therefore ensure that they have well-functioning CSIRTs, also known as computer emergency response teams ('CERTs'), complying with essential requirements in order to guarantee effective and compatible capabilities to deal with incidents and risks and to ensure efficient cooperation at Union level. In view of enhancing the trust relationship between the entities and the CSIRTs, in cases where a CSIRT is part of the competent authority, Member States should <u>may</u> consider functional separation between the operational tasks provided by CSIRTs, notably in relation to information sharing and support to the entities, and the</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	activities of competent authorities.	States should consider functional separation between the operational tasks provided by CSIRTs, notably in relation to information sharing and support to the entities, and the supervisory activities of competent authorities.	supervisory activities of competent authorities.	
Recital 25				
35	<p>(25) As regards personal data, CSIRTs should be able to provide, in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council¹ as regards personal data, on behalf of and upon request by an entity under this Directive, a proactive scanning of the network and information systems used for the provision of their services. Member States should aim at ensuring an equal level of technical capabilities for all sectorial CSIRTs. Member States may request the assistance of the European Union Agency for Cybersecurity (ENISA) in developing national CSIRTs.</p> <p>¹. Regulation (EU) 2016/679 of the European Parliament and of the Council of</p>	<p>(25) As regards personal data, CSIRTs should be able to provide, in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council¹ as regards personal data, on behalf of and upon request by an entity under this Directive, <u>or, in the case of a serious threat to national security</u>, a proactive scanning of the network and information systems used for the provision of their services. Member States should aim at ensuring an equal level of technical capabilities for all sectorial CSIRTs. Member States may request the assistance of the European Union Agency for Cybersecurity (ENISA) in developing national CSIRTs.</p> <p>¹. Regulation (EU) 2016/679 of the</p>	<p>(25) As regards personal data, CSIRTs should be able to provide, in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council¹ as regards personal data, on behalf of and upon request by an entity under this Directive, a proactive scanning of the network and information systems used for the provision of their services. <u>Where applicable</u>, Member States should aim at ensuring an equal level of technical capabilities for all sectorial CSIRTs. Member States may request the assistance of the European Union Agency for Cybersecurity (ENISA) in developing national CSIRTs.</p> <p>¹. Regulation (EU) 2016/679 of the European Parliament and of the Council of</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	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 (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).	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 (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).	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 (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).	
Recital 25a				
35a		<u><i>(25a) CSIRTs should have the ability to, upon an entity's request, continuously discover, manage and monitor all internet-facing assets, both on premises and off premises, to understand their overall organisational risk to newly discovered supply chain compromises or critical vulnerabilities. The knowledge whether an entity runs a privileged management interface, affects the speed of undertaking mitigating actions.</i></u>		
Recital 26				
36	(26) Given the importance of international cooperation on cybersecurity, CSIRTs should be able to participate in international cooperation networks in addition to	(26) Given the importance of international cooperation on cybersecurity, CSIRTs should be able to participate in international cooperation networks, <u>including</u>	(26) Given the importance of international cooperation on cybersecurity, CSIRTs should be able to participate in international cooperation networks in addition to	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	the CSIRTs network established by this Directive.	<i><u>with CSIRTs from third countries where information exchange is reciprocal and beneficial to the security of citizens and entities,</u></i> in addition to the CSIRTs network established by this Directive, <i><u>in order to contribute to the development of Union standards that can shape the cybersecurity landscape at international level.</u></i> <i><u>Member States could also explore the possibility of increasing cooperation with like-minded partner countries and international organisations with the aim to secure multilateral agreements on cyber norms, responsible state and non-state behaviour in cyberspace and effective global digital governance as well as to create an open, free, stable and secure cyberspace based on international law.</u></i>	the CSIRTs network established by this Directive. <i><u>Therefore, CSIRTs and competent authorities could exchange information, including personal data, with CSIRTs of third countries or their authorities for the purpose of carrying out their tasks in accordance with Regulation (EU) 2016/679. In cases of absence of an adequacy decision adopted in accordance with Article 45 of Regulation (EU) 2016/679 or appropriate safeguards pursuant to Article 46 of that Regulation, the exchange of personal data that is deemed necessary for the purposes of mitigating significant cyber threats and responding to an ongoing significant incident could be considered to constitute an important reason of public interest within the meaning of Article 49 (1)(d) of Regulation (EU) 2016/679.</u></i>	
Recital 26a				
36a		<i><u>(26a) Cyber hygiene policies provide the foundations for protecting network and</u></i>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<p><u>information system infrastructures, hardware, software and online application security, and business or end-user data on which entities rely upon. Cyber hygiene policies comprising a common baseline set of practices including, but not limited to, software and hardware updates, password changes, management of new installs, limitation of administrator-level access accounts, and backing up of data, enable a proactive framework of preparedness and overall safety and security in the event of incidents or threats. ENISA should monitor and assess Member States' cyber hygiene policies, and explore Union wide schemes to enable cross-border checks ensuring equivalence independent of Member State requirements.</u></p>		
Recital 26b				
36b		<p><u>(26b) The use of artificial intelligence (AI) in cybersecurity has the potential of improving the detection and to stop attacks</u></p>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<p><u>against network and information systems, enabling resources to be diverted towards more sophisticated attacks. Member States should therefore encourage in their national strategies the use of (semi-)automated tools in cybersecurity and the sharing of data needed to train and improve automated tools in cybersecurity. In order to mitigate risks of unduly interference with the rights and freedoms of individuals that AI-enabled systems might pose, the requirements of data protection by design and by default laid down in Article 25 of Regulation (EU) 2016/679 shall apply. Integrating appropriate safeguards such as pseudonymisation, encryption, data accuracy and data minimisation could furthermore mitigate such risks.</u></p>		
Recital 26c				
36c		<p><u>(26c) Open-source cybersecurity tools and applications can contribute to a higher degree of transparency and can have a</u></p>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<p><u>positive impact on the efficiency of industrial innovation. Open standards facilitate interoperability between security tools, benefitting the security of industrial stakeholders. Open-source cybersecurity tools and applications can leverage the wider developer community, enabling entities to pursue vendor diversification and open security strategies. Open security can lead to a more transparent verification process of cybersecurity related tools and a community-driven process of discovering vulnerabilities. Member States should therefore promote the adoption of open-source software and open standards by pursuing policies relating to the use of open data and open-source as part of security through transparency. Policies promoting the adoption and sustainable use of open-source cybersecurity tools are of particular importance for small and medium-sized enterprises (SMEs) facing significant costs for implementation, which could be minimised by reducing the need for specific applications or</u></p>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<u>tools.</u>		
Recital 26d				
36d		<p><u>(26d) Public-Private Partnerships (PPPs) in the field of cybersecurity can provide the right framework for knowledge exchange, sharing of best practices and the establishment of a common level of understanding among all stakeholders. Member States should adopt policies underpinning the establishment of cybersecurity-specific PPPs as part of their national cybersecurity strategies. Those policies should clarify, inter alia, the scope and stakeholders involved, the governance model, the available funding options and the interaction among participating stakeholders. PPPs can leverage the expertise of private sector entities to support Member States' competent authorities in developing state-of-the-art services and processes including, but not limited to, information exchange, early warnings, cyber threat and</u></p>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<u><i>incident exercises, crisis management, and resilience planning.</i></u>		
Recital 27				
37	<p>(27) In accordance with the Annex to Commission Recommendation (EU) 2017/1548 on Coordinated Response to Large Scale Cybersecurity Incidents and Crises ('Blueprint')¹, a large-scale incident should mean an incident with a significant impact on at least two Member States or whose disruption exceeds a Member State's capacity to respond to it. Depending on their cause and impact, large-scale incidents may escalate and turn into fully-fledged crises not allowing the proper functioning of the internal market. Given the wide-ranging scope and, in most cases, the cross-border nature of such incidents, Member States and relevant Union institutions, bodies and agencies should cooperate at technical, operational and political level to properly coordinate the response across the Union.</p>	<p>(27) In accordance with the Annex to Commission Recommendation (EU) 2017/1548 on Coordinated Response to Large Scale Cybersecurity Incidents and Crises ('Blueprint')¹, a large-scale incident should mean an incident with a significant impact on at least two Member States or whose disruption exceeds a Member State's capacity to respond to it. Depending on their cause and impact, large-scale incidents may escalate and turn into fully-fledged crises not allowing the proper functioning of the internal market <u><i>or posing serious public security and safety risks for entities or citizens in several Member States or the Union as a whole.</i></u> Given the wide-ranging scope and, in most cases, the cross-border nature of such incidents, Member States and relevant Union institutions, bodies and agencies should cooperate at</p>	<p>(27) In accordance with the Annex to Commission Recommendation (EU) 2017/1548 on Coordinated Response to Large Scale Cybersecurity Incidents and Crises ('Blueprint')¹, a large-scale incident should mean an incident with a significant impact on at least two Member States or whose disruption exceeds a Member State's capacity to respond to it. Depending on their cause and impact, large-scale incidents may escalate and turn into fully-fledged crises not allowing the proper functioning of the internal market. Given the wide-ranging scope and, in most cases, the cross-border nature of such incidents, Member States and relevant Union institutions, bodies and agencies should cooperate at technical, operational and political level to properly coordinate the response across the Union.</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	1. Commission Recommendation (EU) 2017/1584 of 13 September 2017 on coordinated response to large-scale cybersecurity incidents and crises (OJ L 239, 19.9.2017, p. 36).	technical, operational and political level to properly coordinate the response across the Union. 1. Commission Recommendation (EU) 2017/1584 of 13 September 2017 on coordinated response to large-scale cybersecurity incidents and crises (OJ L 239, 19.9.2017, p. 36).	1. Commission Recommendation (EU) 2017/1584 of 13 September 2017 on coordinated response to large-scale cybersecurity incidents and crises (OJ L 239, 19.9.2017, p. 36).	
Recital 27a				
37a		<u>(27a) Member States should, in their national cybersecurity strategies, address specific cybersecurity needs of SMEs. SMEs represent, in the Union context, a large percentage of the industrial and business market and they are often struggling to adapt to new business practices in a more connected world, navigating the digital environment, with employees working from home and business increasingly being conducted online. Some SMEs face specific cybersecurity challenges such as low cyber-awareness, a lack of remote IT security, the high cost of cybersecurity solutions and an increased level of threat, such as</u>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<u>ransomware, for which they should receive guidance and support. Member States should have a cybersecurity single point of contact for SMEs, which either provides guidance and support to SMEs or directs them to the appropriate bodies for guidance and support on cybersecurity related issues. Member States are encouraged to also offer services such as website configuration and logging enabling to small enterprises and microenterprises that lack those capabilities.</u>		
Recital 27b				
37b		<u>(27b) Member States should adopt policies on the promotion of active cyber defence as part of their national cybersecurity strategies. Active cyber defence is the proactive prevention, detection, monitoring, analysis and mitigation of network security breaches, combined with the use of capabilities deployed within and outside the victim network. The ability to rapidly and automatically share and</u>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<u>understand threat information and analysis, cyber activity alerts, and response action is critical to enabling a unity of effort in successfully detecting, preventing and addressing attacks against network and information systems. Active cyber defence is based on a defensive strategy that excludes offensive measures against critical civilian infrastructure.</u>		
Recital 28				
38	(28) Since the exploitation of vulnerabilities in network and information systems may cause significant disruption and harm, swiftly identifying and remedying those vulnerabilities is an important factor in reducing cybersecurity risk. Entities that develop such systems should therefore establish appropriate procedures to handle vulnerabilities when they are discovered. Since vulnerabilities are often discovered and reported (disclosed) by third parties (reporting entities), the manufacturer or provider of ICT	(28) Since the exploitation of vulnerabilities in network and information systems may cause significant disruption and harm, swiftly identifying and remedying those vulnerabilities is an important factor in reducing cybersecurity risk. Entities that develop such systems should therefore establish appropriate procedures to handle vulnerabilities when they are discovered. Since vulnerabilities are often discovered and reported (disclosed) by third parties (reporting entities), the manufacturer or provider of ICT products or services should also put	(28) Since the exploitation of vulnerabilities in network and information systems may cause significant disruption and harm, swiftly identifying and remedying those vulnerabilities is an important factor in reducing cybersecurity risk. Entities that develop <u>or administer</u> such systems should therefore establish appropriate procedures to handle vulnerabilities when they are discovered. Since vulnerabilities are often discovered and reported (disclosed) by third parties (reporting entities), the manufacturer or provider of ICT	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>products or services should also put in place the necessary procedures to receive vulnerability information from third parties. In this regard, international standards ISO/IEC 30111 and ISO/IEC 29417 provide guidance on vulnerability handling and vulnerability disclosure respectively. As regards vulnerability disclosure, coordination between reporting entities and manufacturers or providers of ICT products or services is particularly important. Coordinated vulnerability disclosure specifies a structured process through which vulnerabilities are reported to organisations in a manner allowing the organisation to diagnose and remedy the vulnerability before detailed vulnerability information is disclosed to third parties or to the public. Coordinated vulnerability disclosure should also comprise coordination between the reporting entity and the organisation as regards the timing of remediation and publication of vulnerabilities.</p>	<p>in place the necessary procedures to receive vulnerability information from third parties. In this regard, international standards ISO/IEC 30111 and ISO/IEC 29417 provide guidance on vulnerability handling and vulnerability disclosure respectively. As regards vulnerability disclosure, <u>Strengthening the coordination between reporting entities and manufacturers or providers of ICT products or services is particularly important to facilitate the voluntary framework of vulnerability disclosure.</u> Coordinated vulnerability disclosure specifies a structured process through which vulnerabilities are reported to organisations in a manner allowing the organisation to diagnose and remedy the vulnerability before detailed vulnerability information is disclosed to third parties or to the public. Coordinated vulnerability disclosure should also comprise coordination between the reporting entity and the organisation as regards the timing of remediation and publication of vulnerabilities.</p>	<p>products or services should also put in place the necessary procedures to receive vulnerability information from third parties. In this regard, international standards ISO/IEC 30111 and ISO/IEC 29417<u>29147</u> provide guidance on vulnerability handling and vulnerability disclosure respectively. As regards vulnerability disclosure, coordination between reporting entities and manufacturers or providers of ICT products or services is particularly important. Coordinated vulnerability disclosure specifies a structured process through which vulnerabilities are reported to organisations in a manner allowing the organisation to diagnose and remedy the vulnerability before detailed vulnerability information is disclosed to third parties or to the public. Coordinated vulnerability disclosure should also comprise coordination between the reporting entity and the organisation as regards the timing of remediation and publication of vulnerabilities.</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Recital 28a				
38a		<u>(28a) The Commission, ENISA and the Member States should continue to foster international alignment with standards and existing industry best practices in the area of risk management, for example in the areas of supply chain security assessments, information sharing and vulnerability disclosure.</u>		
Recital 29				
39	(29) Member States should therefore take measures to facilitate coordinated vulnerability disclosure by establishing a relevant national policy. In this regard, Member States should designate a CSIRT to take the role of ‘coordinator’, acting as an intermediary between the reporting entities and the manufacturers or providers of ICT products or services where necessary. The tasks of the CSIRT coordinator should in particular include identifying and contacting concerned entities, supporting	(29) Member States, <u>in cooperation with ENISA</u> , should therefore take measures to facilitate coordinated vulnerability disclosure by establishing a relevant national policy. In this regard <u>that national policy</u> , Member States should designate a CSIRT to take the role of ‘coordinator’, acting as an intermediary between the reporting <u>address problems encountered by vulnerability researchers</u> . Entities and the manufacturers or providers of ICT products or services where	(29) Member States should therefore take measures to facilitate coordinated vulnerability disclosure by establishing a relevant national policy. In this regard <u>As part of their national policy</u> , Member States should <u>aim to address, to the extent possible, the challenges faced by vulnerability researchers, including their potential exposure to criminal liability, in accordance with their national legal order.</u> <u>Member States should</u> designate a CSIRT to take the role of ‘coordinator’, acting as an	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	reporting entities, negotiating disclosure timelines, and managing vulnerabilities that affect multiple organisations (multi-party vulnerability disclosure). Where vulnerabilities affect multiple manufacturers or providers of ICT products or services established in more than one Member State, the designated CSIRTs from each of the affected Member States should cooperate within the CSIRTs Network.	necessary. The tasks of the CSIRT coordinator should in particular include identifying and contacting concerned entities, supporting reporting entities, negotiating disclosure timelines, and managing vulnerabilities that affect multiple organisations (multi-party vulnerability disclosure). Where vulnerabilities affect multiple manufacturers or providers of ICT products or services established in more than one Member State, the designated CSIRTs from each of the affected Member States should cooperate within the CSIRTs Network. <u>natural persons researching vulnerabilities may in some Member States be exposed to criminal and civil liability. Member States are therefore encouraged to issue guidelines as regards the non-prosecution of information security research and an exemption from civil liability for those activities.</u>	intermediary between the reporting entities and the manufacturers or providers of ICT products or services where necessary. The tasks of the CSIRT coordinator should in particular include identifying and contacting concerned entities, supporting reporting entities, negotiating disclosure timelines, and managing vulnerabilities that affect multiple organisations (multi-party <u>coordinated</u> vulnerability disclosure). Where vulnerabilities affect multiple manufacturers or providers of ICT products or services established <u>the reported vulnerability could potentially have significant impact on entities</u> in more than one Member State, the designated CSIRTs from each of the affected Member States should cooperate within the CSIRTs Network, <u>where appropriate</u> .	
Recital 29a				
39a		<u>(29a) Member States should designate a CSIRT to take the role</u>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<p><u>of ‘coordinator’, acting as an intermediary between the reporting entities and the manufacturers or providers of ICT products or services, which are likely to be affected by the vulnerability, where necessary. The tasks of the CSIRT coordinator should in particular include identifying and contacting concerned entities, supporting reporting entities, negotiating disclosure timelines, and managing vulnerabilities that affect multiple organisations (multi-party vulnerability disclosure). Where vulnerabilities affect multiple manufacturers or providers of ICT products or services established in more than one Member State, the designated CSIRTs from each of the affected Member States should cooperate within the CSIRTs Network.</u></p>		
Recital 30				
40	(30) Access to correct and timely information on vulnerabilities affecting ICT products and services contributes to an enhanced	(30) Access to correct and timely information on vulnerabilities affecting ICT products and services contributes to an enhanced	(30) Access to correct and timely information on vulnerabilities affecting ICT products and services contributes to an enhanced	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>cybersecurity risk management. In that regard, sources of publicly available information on vulnerabilities are an important tool for entities and their users, but also national competent authorities and CSIRTs. For this reason, ENISA should establish a vulnerability registry where, essential and important entities and their suppliers, as well as entities which do not fall in the scope of application of this Directive may, on a voluntary basis, disclose vulnerabilities and provide the vulnerability information that allows users to take appropriate mitigating measures.</p>	<p>cybersecurity risk management. In that regard, Sources of publicly available information on vulnerabilities are an important tool for entities and their users, but also <u>for</u> national competent authorities and CSIRTs. For this reason, ENISA should establish a vulnerability registry <u>database</u> where, essential and important entities and their suppliers, as well as entities which do not fall in <u>within</u> the scope of application of this Directive may, on a voluntary basis, disclose vulnerabilities and provide the vulnerability information that allows users to take appropriate mitigating measures. <u>The aim of that database is to address the unique challenges posed by cybersecurity risks to European entities. Furthermore, ENISA should establish a responsible procedure regarding the publication process, in order to give entities the time to take mitigating measures as regards their vulnerabilities, and employ state of the art cybersecurity measures, as well as machine-readable datasets and corresponding interfaces (API).</u></p>	<p>cybersecurity risk management. In that regard, sources of publicly available information on vulnerabilities are an important tool for entities and their users, but also national competent authorities and CSIRTs. For this reason, ENISA should establish a vulnerability registry where, essential and important entities and their suppliers, as well as entities which do not fall in the scope of application of this Directive <u>or designated CSIRTs</u> may, on a voluntary basis, disclose vulnerabilities and provide the vulnerability information that allows users to take appropriate mitigating measures.</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<u>To encourage a culture of disclosure of vulnerabilities a disclosure should be without detriment of the reporting entity.</u>		
Recital 31				
41	(31) Although similar vulnerability registries or databases do exist, these are hosted and maintained by entities which are not established in the Union. A European vulnerability registry maintained by ENISA would provide improved transparency regarding the publication process before the vulnerability is officially disclosed, and resilience in cases of disruptions or interruptions on the provision of similar services. To avoid duplication of efforts and seek complementarity to the extent possible, ENISA should explore the possibility of entering into structured cooperation agreements with similar registries in third country jurisdictions.	(31) Although similar vulnerability registries or databases do exist, these are hosted and maintained by entities which are not established in the Union. A <u>The</u> European vulnerability registry <u>database</u> maintained by ENISA would provide improved transparency regarding the publication process before the vulnerability is officially disclosed, and resilience in cases of disruptions or interruptions on the provision of similar services. To avoid duplication of efforts and seek complementarity to the extent possible <u>should leverage the Common Vulnerabilities and Exposures (CVE) registry, through the use of its framework for identification, tracking and scoring of vulnerabilities. Furthermore, ENISA should explore the possibility of entering to enter</u> into structured cooperation	(31) Although similar vulnerability registries or databases do exist, these are hosted and maintained by entities which are not established in the Union. A European vulnerability registry maintained by ENISA would provide improved transparency regarding the publication process before the vulnerability is officially disclosed, and resilience in cases of disruptions or interruptions on the provision of similar services. To avoid duplication of efforts and seek complementarity to the extent possible, ENISA should explore the possibility of entering into structured cooperation agreements with similar registries in third country jurisdictions. <u>In particular, ENISA should explore the possibility of a close cooperation with the operators of the Common Vulnerabilities and</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		agreements with <i>other</i> similar registries or <i>databases under the</i> third country jurisdictions, <i>to avoid duplications of efforts and to seek complementarity.</i>	<i>Exposures (CVE) system, including the possibility to become a root CVE numbering authority.</i>	
Recital 32				
42	(32) The Cooperation Group should establish a work programme every two years including the actions to be undertaken by the Group to implement its objectives and tasks. The timeframe of the first programme adopted under this Directive should be aligned with the timeframe of the last programme adopted under Directive (EU) 2016/1148 in order to avoid potential disruptions in the work of the Group.	(32) The Cooperation Group should establish a work programme every two years including the actions to be undertaken by the Group to implement its objectives and tasks. The timeframe of the first programme adopted under this Directive should be aligned with the timeframe of the last programme adopted under Directive (EU) 2016/1148 in order to avoid potential disruptions in the work of the Group.	(32) <i>The Cooperation Group should continue to support and facilitate strategic cooperation and the exchange of information, as well as to strengthen trust and confidence among Member States.</i> The Cooperation Group should establish a work programme every two years including the actions to be undertaken by the Group to implement its objectives and tasks. The timeframe of the first programme adopted under this Directive should be aligned with the timeframe of the last programme adopted under Directive (EU) 2016/1148 in order to avoid potential disruptions in the work of the Group.	
Recital 33				
43	(33) When developing guidance	(33) When developing guidance	(33) When developing guidance	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	documents, the Cooperation Group should consistently: map national solutions and experiences, assess the impact of Cooperation Group deliverables on national approaches, discuss implementation challenges and formulate specific recommendations to be addressed through better implementation of existing rules.	documents, the Cooperation Group should consistently: map national solutions and experiences, assess the impact of Cooperation Group deliverables on national approaches, discuss implementation challenges and formulate specific recommendations, <u>in particular as regards facilitating the alignment in the transposition of this Directive among Member States,</u> to be addressed through better implementation of existing rules. <u>The Cooperation Group should also map the national solutions in order to promote compatibility of cybersecurity solutions applied to each specific sector across the Union. This is particularly relevant for the sectors that have an international and cross-border nature.</u>	documents, the Cooperation Group should consistently: map national solutions and experiences, assess the impact of Cooperation Group deliverables on national approaches, discuss implementation challenges and formulate specific recommendations to be addressed through better implementation of existing rules.	
Recital 34				
44	(34) The Cooperation Group should remain a flexible forum and be able to react to changing and new policy priorities and challenges while taking into	(34) The Cooperation Group should remain a flexible forum and be able to react to changing and new policy priorities and challenges while taking into	(34) The Cooperation Group should remain a flexible forum and be able to react to changing and new policy priorities and challenges while taking into	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	account the availability of resources. It should organize regular joint meetings with relevant private stakeholders from across the Union to discuss activities carried out by the Group and gather input on emerging policy challenges. In order to enhance cooperation at Union level, the Group should consider inviting Union bodies and agencies involved in cybersecurity policy, such as the European Cybercrime Centre (EC3), the European Union Aviation Safety Agency (EASA) and the European Union Agency for Space Programme (EUSPA) to participate in its work.	account the availability of resources. It should organize regular joint meetings with relevant private stakeholders from across the Union to discuss activities carried out by the Group and gather input on emerging policy challenges. In order to enhance cooperation at Union level, the Group should consider inviting <u>relevant</u> Union bodies and agencies involved in cybersecurity policy, such as the European Cybercrime Centre (EC3) <u>Europol</u> , the European Union Aviation Safety Agency (EASA) and the European Union Agency for Space Programme (EUSPA) to participate in its work.	account the availability of resources. It should organize regular joint meetings with relevant private stakeholders from across the Union to discuss activities carried out by the Group and gather input on emerging policy challenges. In order to enhance cooperation at Union level, the Group should consider inviting Union bodies and agencies involved in cybersecurity policy, such as the European Cybercrime Centre (EC3), the European Union Aviation Safety Agency (EASA) and the European Union Agency for Space Programme (EUSPA) to participate in its work.	
Recital 35				
45	(35) The competent authorities and CSIRTs should be empowered to participate in exchange schemes for officials from other Member States in order to improve cooperation. The competent authorities should take the necessary measures to enable officials from other Member States	(35) The competent authorities and CSIRTs should be empowered to participate in exchange schemes for officials from other Member States, <u>within structured rules and mechanisms underpinning the scope and, where applicable, the required security clearance of officials participating in such</u>	(35) The competent authorities and CSIRTs should be empowered to participate in exchange schemes for officials from other Member States in order to improve cooperation. The competent authorities should take the necessary measures to enable officials from other Member States	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	to play an effective role in the activities of the host competent authority.	<u>exchange schemes</u> , in order to improve cooperation <u>and strengthen trust among Member States</u> . The competent authorities should take the necessary measures to enable officials from other Member States to play an effective role in the activities of the host competent authority <u>or CSIRT</u> .	to play an effective role in the activities of the host competent authority.	
Recital 35a				
45a			<u>(35a) The CSIRTs network should continue to contribute to strengthening confidence and trust and to promote swift and effective operational cooperation among Member States. In order to enhance operational cooperation at Union level, the CSIRTs network should consider inviting Union bodies and agencies involved in cybersecurity policy, such as Europol to participate in its work.</u>	
Recital 36				
46	(36) The Union should, where appropriate, conclude international agreements, in accordance with	(36) The Union should, where appropriate, conclude international agreements, in accordance with	(36) The Union should, where appropriate, conclude international agreements, in	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	Article 218 TFEU, with third countries or international organisations, allowing and organising their participation in some activities of the Cooperation Group and the CSIRTs network. Such agreements should ensure adequate protection of data.	Article 218 TFEU, with third countries or international organisations, allowing and organising their participation in some activities of the Cooperation Group and the CSIRTs network. Such agreements should ensure <u>Union's interests and</u> adequate protection of data. <u>This shall not preclude the right of Member States to cooperate with likeminded third countries on management of vulnerabilities and cyber security risk management, facilitating reporting and general information sharing in accordance with Union law.</u>	accordance with Article 218 TFEU, with third countries or international organisations, allowing and organising their participation in some activities of the Cooperation Group and the CSIRTs network. Such agreements should ensure adequate protection of data.	
Recital 36a				
46a			<u>(36a) In order to facilitate the effective implementation of provisions of this Directive such as the management of vulnerabilities, cybersecurity risk management, reporting measures and information sharing arrangements, Member States may cooperate with third countries and undertake activities</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<i><u>that are deemed appropriate for that purpose, including information exchanges on threats, incidents, vulnerabilities, tools and methods, tactics, techniques and procedures, cyber crisis management preparedness and exercises, training, trust building and structured information sharing arrangements. Such cooperation agreements should comply with Union law on data protection.</u></i>	
Recital 37				
47	(37) Member States should contribute to the establishment of the EU Cybersecurity Crisis Response Framework set out in Recommendation (EU) 2017/1584 through the existing cooperation networks, notably the Cyber Crisis Liaison Organisation Network (EU-CyCLONe), CSIRTs network and the Cooperation Group. EU-CyCLONe and the CSIRTs network should cooperate on the basis of procedural arrangements defining the modalities of that cooperation. The EU-CyCLONe's	(37) Member States should contribute to the establishment of the EU Cybersecurity Crisis Response Framework set out in Recommendation (EU) 2017/1584 through the existing cooperation networks, notably the Cyber Crisis Liaison Organisation Network (EU-CyCLONe), CSIRTs network and the Cooperation Group. EU-CyCLONe and the CSIRTs network should cooperate on the basis of procedural arrangements defining the modalities of that cooperation. The EU-CyCLONe's	(37) Member States should contribute to the establishment of the EU Cybersecurity Crisis Response Framework set out in Recommendation (EU) 2017/1584 through the existing cooperation networks, notably the <u>European</u> Cyber Crisis Liaison Organisation Network (EU-CyCLONe), CSIRTs network and the Cooperation Group. EU-CyCLONe and the CSIRTs network should cooperate on the basis of procedural arrangements defining the modalities of that cooperation <u>and</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	rules of procedures should further specify the modalities through which the network should function, including but not limited to roles, cooperation modes, interactions with other relevant actors and templates for information sharing, as well as means of communication. For crisis management at Union level, relevant parties should rely on the Integrated Political Crisis Response (IPCR) arrangements. The Commission should use the ARGUS high-level cross-sectoral crisis coordination process for this purpose. If the crisis entails an important external or Common Security and Defence Policy (CSDP) dimension, the European External Action Service (EEAS) Crisis Response Mechanism (CRM) should be activated.	rules of procedures should further specify the modalities through which the network should function, including but not limited to roles, cooperation modes, interactions with other relevant actors and templates for information sharing, as well as means of communication. For crisis management at Union level, relevant parties should rely on the Integrated Political Crisis Response (IPCR) arrangements. The Commission should use the ARGUS high-level cross-sectoral crisis coordination process for this purpose. If the crisis entails an important external or Common Security and Defence Policy (CSDP) dimension, the European External Action Service (EEAS) Crisis Response Mechanism (CRM) should be activated.	<u>avoid any duplication of tasks.</u> The EU-CyCLONe's rules of procedures should further specify the modalities through which the network should function, including but not limited to roles, cooperation modes, interactions with other relevant actors and templates for information sharing, as well as means of communication. For crisis management at <u>political</u> Union level, relevant parties should rely on the Integrated Political Crisis Response (IPCR) arrangements. The Commission should use the ARGUS high-level cross-sectoral crisis coordination process for this purpose. If the crisis entails an important external or Common Security and Defence Policy (CSDP) dimension, the European External Action Service (EEAS) Crisis Response Mechanism (CRM) should be activated.	
Recital 37a				
47a			<u>(37a) EU-CyCLONe should work as an intermediary network between the technical and political</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>level during large scale cybersecurity incidents and crises. It should enhance cooperation at operational level, building on CSIRTs network findings and using own capabilities to create impact analysis of the large-scale incidents and crises and supporting decision-making at political level. A competent authority responsible for the management of large-scale security incidents and crises should be designated by the EU institutions, bodies and agencies to become a member of EU-CyCLONe.</u>	
Recital 38				
48	(38) For the purposes of this Directive, the term ‘risk’ should refer to the potential for loss or disruption caused by a cybersecurity incident and should be expressed as a combination of the magnitude of such loss or disruption and the likelihood of occurrence of said incident.	(38) For the purposes of this Directive, the term ‘risk’ should refer to the potential for loss or disruption caused by a cybersecurity incident and should be expressed as a combination of the magnitude of such loss or disruption and the likelihood of occurrence of said incident.	(38) For the purposes of this Directive, the term ‘risk’ should refer to the potential for loss or disruption caused by a cybersecurity incident and should be expressed as a combination of the magnitude of such loss or disruption and the likelihood of occurrence of said incident.	
Recital 39				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
49	(39) For the purposes of this Directive, the term ‘near misses’ should refer to an event which could potentially have caused harm, but was successfully prevented from fully transpiring.	(39) For the purposes of this Directive, the term ‘near misses’ should refer to an event which could potentially have caused harm, but was successfully prevented from fully transpiring.	(39) For the purposes of this Directive, the term ‘near misses’ should refer to an event which could potentially have caused harm, but was successfully prevented from fully transpiring.	
Recital 39a				
49a			<u>(39a) Responsibilities in ensuring the security of network and information system lie, to a great extent, with essential and important entities. A culture of risk management, involving risk assessment and the implementation of security measures appropriate to the risks faced, should be promoted and developed.</u>	
Recital 40				
50	(40) Risk-management measures should include measures to identify any risks of incidents, to prevent, detect and handle incidents and to mitigate their impact. The security of network and information systems should comprise the	(40) Risk-management measures should include measures to identify any risks of incidents, to prevent, detect, <u>respond to and recover from</u> and handle incidents and to mitigate their impact. The security of network and information	(40) Risk-management measures should <u>take into account the degree of dependence of the entity on network and information systems and</u> include measures to identify any risks of incidents, to prevent, detect and handle	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	security of stored, transmitted and processed data.	systems should comprise the security of stored, transmitted and processed data. <u>Those systems should provide for systemic analysis, breaking down the various processes and the interactions between subsystems and taking into account the human factor, in order to have a complete picture of the security of the information system.</u>	incidents and to mitigate their impact. The security of network and information systems should comprise the security of stored, transmitted and processed data.	
Recital 40a				
50a			<u>(40a) As threats to the security of network and information systems can have different origins, this Directive applies an "all-hazard" approach that includes the protection of network and information systems and their physical environment from any event such as theft, fire, flood, telecommunications or power failures or from any unauthorised physical access and damage to and interference with the entity's information and information processing facilities that could compromise the availability, authenticity, integrity or</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>confidentiality of stored, transmitted or processed data or of the services offered by, or accessible via, network and information systems. The risk management measures should therefore also address the physical and environmental security by including measures to protect the entity's network and information systems from system failures, human error, malicious actions or natural phenomena in line with European or internationally recognised standards, such as those included in the ISO 27000 series. In this regard, entities should, as part of their risk management measures, also address human resources security and have in place appropriate access control policies. Those measures should be coherent with Directive XXXX [CER Directive].</u>	
Recital 40b				
50b			<u>(40b) In the absence of appropriate European cybersecurity certification schemes adopted in accordance</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>with Regulation (EU) 2019/881, Member States could require entities to use certified ICT products, services and processes or obtain a certificate under available national cybersecurity schemes for the purpose of complying with the cybersecurity risk management requirements under this Directive.</u>	
Recital 41				
51	(41) In order to avoid imposing a disproportionate financial and administrative burden on essential and important entities, the cybersecurity risk management requirements should be proportionate to the risk presented by the network and information system concerned, taking into account the state of the art of such measures.	(41) In order to avoid imposing a disproportionate financial and administrative burden on essential and important entities, the cybersecurity risk management requirements should be proportionate to the risk presented by the network and information system concerned, taking into account the state of the art of such measures <u>and European or international standards, such as ISO31000 and ISA/IEC 27005.</u>	(41) In order to avoid imposing a disproportionate financial and administrative burden on essential and important entities, the cybersecurity risk management requirements should be proportionate to the risk presented by <u>to</u> the network and information system concerned, taking into account the state of the art of such measures <u>and the cost for their implementation. Due account should also be taken of the size of the entity, as well as the likelihood of occurrence of incidents and their severity.</u>	
Recital 41a				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
51a			<u>(41a) With a view to easing regulatory burdens, the requirements for the implementation of cybersecurity risk management measures for medium, small or micro-sized entities, should in principle be lighter, unless criticality criteria or national risk assessments would justify stricter requirements, in particular with regard to entities that meet the criticality-related criteria set out in this Directive.</u>	
Recital 42				
52	(42) Essential and important entities should ensure the security of the network and information systems which they use in their activities. Those are primarily private network and information systems managed by their internal IT staff or the security of which has been outsourced. The cybersecurity risk management and reporting requirements pursuant to this Directive should apply to the relevant essential and important	(42) Essential and important entities should ensure the security of the network and information systems which they use in their activities. Those are primarily private network and information systems managed by their internal IT staff or the security of which has been outsourced. The cybersecurity risk management and reporting requirements pursuant to this Directive should apply to the relevant essential and important	(42) Essential and important entities should ensure the security of the network and information systems which they use in their activities. Those are primarily private network and information systems managed by their internal IT staff or the security of which has been outsourced. The cybersecurity risk management and reporting requirements pursuant to this Directive should apply to the relevant essential and important	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	entities regardless of whether they perform the maintenance of their network and information systems internally or outsource it.	entities regardless of whether they perform the maintenance of their network and information systems internally or outsource it.	entities regardless of whether they perform the maintenance of their network and information systems internally or outsource it.	
Recital 42aa				
52a			<u>(42aa) Taking account of their cross-border nature, the DNS service providers, TLD name registries and entities providing domain name registration services for the TLD, cloud computing service providers, data centre service providers, content delivery network providers, managed service providers, and managed security service providers should be subject to a higher degree of harmonisation at Union level. The implementation of cyber security measures should therefore be facilitated by an implementing act.</u>	
Recital 43				
53	(43) Addressing cybersecurity risks stemming from an entity's supply chain and its relationship with its suppliers is particularly important given the prevalence of	(43) Addressing cybersecurity risks stemming from an entity's supply chain and its relationship with its suppliers, <u>such as providers of data storage and</u>	(43) Addressing cybersecurity risks stemming from an entity's supply chain and its relationship with its suppliers is particularly important given the prevalence of	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>incidents where entities have fallen victim to cyber-attacks and where malicious actors were able to compromise the security of an entity's network and information systems by exploiting vulnerabilities affecting third party products and services. Entities should therefore assess and take into account the overall quality of products and cybersecurity practices of their suppliers and service providers, including their secure development procedures.</p>	<p><u><i>processing services or managed security services</i></u>, is particularly important given the prevalence of incidents where entities have fallen victim to cyber-attacks<u>attacks</u> <u><i>against network and information systems</i></u> and where malicious actors were able to compromise the security of an entity's network and information systems by exploiting vulnerabilities affecting third party products and services. Entities should therefore assess and take into account the overall quality <u><i>and resilience</i></u> of products and <u><i>services</i></u>, <u><i>the cybersecurity measures embedded in them, and the</i></u> cybersecurity practices of their suppliers and service providers, including their secure development procedures. <u><i>Entities should in particular be encouraged to incorporate cybersecurity measures into contractual arrangements with their first-level suppliers and service providers.</i></u> <u><i>Entities could consider cybersecurity risks stemming from other levels of suppliers and service providers.</i></u></p>	<p>incidents where entities have fallen victim to cyber-attacks and where malicious actors were able to compromise the security of an entity's network and information systems by exploiting vulnerabilities affecting third party products and services. Entities should therefore assess and take into account the overall quality of products and cybersecurity practices of their suppliers and service providers, including their secure development procedures.</p>	
Recital 44				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
54	(44) Among service providers, managed security services providers (MSSPs) in areas such as incident response, penetration testing, security audits and consultancy play a particularly important role in assisting entities in their efforts to detect and respond to incidents. Those MSSPs have however also been the targets of cyberattacks themselves and through their close integration in the operations of operators pose a particular cybersecurity risk. Entities should therefore exercise increased diligence in selecting an MSSP.	(44) Among service providers, managed security services providers (MSSPs) in areas such as incident response, penetration testing, security audits and consultancy play a particularly important role in assisting entities in their efforts to detect and prevent, detect, respond to <u>or recover from</u> incidents. Those MSSPs have however also been the targets of cyberattacks themselves and through their close integration in the operations of operators pose a particular cybersecurity risk. Entities should therefore exercise increased diligence in selecting an MSSP.	(44) Among service providers, managed security services providers (MSSPs) in areas such as incident response, penetration testing, security audits and consultancy play a particularly important role in assisting entities in their efforts to detect and respond to incidents. Those MSSPs have however also been the targets of cyberattacks themselves and through their close integration in the operations of operators pose a particular cybersecurity risk. Entities should therefore exercise increased diligence in selecting an MSSP.	
Recital 44a				
54a			<u>(44a) National competent authorities, in the context of their supervisory tasks, may also benefit from cybersecurity services such as security audits and penetration testing or incident response. To assist entities, as well as national competent authorities, in selecting skilled and trustworthy</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>cybersecurity service providers, the Commission, with the assistance of the Cooperation Group and ENISA, should consider the possibility to request European cybersecurity certification schemes in accordance with Article 48 of Regulation (EU) 2019/881.</u>	
Recital 45				
55	(45) Entities should also address cybersecurity risks stemming from their interactions and relationships with other stakeholders within a broader ecosystem. In particular, entities should take appropriate measures to ensure that their cooperation with academic and research institutions takes place in line with their cybersecurity policies and follows good practices as regards secure access and dissemination of information in general and the protection of intellectual property in particular. Similarly, given the importance and value of data for the activities of the entities, when relying on data transformation and data	(45) Entities should also address cybersecurity risks stemming from their interactions and relationships with other stakeholders within a broader ecosystem, <u>including to counter industrial espionage and to protect trade secrets</u> . In particular, entities should take appropriate measures to ensure that their cooperation with academic and research institutions takes place in line with their cybersecurity policies and follows good practices as regards secure access and dissemination of information in general and the protection of intellectual property in particular. Similarly, given the importance and value of data for	(45) Entities should also address cybersecurity risks stemming from their interactions and relationships with other stakeholders within a broader ecosystem. In particular, entities should take appropriate measures to ensure that their cooperation with academic and research institutions takes place in line with their cybersecurity policies and follows good practices as regards secure access and dissemination of information in general and the protection of intellectual property in particular. Similarly, given the importance and value of data for the activities of the entities, when relying on data transformation and data	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	analytics services from third parties, the entities should take all appropriate cybersecurity measures.	the activities of the entities, when relying on data transformation and data analytics services from third parties, the entities should take all appropriate cybersecurity measures.	analytics services from third parties, the entities should take all appropriate cybersecurity measures.	
Recital 45a				
55a		<p><u>(45a) Entities should adopt a wide range of basic cyber hygiene practices, such as zero-trust architecture, software updates, device configuration, network segmentation, identity and access management or user awareness, and organise training for their staff regarding corporate email cyber threats, phishing or social engineering techniques. Furthermore, entities should evaluate their own cybersecurity capabilities and, where appropriate, pursue the integration of cybersecurity enhancing technologies driven by artificial intelligence or machine learning systems to automate their capabilities and the protection of network architectures.</u></p>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Recital 46				
56	<p>(46) To further address key supply chain risks and assist entities operating in sectors covered by this Directive to appropriately manage supply chain and supplier related cybersecurity risks, the Cooperation Group involving relevant national authorities, in cooperation with the Commission and ENISA, should carry out coordinated sectoral supply chain risk assessments, as was already done for 5G networks following Recommendation (EU) 2019/534 on Cybersecurity of 5G networks¹, with the aim of identifying per sector which are the critical ICT services, systems or products, relevant threats and vulnerabilities.</p> <p>1. Commission Recommendation (EU) 2019/534 of 26 March 2019 Cybersecurity of 5G networks (OJ L 88, 29.3.2019, p. 42).</p>	<p>(46) To further address key supply chain risks and assist entities operating in sectors covered by this Directive to appropriately manage supply chain and supplier related cybersecurity risks, the Cooperation Group involving relevant national authorities, in cooperation with the Commission and ENISA, should carry out coordinated sectoral supply chain risk assessments, as was already done for 5G networks following Recommendation (EU) 2019/534 on Cybersecurity of 5G networks¹, with the aim of identifying per sector which are the critical ICT <u>and ICS</u> services, systems or products, relevant threats and vulnerabilities. <u>Such risk assessments should identify measures, mitigation plans and best practices against critical dependencies, potential single points of failure, threats, vulnerabilities and other risks associated with the supply chain and should explore ways to further encourage their wider adoption by entities. Potential</u></p>	<p>(46) To further address key supply chain risks and assist entities operating in sectors covered by this Directive to appropriately manage supply chain and supplier related cybersecurity risks, the Cooperation Group involving relevant national authorities, in cooperation with the Commission and ENISA, should carry out coordinated sectoral supply chain risk assessments, as was already done for 5G networks following Recommendation (EU) 2019/534 on Cybersecurity of 5G networks¹, with the aim of identifying per sector which are the critical ICT services, systems or products, relevant threats and vulnerabilities.</p> <p>1. Commission Recommendation (EU) 2019/534 of 26 March 2019 Cybersecurity of 5G networks (OJ L 88, 29.3.2019, p. 42).</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<p><u>non-technical risk factors, such as undue influence by a third country on suppliers and service providers, in particular in the case of alternative models of governance, include concealed vulnerabilities or backdoors and potential systemic supply disruptions, in particular in case of technological lock-in or provider dependency.</u></p> <p>1. Commission Recommendation (EU) 2019/534 of 26 March 2019 Cybersecurity of 5G networks (OJ L 88, 29.3.2019, p. 42).</p>		
Recital 47				
57	<p>(47) The supply chain risk assessments, in light of the features of the sector concerned, should take into account both technical and, where relevant, non-technical factors including those defined in Recommendation (EU) 2019/534, in the EU wide coordinated risk assessment of 5G networks security and in the EU Toolbox on 5G cybersecurity agreed by the Cooperation Group. To identify the supply chains that should be</p>	<p>(47) The supply chain risk assessments, in light of the features of the sector concerned, should take into account both technical and, where relevant, non-technical factors including those defined in Recommendation (EU) 2019/534, in the EU wide coordinated risk assessment of 5G networks security and in the EU Toolbox on 5G cybersecurity agreed by the Cooperation Group. To identify the supply chains that should be</p>	<p>(47) The supply chain risk assessments, in light of the features of the sector concerned, should take into account both technical and, where relevant, non-technical factors including those defined in Recommendation (EU) 2019/534, in the EU wide coordinated risk assessment of 5G networks security and in the EU Toolbox on 5G cybersecurity agreed by the Cooperation Group. To identify the supply chains that should be</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	subject to a coordinated risk assessment, the following criteria should be taken into account: (i) the extent to which essential and important entities use and rely on specific critical ICT services, systems or products; (ii) the relevance of specific critical ICT services, systems or products for performing critical or sensitive functions, including the processing of personal data; (iii) the availability of alternative ICT services, systems or products; (iv) the resilience of the overall supply chain of ICT services, systems or products against disruptive events and (v) for emerging ICT services, systems or products, their potential future significance for the entities' activities.	subject to a coordinated risk assessment, the following criteria should be taken into account: (i) the extent to which essential and important entities use and rely on specific critical ICT services, systems or products; (ii) the relevance of specific critical ICT services, systems or products for performing critical or sensitive functions, including the processing of personal data; (iii) the availability of alternative ICT services, systems or products; (iv) the resilience of the overall supply chain of ICT services, systems or products <u>throughout their entire lifecycle</u> against disruptive events and (v) for emerging ICT services, systems or products, their potential future significance for the entities' activities. <u>Furthermore, particular emphasis should be placed on ICT services, systems or products that are subject to specific requirements stemming from third countries.</u>	subject to a coordinated risk assessment, the following criteria should be taken into account: (i) the extent to which essential and important entities use and rely on specific critical ICT services, systems or products; (ii) the relevance of specific critical ICT services, systems or products for performing critical or sensitive functions, including the processing of personal data; (iii) the availability of alternative ICT services, systems or products; (iv) the resilience of the overall supply chain of ICT services, systems or products against disruptive events and (v) for emerging ICT services, systems or products, their potential future significance for the entities' activities.	
Recital 47a				
57a		<u>(47a) The Stakeholder</u>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<p><u>Cybersecurity Certification Group established pursuant to Article 22 of Regulation (EU) 2019/881 of the European Parliament and of the Council¹ should issue an opinion on security risk assessments of specific critical ICT and ICS services, systems or products supply chains. The Cooperation Group and ENISA should take into account that opinion.</u></p> <p><u>1. Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act)(OJ L 151, 7.6.2019, p.15).</u></p>		
Recital 48				
58	(48) In order to streamline the legal obligations imposed on providers of public electronic communications networks or publicly available electronic communications services, and trust service providers related to the security of their network and	(48) In order to streamline the legal obligations imposed on providers of public electronic communications networks or publicly available electronic communications services, and trust service providers related to the security of their network and	(48) In order to streamline the legal obligations imposed on providers of public electronic communications networks or publicly available electronic communications services, and trust service providers related to the security of their network and	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>information systems, as well as to enable those entities and their respective competent authorities to benefit from the legal framework established by this Directive (including designation of CSIRT responsible for risk and incident handling, participation of competent authorities and bodies in the work of the Cooperation Group and the CSIRT network), they should be included in the scope of application of this Directive. The corresponding provisions laid down in Regulation (EU) No 910/2014 of the European Parliament and of the Council¹ and Directive (EU) 2018/1972 of the European Parliament and of the Council² related to the imposition of security and notification requirement on these types of entities should therefore be repealed. The rules on reporting obligations should be without prejudice to Regulation (EU) 2016/679 and Directive 2002/58/EC of the European Parliament and of the Council³.</p> <p><small>1. Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification</small></p>	<p>information systems, as well as to enable those entities and their respective competent authorities to benefit from the legal framework established by this Directive (including designation of CSIRT responsible for risk and incident handling, participation of competent authorities and bodies in the work of the Cooperation Group and the CSIRT network), they should be included in the scope of application of this Directive. The corresponding provisions laid down in Regulation (EU) No 910/2014 of the European Parliament and of the Council¹ and Directive (EU) 2018/1972 of the European Parliament and of the Council² related to the imposition of security and notification requirement on these types of entities should therefore be repealed. The rules on reporting obligations should be without prejudice to Regulation (EU) 2016/679 and Directive 2002/58/EC of the European Parliament and of the Council³.</p> <p><small>1. Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification</small></p>	<p>information systems, as well as to enable those entities and their respective competent authorities to benefit from the legal framework established by this Directive (including designation of CSIRT responsible for risk and incident handling, participation of competent authorities and bodies in the work of the Cooperation Group and the CSIRT network), they should be included in the scope of application of this Directive. The corresponding provisions laid down in Regulation (EU) No 910/2014 of the European Parliament and of the Council¹ and Directive (EU) 2018/1972 of the European Parliament and of the Council² related to the imposition of security and notification requirement on these types of entities should therefore be repealed. The rules on reporting obligations should be without prejudice to Regulation (EU) 2016/679 and Directive 2002/58/EC of the European Parliament and of the Council³.</p> <p><small>1. Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification</small></p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).</p> <p>2. Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36).</p> <p>3. 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 (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).</p>	<p>and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).</p> <p>2. Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36).</p> <p>3. 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 (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).</p>	<p>and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).</p> <p>2. Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36).</p> <p>3. 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 (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).</p>	
Recital 48a				
58a			<p><u>(48a) The security obligations laid down in this Directive should be considered complementary to the requirements imposed on trust service providers under Regulation (EU) No 910/2014 (eIDAS Regulation). Trust-service providers should be requested to take all appropriate and proportionate measures to manage the risks posed to their services, including in relation to customers and relying third parties, and to report security incidents under this Directive.</u></p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>Such security and reporting obligations should also concern the physical protection of the service provided. Article 24 of Regulation (EU) 910/2014 continues to apply.</u>	
Recital 48aa				
58b			<u>(48aa) Member States may assign the role of competent authorities for trust services to the eIDAS supervisory bodies in order to ensure the continuation of current practices and to build on the knowledge and experience gained in the application of the eIDAS Regulation. Where that role is assigned to a different body, the national competent authorities under this Directive should cooperate closely, in a timely manner, by exchanging the relevant information in order to ensure effective supervision and compliance of trust service providers with the requirements set out in this Directive and Regulation [XXXX/XXXX]. Where applicable, the national competent authority under this</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<p><u>Directive should immediately inform the eIDAS supervisory body about any notified significant cyber threat or incident with impact on trust services as well as about any non-compliance of a trust service provider with the requirements under this Directive. For the purposes of reporting, Member States may use, where applicable, the single-entry point established to achieve a common and automatic incident reporting to both the eIDAS supervisory body and the competent authority under this Directive. The rules on reporting obligations should be without prejudice to Regulation (EU) 2016/679 and Directive 2002/58/EC of the European Parliament and of the Council¹.</u></p> <p><u>1. 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 (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).</u></p>	
	Recital 49			
59				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>(49) Where appropriate and to avoid unnecessary disruption, existing national guidelines and national legislation adopted for the transposition of the rules related to security measures laid down in Article 40(1) of Directive (EU) 2018/1972, as well as of the requirements of Article 40(2) of that Directive concerning the parameters related to the significance of an incident, should continue to be used by the competent authorities in charge of supervision and enforcement for the purposes of this Directive.</p>	<p>(49) Where appropriate and to avoid unnecessary disruption, existing national guidelines and national legislation adopted for the transposition of the rules related to security measures laid down in Article 40(1) of Directive (EU) 2018/1972, as well as of the requirements of Article 40(2) of that Directive concerning the parameters related to the significance of an incident, should continue to be used by the competent authorities in charge of supervision and enforcement for the purposes of this Directive.</p>	<p>(49) Where appropriate and to avoid unnecessary disruption, existing national guidelines and national legislation adopted for the transposition of the rules related to security measures laid down in Article 40(1) <u>Articles 40 and 41</u> of Directive (EU) 2018/1972 <u>should be taken into account in transposition arrangements implemented by the Member States in relation to this Directive, thereby building on the knowledge and skills already acquired under</u>, as well as of the requirements of Article 40(2) of that Directive <u>(EU) 2018/1972 concerning the parameters related to the significance of an incident, should continue to be used by the security risk management measures and incident notifications. ENISA can also develop guidance on security and reporting requirements for providers of public electronic communication networks or publicly available electronic communication services to facilitate harmonisation, transition and minimise disruption. Member States can</u></p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<i>assign the role of</i> competent authorities <i>for electronic communications to the national regulatory authorities in order to ensure the continuation of current practices and to build on the knowledge and experience gained in in charge of supervision and enforcement for the purposes of this</i> Directive <i>(EU) 2018/1972</i> .	
Recital 50				
60	(50) Given the growing importance of number-independent interpersonal communications services, it is necessary to ensure that such services are also subject to appropriate security requirements in view of their specific nature and economic importance. Providers of such services should thus also ensure a level of security of network and information systems appropriate to the risk posed. Given that providers of number-independent interpersonal communications services normally do not exercise actual control over the transmission of signals over networks, the	(50) Given the growing importance of number-independent interpersonal communications services, it is necessary to ensure that such services are also subject to appropriate security requirements in view of their specific nature and economic importance. Providers of such services should thus also ensure a level of security of network and information systems appropriate to the risk posed. Given that providers of number-independent interpersonal communications services normally do not exercise actual control over the transmission of signals over networks, the	(50) Given the growing importance of number-independent interpersonal communications services, it is necessary to ensure that such services are also subject to appropriate security requirements in view of their specific nature and economic importance. Providers of such services should thus also ensure a level of security of network and information systems appropriate to the risk posed. Given that providers of number-independent interpersonal communications services normally do not exercise actual control over the transmission of signals over networks, the	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	degree of risk for such services can be considered in some respects to be lower than for traditional electronic communications services. The same applies to interpersonal communications services which make use of numbers and which do not exercise actual control over signal transmission.	degree of risk <u>to network security</u> for such services can be considered in some respects to be lower than for traditional electronic communications services. The same applies to interpersonal communications services which make use of numbers and which do not exercise actual control over signal transmission. <u>However, as the attack surface continues to expand, number-independent interpersonal communications services including, but not limited to, social media messengers, are becoming popular attack vectors. Malicious actors use platforms to communicate and attract victims to open compromised web pages, therefore increasing the likelihood of incidents involving the exploitation of personal data, and by extension, the security of information systems.</u>	degree of risk for such services can be considered in some respects to be lower than for traditional electronic communications services. The same applies to interpersonal communications services which make use of numbers and which do not exercise actual control over signal transmission.	
Recital 51				
61	(51) The internal market is more reliant on the functioning of the internet than ever before. The services of virtually all essential	(51) The internal market is more reliant on the functioning of the internet than ever before. The services of virtually all essential	(51) The internal market is more reliant on the functioning of the internet than ever before. The services of virtually all essential	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	and important entities are dependent on services provided over the internet. In order to ensure the smooth provision of services provided by essential and important entities, it is important that public electronic communications networks, such as, for example, internet backbones or submarine communications cables, have appropriate cybersecurity measures in place and report incidents in relation thereto.	and important entities are dependent on services provided over the internet. In order to ensure the smooth provision of services provided by essential and important entities, it is important that <u>all</u> public electronic communications networks, such as, for example, internet backbones or submarine communications cables, have appropriate cybersecurity measures in place and report <u>significant</u> incidents in relation thereto. <u>Member States should ensure that the integrity and availability of those public electronic communications networks are maintained and should consider their protection from sabotage and espionage of vital security interest. Information about incidents, for example on submarine communication cables should be shared actively between Member States.</u>	and important entities are dependent on services provided over the internet. In order to ensure the smooth provision of services provided by essential and important entities, it is important that public electronic communications networks, such as, for example, internet backbones or submarine communications cables, have appropriate cybersecurity measures in place and report incidents in relation thereto.	
Recital 52				
62	(52) Where appropriate, entities should inform their service recipients of particular and	(52) Where appropriate, entities should inform their service recipients of particular and	(52) Where appropriate <u>applicable</u> , entities should inform their service recipients of particular	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	significant threats and of measures they can take to mitigate the resulting risk to themselves. The requirement to inform those recipients of such threats should not discharge entities from the obligation to take, at their own expense, appropriate and immediate measures to prevent or remedy any cyber threats and restore the normal security level of the service. The provision of such information about security threats to the recipients should be free of charge.	significant threats and of measures they can take to mitigate the resulting risk to themselves. The requirement to inform those recipients of such threats This should not discharge entities from the obligation to take, at their own expense, appropriate and immediate measures to prevent or remedy any cyber threats and restore the normal security level of the service. The provision of such information about security threats to the recipients should be free of charge <u>and drafted in an easily comprehensible language.</u>	and significant threats and of measures they can take to mitigate the resulting risk <u>from a significant cyber threat</u> to themselves. The <u>entities should, where appropriate and in particular in cases where the significant cyber threat can materialise, notify also their service recipients in parallel to the competent authorities or CSIRTs of the threat itself. The</u> requirement to inform those recipients of such threats should not discharge entities from the obligation to take, at their own expense, appropriate and immediate measures to prevent or remedy any cyber threats and restore the normal security level of the service. The provision of such information about security <u>cyber</u> threats to the recipients should be free of charge.	
Recital 53				
63	(53) In particular, providers of public electronic communications networks or publicly available electronic communications	(53) In particular, Providers of public electronic communications networks or publicly available electronic communications	(53) In particular, providers of public electronic communications networks or publicly available electronic communications	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	services, should inform the service recipients of particular and significant cyber threats and of measures they can take to protect the security of their communications, for instance by using specific types of software or encryption technologies.	services, should <u>implement security by design and by default,</u> <u>and</u> inform the service recipients of particular and significant cyber threats and of measures they can take to protect the security of their <u>devices and</u> communications, for instance by using specific types of <u>encryption</u> software or encryption <u>other data-centric security</u> technologies.	services, should inform the service recipients of particular and significant cyber threats and of measures they can take to protect the security of their communications, for instance by using specific types of software or encryption technologies.	
Recital 54				
64	(54) In order to safeguard the security of electronic communications networks and services, the use of encryption, and in particular end-to-end encryption, should be promoted and, where necessary, should be mandatory for providers of such services and networks in accordance with the principles of security and privacy by default and by design for the purposes of Article 18. The use of end-to-end encryption should be reconciled with the Member State' powers to ensure the protection of their essential security interests and public security, and to permit the	(54) In order to safeguard the security of electronic communications networks and services, the use of encryption <u>and other data-centric security technologies, such as, tokenisation, segmentation, throttle access, marking, tagging, strong identity and access management, and automated access decisions,</u> and in particular end-to-end encryption, should be promoted and, where necessary, should be mandatory for providers of such services and networks in accordance with the principles of security and privacy by default and	(54) In order to safeguard the security of electronic communications networks and services, the use of encryption, and in particular end-to-end encryption, should be promoted and, where necessary, should be mandatory for providers of such services and networks in accordance with the principles of security and privacy by default and by design for the purposes of Article 18. The use of end-to-end encryption should be reconciled with the Member State' powers to ensure the protection of their essential security interests and public security, and to permit the	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	investigation, detection and prosecution of criminal offences in compliance with Union law. Solutions for lawful access to information in end-to-end encrypted communications should maintain the effectiveness of encryption in protecting privacy and security of communications, while providing an effective response to crime.	by design for the purposes of Article 18. The use of end-to-end encryption should be reconciled with the Member State' powers to ensure the protection of their essential security interests and public security, and to permit the investigation, detection and prosecution of criminal offences in compliance with Union law. Solutions for lawful access to information in end-to-end encrypted communications should maintain the effectiveness of <u>However, this should not lead to any efforts to weaken end-to-end encryption, which is a critical technology for effective data protection and privacy in</u> protecting privacy and security of communications, while providing an effective response to crime.	investigation, detection and prosecution of criminal offences in compliance with Union law. Solutions for lawful access to information in end-to-end encrypted communications should maintain the effectiveness of encryption in protecting privacy and security of communications, while providing an effective response to crime.	
Recital 54a				
64a		<u>(54a) In order to safeguard the security and to prevent abuse and manipulation of electronic communications networks and services, the use of interoperable secure routing standards should</u>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<i><u>be promoted to ensure the integrity and robustness of routing functions across the ecosystem of internet carriers.</u></i>		
Recital 54b				
64b		<i><u>(54b) In order to safeguard the functionality and integrity of the internet and to reduce security issues relating to DNS, relevant stakeholders including Union businesses, internet service providers and browser vendors should be encouraged to adopt a DNS resolution diversification strategy. Furthermore, Member States should encourage the development and use of a public and secure European DNS resolver service.</u></i>		
Recital 55				
65	(55) This Directive lays down a two-stage approach to incident reporting in order to strike the right balance between, on the one hand, swift reporting that helps mitigate the potential spread of incidents and allows entities to seek support,	(55) This Directive lays down a two-stage approach to incident reporting in order to strike the right balance between, on the one hand, swift reporting that helps mitigate the potential spread of incidents and allows entities to seek support,	(55) This Directive lays down a two-stage approach to incident reporting in order to strike the right balance between, on the one hand, swift reporting that helps mitigate the potential spread of incidents and allows entities to seek support,	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>and, on the other hand, in-depth reporting that draws valuable lessons from individual incidents and improves over time the resilience to cyber threats of individual companies and entire sectors. Where entities become aware of an incident, they should be required to submit an initial notification within 24 hours, followed by a final report not later than one month after. The initial notification should only include the information strictly necessary to make the competent authorities aware of the incident and allow the entity to seek assistance, if required. Such notification, where applicable, should indicate whether the incident is presumably caused by unlawful or malicious action. Member States should ensure that the requirement to submit this initial notification does not divert the reporting entity's resources from activities related to incident handling that should be prioritised. To further prevent that incident reporting obligations either divert resources from incident response handling or may otherwise compromise the entities efforts in</p>	<p>and, on the other hand, in-depth reporting that draws valuable lessons from individual incidents and improves over time the resilience to cyber threats of individual companies and entire sectors. Where entities become aware of an incident, they should be required to submit an initial notification within 24 hours, followed by a <u>final comprehensive</u> report not later than one month after. The initial notification should only include the information strictly necessary to make the competent authorities aware <u>the submission</u> of the incident and allow the entity to seek assistance, if required. Such <u>initial</u> notification, where applicable, should indicate whether the incident is presumably caused by unlawful or malicious action. Member States. <u>The initial incident notification timeline</u> should ensure that the requirement to submit this initial notification does not divert the reporting entity's resources from activities related to incident handling that should be prioritised. To further prevent that incident reporting obligations either divert resources</p>	<p>and, on the other hand, in-depth reporting that draws valuable lessons from individual incidents and improves over time the resilience to cyber threats of individual companies and entire sectors. Where entities become aware of an incident, they should be required to submit an initial notification within 24 hours, followed by a final report not later than one month after. The initial notification should only include the information strictly necessary to make the competent authorities aware of the incident and allow the entity to seek assistance, if required. Such notification, where applicable, should indicate whether the incident is presumably caused by unlawful or malicious action. Member States should ensure that the requirement to submit this initial notification does not divert the reporting entity's resources from activities related to incident handling that should be prioritised. To further prevent that incident reporting obligations either divert resources from incident response handling or may otherwise compromise the entities efforts in</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	that respect, Member States should also provide that, in duly justified cases and in agreement with the competent authorities or the CSIRT, the entity concerned can deviate from the deadlines of 24 hours for the initial notification and one month for the final report.	from incident response handling or may otherwise compromise the entities efforts in that respect, Member States should also provide that, in duly justified cases and in agreement with the competent authorities or the CSIRT, the entity concerned can deviate from the deadlines of 24 hours for the initial notification and one month for the final report <u>not preclude entities from reporting incidents earlier, therefore allowing them to seek support from CSIRTs swiftly enabling the mitigation and the potential spread of the reported incident. CSIRTs can request an intermediate report on relevant status updates, while taking into account the incident response and remediation efforts of the reporting entity.</u>	that respect, Member States should also provide that, in duly justified cases and in agreement with the competent authorities or the CSIRT, the entity concerned can deviate from the deadlines of 24 hours for the initial notification and one month for the final report.	
Recital 55a				
65a			<u>(55a) A proactive approach to cyber threats is a vital component of cybersecurity risk management that should enable competent authorities to effectively prevent cyber threats from materialising</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>into actual incidents that may cause considerable material or non-material losses. For that purpose, the notification of significant cyber threats is of key importance.</u>	
Recital 55a				
65b		<u>(55a) A significant incident may have an impact on the confidentiality, integrity or availability of the service. Essential and important entities should notify CSIRTs about significant incidents that have an impact on the availability of their service within 24 hours of becoming aware of the incident. They should notify CIRTs about significant incidents that breach the confidentiality and integrity of their services within 72 hours of becoming aware of the incident. The distinction between the types of incidents is not based on the seriousness of the incident, but on the difficulty for the reporting entity to assess the incident, its significance and the ability to report information that can be of</u>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<p><u>use for the CSIRT. The initial notification should include the information necessary to make the CSIRT aware of the incident and allow the entity to seek assistance, if required. Member States should ensure that the requirement to submit this initial notification does not divert the reporting entity's resources from activities related to incident handling that should be prioritised. To further prevent that incident reporting obligations either divert resources from incident response handling or may otherwise compromise the entities efforts in that respect, Member States should also provide that, in duly justified cases and in agreement with the CSIRT, the entity concerned can deviate from the deadlines for the initial notification and for the comprehensive report.</u></p>		
Recital 56				
66	(56) Essential and important entities are often in a situation where a particular incident, because of its features, needs to be	(56) Essential and important entities are often in a situation where a particular incident, because of its features, needs to be	(56) Essential and important entities are often in a situation where a particular incident, because of its features, needs to be	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	reported to various authorities as a result of notification obligations included in various legal instruments. Such cases create additional burdens and may also lead to uncertainties with regard to the format and procedures of such notifications. In view of this and, for the purposes of simplifying the reporting of security incidents, Member States should establish a single entry point for all notifications required under this Directive and also under other Union law such as Regulation (EU) 2016/679 and Directive 2002/58/EC. ENISA, in cooperation with the Cooperation Group should develop common notification templates by means of guidelines that would simplify and streamline the reporting information requested by Union law and decrease the burdens for companies.	reported to various authorities as a result of notification obligations included in various legal instruments. Such cases create additional burdens and may also lead to uncertainties with regard to the format and procedures of such notifications. In view of this and, for the purposes of simplifying the reporting of security incidents, Member States should establish a single entry point for all notifications required under this Directive and also under other Union law such as Regulation (EU) 2016/679 and Directive 2002/58/EC. ENISA, in cooperation with the Cooperation Group should develop common notification templates by means of guidelines that would simplify and streamline the reporting information requested by Union law and decrease the burdens for companies.	reported to various authorities as a result of notification obligations included in various legal instruments. Such cases create additional burdens and may also lead to uncertainties with regard to the format and procedures of such notifications. In view of this and, for the purposes of simplifying the reporting of security incidents, Member States should <u>could</u> establish a single entry point for all notifications required under this Directive and also under other Union law such as Regulation (EU) 2016/679 and Directive 2002/58/EC. ENISA, in cooperation with the Cooperation Group should develop common notification templates by means of guidelines that would simplify and streamline the reporting information requested by Union law and decrease the burdens for companies.	
Recital 57				
67	(57) Where it is suspected that an incident is related to serious criminal activities under Union or	(57) Where it is suspected that an incident is related to serious criminal activities under Union or	(57) Where it is suspected that an incident is related to serious criminal activities under Union or	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	national law, Member States should encourage essential and important entities, on the basis of applicable criminal proceedings rules in compliance with Union law, to report incidents of a suspected serious criminal nature to the relevant law enforcement authorities. Where appropriate, and without prejudice to the personal data protection rules applying to Europol, it is desirable that coordination between competent authorities and law enforcement authorities of different Member States be facilitated by the EC3 and ENISA.	national law, Member States should encourage essential and important entities, on the basis of applicable criminal proceedings rules in compliance with Union law, to report incidents of a suspected serious criminal nature to the relevant law enforcement authorities. Where appropriate, and without prejudice to the personal data protection rules applying to Europol, it is desirable that coordination between competent authorities and law enforcement authorities of different Member States be facilitated by the EC3 and ENISA.	national law, Member States should encourage essential and important entities, on the basis of applicable criminal proceedings rules in compliance with Union law, to report incidents of a suspected serious criminal nature to the relevant law enforcement authorities. Where appropriate, and without prejudice to the personal data protection rules applying to Europol, it is desirable that coordination between competent authorities and law enforcement authorities of different Member States be facilitated by the EC3 and ENISA.	
Recital 58				
68	(58) Personal data are in many cases compromised as a result of incidents. In this context, competent authorities should cooperate and exchange information on all relevant matters with data protection authorities and the supervisory authorities pursuant to Directive 2002/58/EC.	(58) Personal data are in many cases compromised as a result of incidents. In this context, competent authorities should cooperate and exchange information on all relevant matters with data protection authorities and the supervisory authorities pursuant to Directive 2002/58/EC.	(58) Personal data are in many cases compromised as a result of incidents. In this context, competent authorities should cooperate and exchange information on all relevant matters with data protection authorities and the supervisory authorities pursuant to Directive 2002/58/EC.	
Recital 59				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
69	<p>(59) Maintaining accurate and complete databases of domain names and registration data (so called ‘WHOIS data’) and providing lawful access to such data is essential to ensure the security, stability and resilience of the DNS, which in turn contributes to a high common level of cybersecurity within the Union. Where processing includes personal data such processing shall comply with Union data protection law.</p>	<p>(59) Maintaining accurate, <u>verified</u> and complete databases of domain names and registration data (so called ‘WHOIS data’) and providing lawful access to such data is essential to ensure the security, stability and resilience of the DNS, which in turn contributes to a high common level of cybersecurity within the Union, <u>and for tackling illegal activities.</u> <u>TLD registries and entities providing domain name registration services should therefore be required to collect domain name registration data, which should include at least the registrants’ name, their physical and email address as well as their telephone number. In practice, the collected data may not always be thoroughly accurate, however TLD registries and entities providing domain name registration services should adopt and implement proportionate processes to verify that natural or legal persons requesting or owning a domain name have provided contact details on which they can be reached and are</u></p>	<p>(59) Maintaining accurate and complete databases of domain names and registration data (so called ‘WHOIS data’) and providing lawful access to such data is essential to ensure the security, stability and resilience of the DNS, which in turn contributes to a high common level of cybersecurity within the Union. Where processing includes personal data such processing shall comply with Union data protection law.</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<p><u>expected to reply. Using a ‘best efforts’ approach, those verification processes should reflect the current best practices used within the industry. Those best practices in the verification process should reflect the advances being made in the electronic identification process. The TLD registries and entities providing domain name registration services should make publicly available their policies and procedures to ensure the integrity and availability of the domain name registration data.</u></p> <p>Where processing includes personal data such processing shall comply with Union data protection law.</p>		
Recital 60				
70	<p>(60) The availability and timely accessibility of these data to public authorities, including competent authorities under Union or national law for the prevention, investigation or prosecution of criminal offences, CERTs, (CSIRTs, and as regards the data of</p>	<p>(60) The availability and timely accessibility of these<u>the domain name registration</u> data to public authorities<u>legitimate access seekers is essential for cybersecurity purposes and tackling illegal activities in the online ecosystem. TLD registries</u></p>	<p>(60) The availability and timely accessibility of these data to public authorities, including competent authorities under Union or national law for the prevention, investigation or prosecution of criminal offences, CERTs, (CSIRTs, and as regards the data of</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>their clients to providers of electronic communications networks and services and providers of cybersecurity technologies and services acting on behalf of those clients, is essential to prevent and combat Domain Name System abuse, in particular to prevent, detect and respond to cybersecurity incidents. Such access should comply with Union data protection law insofar as it is related to personal data.</p>	<p><u>and entities providing domain name registration services should therefore be required to enable lawful access to specific domain name registration data</u>, including <u>personal data, to legitimate access seekers, in accordance with Union data protection law. Legitimate access seekers should make a duly justified request to access domain name registration data on the basis of Union or national law, and could include</u> competent authorities under Union or national law for the prevention, investigation or prosecution of criminal offences, <u>and national CERTs, or CSIRTs, and as regards the data of their clients to providers of electronic communications networks and.</u> <u>Member States should ensure that TLD registries and entities providing domain name registration services should respond without undue delay and in any event within 72 hours to requests from legitimate access seekers for the disclosure of domain name registration data. TLD registries and entities providing domain name</u></p>	<p>their clients to providers of electronic communications networks and services and providers of cybersecurity technologies and services acting on behalf of those clients, is essential to prevent and combat Domain Name System abuse, in particular to prevent, detect and respond to cybersecurity incidents. Such access should comply with Union data protection law insofar as it is related to personal data.</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<p>registration services and providers of cybersecurity technologies and services acting on behalf of those clients, is essential to prevent and combat Domain Name System abuse, in particular to prevent, detect and respond to cybersecurity incidents. Such access should comply with Union data protection law insofar as it is related to personal data <u>should establish policies and procedures for the publication and disclosure of registration data, including service level agreements to deal with requests for access from legitimate access seekers. The access procedure may also include the use of an interface, portal or other technical tools to provide an efficient system for requesting and accessing registration data. With a view to promoting harmonised practices across the internal market, the Commission may adopt guidelines on such procedures without prejudice to the competences of the European Data Protection Board.</u></p>		
Recital 61				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
71	(61) In order to ensure the availability of accurate and complete domain name registration data, TLD registries and the entities providing domain name registration services for the TLD (so-called registrars) should collect and guarantee the integrity and availability of domain names registration data. In particular, TLD registries and the entities providing domain name registration services for the TLD should establish policies and procedures to collect and maintain accurate and complete registration data, as well as to prevent and correct inaccurate registration data in accordance with Union data protection rules.	(61) In order to ensure the availability of accurate and complete domain name registration data, TLD registries and the entities providing domain name registration services for the TLD (so-called registrars) should collect and guarantee the integrity and availability of domain names registration data. In particular, TLD registries and the entities providing domain name registration services for the TLD should establish policies and procedures to collect and maintain accurate and complete registration data, as well as to prevent and correct inaccurate registration data in accordance with Union data protection rules.	(61) In order to ensure the availability of accurate and complete domain name registration data, TLD registries and the entities providing domain name registration services for the TLD (so-called registrars) should collect and guarantee the integrity and availability of domain names registration data. <u>With regard to the registration data, the entities should</u> in particular, <u>verify the name and the email address of the registrant.</u> TLD registries and the entities providing domain name registration services for the TLD should establish policies and procedures to collect and maintain accurate and complete registration data, as well as to prevent and correct inaccurate registration data in accordance with Union data protection rules.	
Recital 62				
72	(62) TLD registries and the entities providing domain name registration services for them should make publically available	(62) TLD registries and the entities providing domain name registration services for them <u>should make publically</u> <u>should be</u>	(62) TLD registries and the entities providing domain name registration services for them should make publically available	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>domain name registration data that fall outside the scope of Union data protection rules, such as data that concern legal persons¹. TLD registries and the entities providing domain name registration services for the TLD should also enable lawful access to specific domain name registration data concerning natural persons to legitimate access seekers, in accordance with Union data protection law. Member States should ensure that TLD registries and the entities providing domain name registration services for them should respond without undue delay to requests from legitimate access seekers for the disclosure of domain name registration data. TLD registries and the entities providing domain name registration services for them should establish policies and procedures for the publication and disclosure of registration data, including service level agreements to deal with requests for access from legitimate access seekers. The access procedure may also include the use of an interface, portal or other technical tool to provide an efficient system for requesting and</p>	<p><u>required to make publicly</u> available domain name registration data that fall outside the scope of Union data protection rules, such as data that concern <u>does not contain personal data. A distinction should be made between natural and</u> legal persons¹. TLD registries and the entities providing domain name registration services for the TLD should also enable lawful access to specific domain name registration data concerning natural <u>For legal</u> persons to legitimate access seekers, in accordance with Union data protection law. Member States should ensure that, TLD registries and the entities providing domain name registration services for them should respond without undue delay to requests from legitimate access seekers for the disclosure of domain name registration data. TLD registries and the entities providing domain name registration services for them <u>should establish policies and procedures for the publication and disclosure of registration data, including service level agreements to deal with requests for access</u></p>	<p>domain name registration data that fall outside the scope of Union data protection rules, such as data that concern legal persons¹. TLD registries and the entities providing domain name registration services for the TLD should also enable lawful access to specific domain name registration data concerning natural persons to legitimate access seekers, in accordance with Union data protection law. Member States should ensure that TLD registries and the entities providing domain name registration services for them should respond without undue delay to requests <u>for the disclosure of domain name registration data</u> from legitimate access seekers, <u>such as competent authorities under Union or national law in the area of national security and criminal justice or CSIRTs for the disclosure of domain name registration data</u>. TLD registries and the entities providing domain name registration services for them should establish policies and procedures for the publication and disclosure of registration data, including service level agreements</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>accessing registration data. With a view to promoting harmonised practices across the internal market, the Commission may adopt guidelines on such procedures without prejudice to the competences of the European Data Protection Board.</p> <p>1. REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL recital (14) whereby “this Regulation does not cover the processing of personal data which concerns legal persons and in particular undertakings established as legal persons, including the name and the form of the legal person and the contact details of the legal person”.</p>	<p>from legitimate access seekers. The access procedure may also include the use of an interface, portal or other technical tool to provide an efficient system for requesting and accessing registration data. With a view to promoting harmonised practices across the internal market, the Commission may adopt guidelines on such procedures without prejudice to the competences of the European Data Protection Board. <u>make publicly available at least the registrants’ name, their physical and email address as well as their telephone number. The legal person should be required to either provide a generic email address that can be made publicly available or give consent to the publication of a personal email address. The legal person should be able to demonstrate such consent at the request of TLD registries and entities providing domain name registration services.</u></p> <p>1. REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL recital (14) whereby "this Regulation does not cover the processing of personal data which concerns legal</p>	<p>to deal with requests for access from legitimate access seekers. The access procedure may also include the use of an interface, portal or other technical tool to provide an efficient system for requesting and accessing registration data.</p> <p><u>Member States should ensure that all type of access to domain registration data (both personal and non-personal data) are free of charge.</u> With a view to promoting harmonised practices across the internal market, the Commission may adopt guidelines on such procedures without prejudice to the competences of the European Data Protection Board <u>in line with and complementary to international standards developed by the multi-stakeholder community.</u></p> <p>1. REGULATION <u>Regulation</u> (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL <u>of the European Parliament and of the Council</u>, recital (14) whereby "this Regulation does not cover the processing of personal data which concerns legal persons and in particular undertakings established as legal persons, including the name and the form of the legal person and the contact details of the legal person".</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		persons and in particular undertakings established as legal persons, including the name and the form of the legal person and the contact details of the legal person".		
Recital 63				
73	(63) All essential and important entities under this Directive should fall under the jurisdiction of the Member State where they provide their services. If the entity provides services in more than one Member State, it should fall under the separate and concurrent jurisdiction of each of these Member States. The competent authorities of these Member States should cooperate, provide mutual assistance to each other and where appropriate, carry out joint supervisory actions.	(63) All essential and important entities under this Directive should fall under the jurisdiction of the Member State where they provide their services <u>or carry out their activities</u> . If the entity provides services in more than one Member State, it should fall under the separate and concurrent jurisdiction of each of these Member States. The competent authorities of these Member States should cooperate, provide mutual assistance to each other and where appropriate, carry out joint supervisory actions.	(63) All Essential and important entities under this Directive should fall under the jurisdiction of the Member State where they provide their services. <u>Entities referred to in points 1 to 7 and 10 of Annex I, trust service providers and Internet Exchange Point providers referred to in point 8 of Annex I and points 1 to 5 of Annex II of this Directive should fall under the jurisdiction of the Member State where they are established.</u> If the entity provides services <u>or has an establishment</u> in more than one Member State, it should fall under the separate and concurrent jurisdiction of each of these Member States. The competent authorities of these Member States should cooperate, provide mutual assistance to each other and where appropriate, carry out joint supervisory actions. <u>Where Member States decide to</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u><i>exercise jurisdiction, they should avoid that the same conduct is sanctioned more than once for the infringement of the obligations laid down in this Directive.</i></u>	
Recital 64				
74	(64) In order to take account of the cross-border nature of the services and operations of DNS service providers, TLD name registries, content delivery network providers, cloud computing service providers, data centre service providers and digital providers, only one Member State should have jurisdiction over these entities. Jurisdiction should be attributed to the Member State in which the respective entity has its main establishment in the Union. The criterion of establishment for the purposes of this Directive implies the effective exercise of activity through stable arrangements. The legal form of such arrangements, whether through a branch or a subsidiary with a legal personality, is not the determining factor in that respect. Whether this criterion is fulfilled	(64) In order to take account of the cross-border nature of the services and operations of DNS service providers, TLD name registries, content delivery network providers, cloud computing service providers, data centre service providers and digital providers, only one Member State should have jurisdiction over these entities. Jurisdiction should be attributed to the Member State in which the respective entity has its main establishment in the Union. The criterion of establishment for the purposes of this Directive implies the effective exercise of activity through stable arrangements. The legal form of such arrangements, whether through a branch or a subsidiary with a legal personality, is not the determining factor in that respect. Whether this criterion is fulfilled	(64) In order to take account of the cross-border nature of the services and operations of DNS service providers, TLD name registries, <u><i>entities providing domain name registration services for the TLD,</i></u> content delivery network providers, cloud computing service providers, data centre service providers and digital providers, only one Member State should have jurisdiction over these entities. Jurisdiction should be attributed to the Member State in which the respective entity has its main establishment in the Union. The criterion of establishment for the purposes of this Directive implies the effective exercise of activity through stable arrangements. The legal form of such arrangements, whether through a branch or a subsidiary with a legal personality, is not the	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>should not depend on whether the network and information systems are physically located in a given place; the presence and use of such systems do not, in themselves, constitute such main establishment and are therefore not decisive criteria for determining the main establishment. The main establishment should be the place where the decisions related to the cybersecurity risk management measures are taken in the Union. This will typically correspond to the place of the companies' central administration in the Union. If such decisions are not taken in the Union, the main establishment should be deemed to be in the Member States where the entity has an establishment with the highest number of employees in the Union. Where the services are carried out by a group of undertakings, the main establishment of the controlling undertaking should be considered to be the main establishment of the group of undertakings.</p>	<p>should not depend on whether the network and information systems are physically located in a given place; the presence and use of such systems do not, in themselves, constitute such main establishment and are therefore not decisive criteria for determining the main establishment. The main establishment should be the place where the decisions related to the cybersecurity risk management measures are taken in the Union. This will typically correspond to the place of the companies' central administration in the Union. If such decisions are not taken in the Union, the main establishment should be deemed to be in the Member States where <u>either</u> the entity has an establishment with the highest number of employees in the Union <u>or the establishment where cybersecurity operations are carried out</u>. Where the services are carried out by a group of undertakings, the main establishment of the controlling undertaking should be considered to be the main establishment of the group of undertakings.</p>	<p>determining factor in that respect. Whether this criterion is fulfilled should not depend on whether the network and information systems are physically located in a given place; the presence and use of such systems do not, in themselves, constitute such main establishment and are therefore not decisive criteria for determining the main establishment. The main establishment should be the place where the decisions related to the cybersecurity risk management measures are <u>predominantly</u> taken in the Union. This will typically correspond to the place of the companies' central administration in the Union. If <u>the place where such decisions are predominantly taken cannot be determined or</u> such decisions are not taken in the Union, the main establishment should be deemed to be in the Member States where the entity has an establishment with the highest number of employees in the Union. Where the services are carried out by a group of undertakings, the main establishment of the controlling undertaking should be considered</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			to be the main establishment of the group of undertakings.	
Recital 64a				
74a			<u>(64a) When a recursive DNS service is provided by a provider of public electronic communications networks or publicly available electronic communications services only as a part of the internet access service, the entity should be deemed to be under the jurisdiction of all the Member States where its services are provided.</u>	
Recital 64b				
74b			<u>(64aa) In order to ensure a clear overview of DNS service providers, TLD name registries, entities providing domain name registration services for the TLD, content delivery network providers, cloud computing service providers, data centre service providers and digital providers providing services across the Union under the scope of this Directive, ENISA should</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u><i>create and maintain a registry for such entities, based on notifications received by Member States, where applicable through their national mechanisms for self-notification. With a view to ensure accuracy and completeness of the information that should be included in this registry, Member States should submit to ENISA the information available in their national registries on these entities. ENISA and the Member States should take measures to facilitate the interoperability of such registries, while ensuring protection of confidential or classified information.</i></u>	
Recital 65				
75	(65) In cases where a DNS service provider, TLD name registry, content delivery network provider, cloud computing service provider, data centre service provider and digital provider not established in the Union offers services within the Union, it should designate a representative. In order to determine whether such an entity is	(65) In cases where a DNS service provider, TLD name registry, content delivery network provider, cloud computing service provider, data centre service provider and digital provider not established in the Union offers services within the Union, it should designate a representative. In order to determine whether such an entity is	(65) In cases where a DNS service provider, TLD name registry, content delivery network provider, cloud computing service provider, data centre service provider and digital provider not established in the Union offers services within the Union, it should designate a representative. In order to determine whether such an entity is	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>offering services within the Union, it should be ascertained whether it is apparent that the entity is planning to offer services to persons in one or more Member States. The mere accessibility in the Union of the entity's or an intermediary's website or of an email address and of other contact details, or the use of a language generally used in the third country where the entity is established, is as such insufficient to ascertain such an intention. However, factors such as the use of a language or a currency generally used in one or more Member States with the possibility of ordering services in that other language, or the mentioning of customers or users who are in the Union, may make it apparent that the entity is planning to offer services within the Union. The representative should act on behalf of the entity and it should be possible for competent authorities or the CSIRTs to contact the representative. The representative should be explicitly designated by a written mandate of the entity to act on the latter's behalf with regard to the latter's obligations</p>	<p>offering services within the Union, it should be ascertained whether it is apparent that the entity is planning to offer services to persons in one or more Member States. The mere accessibility in the Union of the entity's or an intermediary's website or of an email address and of other contact details, or the use of a language generally used in the third country where the entity is established, is as such insufficient to ascertain such an intention. However, factors such as the use of a language or a currency generally used in one or more Member States with the possibility of ordering services in that other language, or the mentioning of customers or users who are in the Union, may make it apparent that the entity is planning to offer services within the Union. The representative should act on behalf of the entity and it should be possible for competent authorities or the CSIRTs to contact the representative. The representative should be explicitly designated by a written mandate of the entity to act on the latter's behalf with regard to the latter's obligations</p>	<p>offering services within the Union, it should be ascertained whether it is apparent that the entity is planning to offer services to persons in one or more Member States. The mere accessibility in the Union of the entity's or an intermediary's website or of an email address and of other contact details, or the use of a language generally used in the third country where the entity is established, is as such insufficient to ascertain such an intention. However, factors such as the use of a language or a currency generally used in one or more Member States with the possibility of ordering services in that other language, or the mentioning of customers or users who are in the Union, may make it apparent that the entity is planning to offer services within the Union. The representative should act on behalf of the entity and it should be possible for competent authorities or the CSIRTs to contact the representative. The representative should be explicitly designated by a written mandate of the entity to act on the latter's behalf with regard to the latter's obligations</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	under this Directive, including incident reporting.	under this Directive, including incident reporting.	under this Directive, including incident reporting.	
Recital 65a				
75a		<p><u>(65a) ENISA should create and maintain a registry containing information about essential and important entities that comprise DNS service providers, TLD name registries and providers of cloud computing services, data centre services, content delivery networks, online marketplaces, online search engines and social networking platforms. Those essential and important entities should submit to ENISA their names, addresses and up-to-date contact details. They should notify ENISA about any changes to those details without delay and, in any event, within two weeks from the date on which the change took effect. ENISA should forward the information to the relevant single point of contact. The essential and important entities submitting their information to ENISA are therefore not required to separately inform the competent</u></p>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<u>authority within the Member State. ENISA should develop a simple publicly available application programme that those entities could use to update their information. Furthermore, ENISA should establish appropriate information classification and management protocols to ensure the security and confidentiality of disclosed information, and restrict the access, storage, and transmission of such information to intended users.</u>		
Recital 66				
76	(66) Where information considered classified according to national or Union law is exchanged, reported or otherwise shared under the provisions of this Directive, the corresponding specific rules on the handling of classified information should be applied.	(66) Where information considered classified according to <u>in accordance with</u> national or Union law is exchanged, reported or otherwise shared under the provisions of this Directive, the corresponding specific rules on the handling of classified information should be applied. <u>In addition, ENISA should have the infrastructure, procedures and rules in place to handle sensitive and classified information in</u>	(66) Where information considered classified according to national or Union law is exchanged, reported or otherwise shared under the provisions of this Directive, the corresponding specific rules on the handling of classified information should be applied.	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<u>compliance with the applicable security rules for protecting EU classified information.</u>		
Recital 67				
77	(67) With cyber threats becoming more complex and sophisticated, good detection and prevention measures depend to a large extent on regular threat and vulnerability intelligence sharing between entities. Information sharing contributes to increased awareness on cyber threats, which, in turn, enhances the entities' capacity to prevent threats from materialising into real incidents and enables the entities to better contain the effects of incidents and recover more efficiently. In the absence of guidance at Union level, several factors seem to have inhibited such intelligence sharing, notably uncertainty over the compatibility with competition and liability rules.	(67) With cyber threats becoming more complex and sophisticated, good detection and prevention measures depend to a large extent on regular threat and vulnerability intelligence sharing between entities. Information sharing contributes to increased awareness on cyber threats, which, in turn, enhances the entities' capacity to prevent threats from materialising into real incidents and enables the entities to better contain the effects of incidents and recover more efficiently. In the absence of guidance at Union level, several factors seem to have inhibited such intelligence sharing, notably uncertainty over the compatibility with competition and liability rules.	(67) With cyber threats becoming more complex and sophisticated, good detection and prevention measures depend to a large extent on regular threat and vulnerability intelligence sharing between entities. Information sharing contributes to increased awareness on cyber threats, which, in turn, enhances the entities' capacity to prevent threats from materialising into real incidents and enables the entities to better contain the effects of incidents and recover more efficiently. In the absence of guidance at Union level, several factors seem to have inhibited such intelligence sharing, notably uncertainty over the compatibility with competition and liability rules.	
Recital 68				
78	(68) Entities should be encouraged	(68) Entities should be encouraged	(68) Entities should be encouraged	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	to collectively leverage their individual knowledge and practical experience at strategic, tactical and operational levels with a view to enhance their capabilities to adequately assess, monitor, defend against, and respond to, cyber threats. It is thus necessary to enable the emergence at Union level of mechanisms for voluntary information sharing arrangements. To this end, Member States should actively support and encourage also relevant entities not covered by the scope of this Directive to participate in such information-sharing mechanisms. Those mechanisms should be conducted in full compliance with the competition rules of the Union as well as the data protection Union law rules.	<u>and supported by Member States</u> to collectively leverage their individual knowledge and practical experience at strategic, tactical and operational levels with a view to enhance their capabilities to adequately assess, monitor, defend against, and respond to, cyber threats. It is thus necessary to enable the emergence at Union level of mechanisms for voluntary information sharing arrangements. To this end, Member States should actively support and encourage also relevant entities not covered by the scope of this Directive, <u>such as entities focusing on cybersecurity services and research</u> , to participate in such information-sharing mechanisms. Those mechanisms should be conducted in full compliance with the competition rules of the Union as well as the data protection Union law rules.	to collectively leverage their individual knowledge and practical experience at strategic, tactical and operational levels with a view to enhance their capabilities to adequately assess, monitor, defend against, and respond to, cyber threats. It is thus necessary to enable the emergence at Union level of mechanisms for voluntary information sharing arrangements. To this end, Member States should actively support and encourage also relevant entities not covered by the scope of this Directive to participate in such information-sharing mechanisms. Those mechanisms should be conducted in full compliance with the competition rules of the Union as well as the data protection Union law rules.	
Recital 69				
79	(69) The processing of personal data, to the extent strictly necessary and proportionate for the purposes	(69) The processing of personal data, to the extent strictly necessary and proportionate for the purposes	(69) The processing of personal data , To the extent strictly necessary and proportionate for the	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>of ensuring network and information security by entities, public authorities, CERTs, CSIRTs, and providers of security technologies and services should constitute a legitimate interest of the data controller concerned, as referred to in Regulation (EU) 2016/679. That should include measures related to the prevention, detection, analysis and response to incidents, measures to raise awareness in relation to specific cyber threats, exchange of information in the context of vulnerability remediation and coordinated disclosure, as well as the voluntary exchange of information on those incidents, as well as cyber threats and vulnerabilities, indicators of compromise, tactics, techniques and procedures, cybersecurity alerts and configuration tools. Such measures may require the processing of the following types of personal data: IP addresses, uniform resources locators (URLs), domain names, and email addresses.</p>	<p>of ensuring network and information security by entities, public authorities, CERTs <u>essential and important entities</u>, CSIRTs, and providers of security technologies and services, <u>is necessary for compliance with their legal obligations provided for in this Directive. Such processing of personal data might also be necessary for the purposes</u> should constitute a legitimate interest of the <u>legitimate interests pursued by essential and important entities.</u> <u>Where this Directive requires the processing of personal data for the purpose of cybersecurity and network and information security in accordance with the provisions set out in Article 18, 20 and 23 of the Directive, that processing is considered to be necessary for compliance with a legal obligation</u> data-controller concerned, as referred to in <u>Article 6(1), point (c) of Regulation (EU) 2016/679. That should include</u> <u>For the purpose of Article 26 and 27 of this Directive, processing, as referred to in Article 6(1), point (f) of Regulation (EU) 2016/679, is considered to be necessary for the</u></p>	<p>purposes of ensuring network and information security, <u>the processing of personal data by essential and important entities</u> by entities, public authorities, CERTs, CSIRTs, and providers of security technologies and services should <u>could be considered necessary for compliance with a legal obligation or</u> constitute a legitimate interest of the data controller concerned, as referred to in Regulation (EU) 2016/679. That should <u>could</u> include measures related to the prevention, detection, analysis and response to incidents, measures to raise awareness in relation to specific cyber threats, exchange of information in the context of vulnerability remediation and coordinated disclosure, as well as the voluntary exchange of information on those incidents, as well as cyber threats and vulnerabilities, indicators of compromise, tactics, techniques and procedures, cybersecurity alerts and configuration tools. Such measures may require the processing of the following <u>various</u> types of personal data, <u>such as</u>: IP addresses, uniform</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<p><u><i>purposes of the legitimate interests pursued by the essential and important entities.</i></u> Measures related to the prevention, detection, <u><i>identification, containment,</i></u> analysis and response to incidents, measures to raise awareness in relation to specific cyber threats, exchange of information in the context of vulnerability remediation and coordinated disclosure, as well as the voluntary exchange of information on those incidents, as well as cyber threats and vulnerabilities, indicators of compromise, tactics, techniques and procedures, cybersecurity alerts and configuration tools. Such measures may require the processing of the following types <u><i>certain categories</i></u> of personal data, such as IP addresses, uniform resources locators (URLs), domain names, and email addresses, <u><i>time stamps, Operation System- or browser-related information, cookies or other information indicating the modus operandi.</i></u></p>	<p>resources locators (URLs), domain names, and email addresses. <u><i>Processing of personal data by competent authorities, SPOCs and CSIRTs should be laid down in national law and considered necessary for compliance with a legal obligation or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller, as referred to in Article 6(1) point (c) or (e) of Regulation (EU) 2016/679.</i></u></p>	
Recital 69a				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
79a			<u>(69a) Member States' laws may lay down rules allowing competent authorities, SPOCs and CSIRTs, to the extent that is strictly necessary and proportionate for the purpose of ensuring the security of network and information systems of essential and important entities, to process special categories of personal data in accordance with Article 9 of Regulation (EU) 2016/679, in particular by providing for suitable and specific measures to safeguard the fundamental rights and interests of natural persons, including technical limitations on the re-use of such data and the use of state-of-the-art security and privacy-preserving measures, such as pseudonymisation, or encryption where anonymisation may significantly affect the purpose pursued.</u>	
Recital 70				
80	(70) In order to strengthen the supervisory powers and actions that help ensure effective	(70) In order to strengthen the supervisory powers and actions that help ensure effective	(70) In order to strengthen the supervisory powers and actions that help ensure effective	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>compliance, this Directive should provide for a minimum list of supervisory actions and means through which competent authorities may supervise essential and important entities. In addition, this Directive should establish a differentiation of supervisory regime between essential and important entities with a view to ensuring a fair balance of obligations for both entities and competent authorities. Thus, essential entities should be subject to a fully-fledged supervisory regime (ex-ante and ex-post), while important entities should be subject to a light supervisory regime, ex-post only. For the latter, this means that important entities should not document systematically compliance with cybersecurity risk management requirements, while competent authorities should implement a reactive ex -post approach to supervision and, hence, not have a general obligation to supervise those entities.</p>	<p>compliance, this Directive should provide for a minimum list of supervisory actions and means through which competent authorities may supervise essential and important entities. In addition, this Directive should establish a differentiation of supervisory regime between essential and important entities with a view to ensuring a fair balance of obligations for both entities and competent authorities. Thus, essential entities should be subject to a fully-fledged supervisory regime (ex-ante and ex-post), while important entities should be subject to a light supervisory regime, ex-post only. For the latter, this means that important entities should not document systematically compliance with cybersecurity risk management requirements, while competent authorities should implement a reactive ex -post approach to supervision and, hence, not have a general obligation to supervise those entities.</p>	<p>compliance, this Directive should provide for a minimum list of supervisory actions and means through which competent authorities may<u>can</u> supervise essential and important entities. In addition, this Directive should establish a differentiation of supervisory regime between essential and important entities with a view to ensuring a fair balance of obligations for both entities and competent authorities. Thus, essential entities should be subject to a fully-fledged supervisory regime (ex-ante and ex-post), while important entities should be subject to a light supervisory regime, ex-post only. For the latter, this means that important entities should not document<u>be required to document</u> systematically compliance with cybersecurity risk management requirements, while competent authorities should implement a reactive ex -post approach to supervision and, hence, not have a general obligation to supervise those entities. <u>For important entities, ex-post supervision may be triggered</u></p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>by evidence or any indication or information brought to the attention of competent authorities deemed by these authorities as suggesting potential non-compliance with the obligations laid down in this Directive. For example, such evidence, indication or information could be of the type provided to competent authorities by other authorities, entities, citizens, media or other sources, publicly available information, or may emerge from other activities conducted by the competent authorities in the fulfilment of their tasks.</u>	
Recital 70(bis)				
80a			<u>(70bis) In the exercise of ex-ante supervision, competent authorities should be able to decide on the prioritisation of the use of supervisory actions and means at their disposal in a proportionate manner. This entails that competent authorities can decide on such prioritisation based on supervisory methodologies which should follow a risk-based</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>approach. More specifically, such methodologies could include criteria or benchmarks for the classification of essential entities into risk categories and corresponding supervisory actions and means recommended per risk category, such as use, frequency or type of on-site inspections or targeted security audits or security scans, type of information to be requested and level of detail of that information. Such supervisory methodologies can also be accompanied by work programmes and be assessed and reviewed regularly, including on aspects such as resource allocation and needs.</u>	
Recital 70 (bisa)				
80b			<u>70 (bisa)</u> <u>In relation to public administration entities, the supervisory powers should be exercised in line with the national frameworks and legal order. Member States should be able to decide on the imposition of appropriate, proportionate and</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>effective measures of supervision and enforcement in relation to these entities.</u>	
Recital 70 (bisaa)				
80c			<u>70 (bisaa)</u> <u>In order to demonstrate compliance with certain cybersecurity risk management measures, Member States could require essential and important entities to use qualified trust services or notified electronic identification schemes under Regulation (EU) No 910/2014.</u>	
Recital 71				
81	(71) In order to make enforcement effective, a minimum list of administrative sanctions for breach of the cybersecurity risk management and reporting obligations provided by this Directive should be laid down, setting up a clear and consistent framework for such sanctions across the Union. Due regard should be given to the nature, gravity and duration of the	(71) In order to make enforcement effective, a minimum list of administrative sanctions <u>penalties</u> for breach of the cybersecurity risk management and reporting obligations provided by this Directive should be laid down, setting up a clear and consistent framework for such sanctions <u>penalties</u> across the Union. Due regard should be given to the nature, gravity and duration	(71) In order to make enforcement effective, a minimum list of administrative sanctions for breach of the cybersecurity risk management and reporting obligations provided by this Directive should be laid down, setting up a clear and consistent framework for such sanctions across the Union. Due regard should be given to the nature, gravity and duration of the	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	infringement, the actual damage caused or losses incurred or potential damage or losses that could have been triggered, the intentional or negligent character of the infringement, actions taken to prevent or mitigate the damage and/or losses suffered, the degree of responsibility or any relevant previous infringements, the degree of cooperation with the competent authority and any other aggravating or mitigating factor. The imposition of penalties including administrative fines should be subject to appropriate procedural safeguards in accordance with the general principles of Union law and the Charter of Fundamental Rights of the European Union, including effective judicial protection and due process.	of the infringement, the actual damage caused or losses incurred or potential damage or losses that could have been triggered , the intentional or negligent character of the infringement, actions taken to prevent or mitigate the damage and/or losses suffered, the degree of responsibility or any relevant previous infringements, the degree of cooperation with the competent authority and any other aggravating or mitigating factor. The imposition of penalties, including administrative fines, <u>should be proportionate and their imposition</u> should be subject to appropriate procedural safeguards in accordance with the general principles of Union law and the Charter of Fundamental Rights of the European Union <u>(the 'Charter')</u> , including effective judicial protection, <u>due process, the presumption of innocence and the rights of defence</u> and due process .	infringement, the actual damage caused or losses incurred or potential damage or losses that could have been triggered, the intentional or negligent character of the infringement, actions taken to prevent or mitigate the damage and/or losses suffered, the degree of responsibility or any relevant previous infringements, the degree of cooperation with the competent authority and any other aggravating or mitigating factor. The imposition of penalties including administrative fines should be subject to appropriate procedural safeguards in accordance with the general principles of Union law and the Charter of Fundamental Rights of the European Union, including effective judicial protection and due process.	
Recital 71a				
81a			<u>(71bis)</u> <u>The provisions relating to</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<i><u>the liability of natural persons holding certain responsibilities within an entity for breach of their duty to ensure compliance with the obligations laid down in this Directive do not require Member States to ensure criminal prosecution or civil liability for damages caused by such breach to third parties.</u></i>	
Recital 72				
82	(72) In order to ensure effective enforcement of the obligations laid down in this Directive, each competent authority should have the power to impose or request the imposition of administrative fines.	(72) In order to ensure effective enforcement of the obligations laid down in this Directive, each competent authority should have the power to impose or request the imposition of administrative fines <i><u>if the infringement was intentional, negligent or the entity concerned had received notice of the entity's non-compliance.</u></i>	(72) In order to ensure effective enforcement of the obligations laid down in this Directive, each competent authority should have the power to impose or request the imposition of administrative fines.	
Recital 73				
83	(73) Where administrative fines are imposed on an undertaking, an undertaking should be understood to be an undertaking in accordance with Articles 101 and 102 TFEU	(73) Where administrative fines are imposed on an undertaking, an undertaking should be understood to be an undertaking in accordance with Articles 101 and 102 TFEU	(73) Where administrative fines are imposed on an undertaking, an undertaking should be understood to be an undertaking in accordance with Articles 101 and 102 TFEU	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	for those purposes. Where administrative fines are imposed on persons that are not an undertaking, the supervisory authority should take account of the general level of income in the Member State as well as the economic situation of the person in considering the appropriate amount of the fine. It should be for the Member States to determine whether and to what extent public authorities should be subject to administrative fines. Imposing an administrative fine does not affect the application of other powers by the competent authorities or of other penalties laid down in the national rules transposing this Directive.	for those purposes. Where administrative fines are imposed on persons that are not an undertaking, the supervisory authority should take account of the general level of income in the Member State as well as the economic situation of the person in considering the appropriate amount of the fine. It should be for the Member States to determine whether and to what extent public authorities should be subject to administrative fines. Imposing an administrative fine does not affect the application of other powers by the competent authorities or of other penalties laid down in the national rules transposing this Directive.	for those purposes. Where administrative fines are imposed on persons that are not an undertaking, the supervisory authority should take account of the general level of income in the Member State as well as the economic situation of the person in considering the appropriate amount of the fine. It should be for the Member States to determine whether and to what extent public authorities should be subject to administrative fines. Imposing an administrative fine does not affect the application of other powers by the competent authorities or of other penalties laid down in the national rules transposing this Directive.	
Recital 74				
84	(74) Member States should be able to lay down the rules on criminal penalties for infringements of the national rules transposing this Directive. However, the imposition of criminal penalties for infringements of such national rules and of related administrative penalties should not lead to a	(74) Member States should be able to lay down the rules on criminal penalties for infringements of the national rules transposing this Directive. However, the imposition of criminal penalties for infringements of such national rules and of related administrative penalties should not lead to a	(74) Member States should be able to <u>may</u> lay down the rules on criminal penalties for infringements of the national rules transposing this Directive. However, the imposition of criminal penalties for infringements of such national rules and of related administrative	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	breach of the principle of ne bis in idem, as interpreted by the Court of Justice.	breach of the principle of ne bis in idem, as interpreted by the Court of Justice.	penalties should not lead to a breach of the principle of ne bis in idem, as interpreted by the Court of Justice.	
Recital 75				
85	(75) Where this Directive does not harmonise administrative penalties or where necessary in other cases, for example in cases of serious infringements of the obligations laid down in this Directive, Member States should implement a system which provides for effective, proportionate and dissuasive penalties. The nature of such penalties, criminal or administrative, should be determined by Member State law.	(75) Where this Directive does not harmonise administrative penalties or where necessary in other cases, for example in cases of serious infringements of the obligations laid down in this Directive, Member States should implement a system which provides for effective, proportionate and dissuasive penalties. The nature of such penalties, criminal or administrative, should be determined by Member State law.	(75) Where this Directive does not harmonise administrative penalties or where necessary in other cases, for example in cases of serious infringements of the obligations laid down in this Directive, Member States should implement a system which provides for effective, proportionate and dissuasive penalties. The nature of such penalties, criminal or administrative, should be determined by Member State law.	
Recital 76				
86	(76) In order to further strengthen the effectiveness and dissuasiveness of the penalties applicable to infringements of obligations laid down pursuant to this Directive, the competent authorities should be empowered to apply sanctions consisting of the	(76) In order to further strengthen the effectiveness and dissuasiveness of the penalties applicable to infringements of obligations laid down pursuant to this Directive, the competent authorities should be empowered to apply sanctions consisting of the	(76) In order to further strengthen the effectiveness and dissuasiveness of the penalties applicable to infringements of obligations laid down pursuant to this Directive, the competent authorities should be empowered to apply sanctions consisting of the	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>suspension of a certification or authorisation concerning part or all the services provided by an essential entity and the imposition of a temporary ban from the exercise of managerial functions by a natural person. Given their severity and impact on the entities' activities and ultimately on their consumers, such sanctions should only be applied proportionally to the severity of the infringement and taking account of the specific circumstances of each case, including the intentional or negligent character of the infringement, actions taken to prevent or mitigate the damage and/or losses suffered. Such sanctions should only be applied as ultima ratio, meaning only after the other relevant enforcement actions laid down by this Directive have been exhausted, and only for the time until the entities to which they apply take the necessary action to remedy the deficiencies or comply with the requirements of the competent authority for which such sanctions were applied. The imposition of such sanctions shall be subject to appropriate</p>	<p><u>temporary</u> suspension of a certification or authorisation concerning part or all the relevant services provided by an essential entity and the imposition of a <u>request to impose a temporary ban from the exercise of managerial functions by a natural person at chief executive officer or legal representative level. Member States should develop specific procedures and rules concerning the</u> temporary ban from the exercise of managerial functions by a natural person <u>at chief executive officer or legal representative level in public administration entities. In the process of developing such procedures and rules, Member States should take into account the particularities of their respective levels and systems of governance within their public administrations.</u> Given their severity and impact on the entities' activities and ultimately on their consumers, such sanctions <u>temporary suspensions or bans</u> should only be applied proportionally to the severity of the infringement and taking account of the specific circumstances of each</p>	<p>suspension of a certification or authorisation concerning part or all the services provided by an essential entity and the imposition of a temporary ban from the exercise of managerial functions by a natural person. Given their severity and impact on the entities' activities and ultimately on their consumers, such sanctions should only be applied proportionally to the severity of the infringement and taking account of the specific circumstances of each case, including the intentional or negligent character of the infringement, actions taken to prevent or mitigate the damage and/or losses suffered. Such sanctions should only be applied as ultima ratio, meaning only after the other relevant enforcement actions laid down by this Directive have been exhausted, and only for the time until the entities to which they apply take the necessary action to remedy the deficiencies or comply with the requirements of the competent authority for which such sanctions were applied. The imposition of such sanctions shall be subject to appropriate</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	procedural safeguards in accordance with the general principles of Union law and the Charter of Fundamental Rights of the European Union, including effective judicial protection, due process, presumption of innocence and right of defence.	case, including the intentional or negligent character of the infringement, actions taken to prevent or mitigate the damage and/or losses suffered. Such sanctions <u>temporary suspensions or bans</u> should only be applied as ultima ratio, meaning only after the other relevant enforcement actions laid down by this Directive have been exhausted, and only for the time until the entities to which they apply take the necessary action to remedy the deficiencies or comply with the requirements of the competent authority for which such sanctions <u>temporary suspensions or bans</u> were applied. The imposition of such sanctions <u>temporary suspensions or bans</u> shall be subject to appropriate procedural safeguards in accordance with the general principles of Union law and the Charter of Fundamental Rights of the European Union , including effective judicial protection, due process, presumption of innocence and right of defence.	procedural safeguards in accordance with the general principles of Union law and the Charter of Fundamental Rights of the European Union, including effective judicial protection, due process, presumption of innocence and right of defence.	
Recital 76a				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
86a			<u>(76bis) In order to ensure effective supervision and enforcement, notably in cases with a cross-border dimension, Member States that have received a request for mutual assistance should, to the extent of the request, take appropriate supervisory and enforcement measures in relation to the entity concerned that provides services or which has the network and information system on their territory.</u>	
Recital 77				
87	(77) This Directive should establish cooperation rules between the competent authorities and the supervisory authorities in accordance with Regulation (EU) 2016/679 to deal with infringements related to personal data.	(77) This Directive should establish cooperation rules between the competent authorities and the supervisory authorities in accordance with Regulation (EU) 2016/679 to deal with infringements related to personal data.	(77) This Directive should establish cooperation rules between the competent authorities and the supervisory authorities in accordance with Regulation (EU) 2016/679 to deal with infringements related to personal data.	
Recital 78				
88	(78) This Directive should aim at ensuring a high level of	(78) This Directive should aim at ensuring a high level of	(78) This Directive should aim at ensuring a high level of	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	responsibility for the cybersecurity risk management measures and reporting obligations at the level of the organisations. For these reasons, the management bodies of the entities falling within the scope of this Directive should approve the cybersecurity risk measures and supervise their implementation.	responsibility for the cybersecurity risk management measures and reporting obligations at the level of the organisations. For these reasons, the management bodies of the entities falling within the scope of this Directive should approve the cybersecurity risk measures and supervise their implementation.	responsibility for the cybersecurity risk management measures and reporting obligations at the level of the organisations. For these reasons, the management bodies of the entities falling within the scope of this Directive should approve the cybersecurity risk measures and supervise their implementation.	
Recital 79				
89	(79) A peer-review mechanism should be introduced, allowing the assessment by experts designated by the Member States of the implementation of cybersecurity policies, including the level of Member States' capabilities and available resources.	(79) A peer-review mechanism should be introduced, allowing the assessment by <u>independent</u> experts designated by the Member States, of the implementation of cybersecurity policies, including the level of Member States' capabilities and available resources. <u>Peer-reviews can lead to valuable insights and recommendations strengthening the overall cybersecurity capabilities. In particular, they can contribute in facilitating the transfer of technologies, tools, measures and processes among the Member States involved in the peer-review, creating a functional path for the sharing of best</u>	(79) A peer-review mechanism <u>peer-learning system</u> should be introduced <u>to help strengthen mutual trust and learn from good practices and experiences</u> , allowing the assessment <u>peer exchanges</u> by experts designated by the Member States of <u>on</u> the implementation of cybersecurity policies. <u>When implementing the peer-learning system, particular consideration should be given to ensure that it does not place unnecessary or disproportionate burden on the relevant Member States' authorities. The Commission should explore all possibilities to potentially guarantee the financial</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<p><u>practices across Member States with different levels of maturity in cybersecurity, and enabling the establishment of a high, common level of cybersecurity across the Union. The peer-review should be preceded by a self-assessment by the Member State under review, covering the reviewed aspects and any additional targeted issues communicated by the designated experts to the Member State under peer-review prior to the commencement of the process. The Commission, in cooperation with ENISA and the Cooperation Group, should develop templates for the self-assessment of the reviewed aspects in order to streamline the process and avoid procedural inconsistencies and delays, which Member States under peer-review should complete and provide to the designated experts carrying out the peer-review prior to the commencement of the peer-review process.</u></p>	<p><u>coverage of the costs that may be resulting from the organisation of peer learning missions. Furthermore, the peer-learning system should take account of the results of similar mechanisms, such as the peer-review system of the CSIRTs network, add value and avoid duplication. The implementation of the peer-learning system should be without prejudice to national or Union laws on protection of confidential and classified information. Prior to the commencement of the peer-learning rounds, including the level of Member States' capabilities and available resources can carry out a self-assessment of the relevant aspects. Upon request from the Cooperation Group, ENISA can provide guidance on the self-assessment and relevant templates, where necessary. Member States could decide to make their respective reports publicly available.</u></p>	
Recital 80				
90				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>(80) In order to take into account new cyber threats, technological developments or sectorial specificities, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the elements in relation to risk management measures required by this Directive. The Commission should also be empowered to adopt delegated acts establishing which categories of essential entities shall be required to obtain a certificate and under which specific European cybersecurity certification schemes. 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 Inter-institutional 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</p>	<p>(80) In order to take into account new cyber threats, technological developments or sectorial specificities, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the elements in relation to <u>cybersecurity</u> risk management measures <u>and reporting obligations</u> required by this Directive. The Commission should also be empowered to adopt delegated acts establishing which categories of essential <u>and important</u> entities shall be required to obtain a certificate and under which specific European cybersecurity certification schemes. 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 Inter-institutional 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</p>	<p>(80) In order to take into account new cyber threats, technological developments or sectorial specificities, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the elements in relation to risk management measures required by this Directive. The Commission should also be empowered to adopt delegated acts establishing which categories of essential entities shall be required to obtain a certificate and under which specific European cybersecurity certification schemes. 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 Inter-institutional Agreement of 13 April 2016 on Better Law-Making. 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'</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>1. OJ L 123, 12.5.2016, p. 1.</p>	<p>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>1. OJ L 123, 12.5.2016, p. 1.</p>	<p>experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>1. OJ L 123, 12.5.2016, p. 1.</p>	
Recital 81				
91	<p>(81) In order to ensure uniform conditions for the implementation of the relevant provisions of this Directive concerning the procedural arrangements necessary for the functioning of the Cooperation Group, the technical elements related to risk management measures or the type of information, the format and the procedure of incident notifications, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.¹</p> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of</p>	<p>(81) In order to ensure uniform conditions for the implementation of the relevant provisions of this Directive concerning the procedural arrangements necessary for the functioning of the Cooperation Group, the technical elements related to risk management measures or the type of information, the format and the procedure of incident notifications, 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>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of</p>	<p>(81) In order to ensure uniform conditions for the implementation of the relevant provisions of this Directive concerning the procedural arrangements necessary for the functioning of the Cooperation Group, the technical elements related to risk management measures or the type of information, the format and the procedure of incident notifications, <u>the categories of entities that are to be required to use certain certified ICT products, services and processes</u>, 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</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	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).	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).	Council. ¹ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	
Recital 82				
92	(82) The Commission should periodically review this Directive, in consultation with interested parties, in particular with a view to determining the need for modification in the light of changes to societal, political, technological or market conditions.	(82) The Commission should periodically review this Directive, in consultation with interested parties, in particular with a view to determining the need for modification <u>whether it is appropriate to propose amendments</u> in the light of changes to societal, political, technological or market conditions. <u>As part of those reviews, the Commission should assess the relevance of the sectors, subsectors and types of entities referred to in the annexes for the functioning of the economy and society in relation to cybersecurity. The Commission should assess, inter alia, whether digital providers that are classified as</u>	(82) The Commission should periodically review this Directive, in consultation with interested parties, in particular with a view to determining the need for modification in the light of changes to societal, political, technological or market conditions.	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<p><u>very large online platforms within the meaning of Article 25 of Regulation (EU) XXXX/XXXX /Single Market For Digital Services (Digital Services Act) or as gatekeepers as defined in Article 2, point 1 of Regulation (EU) XXXX/XXXX /Contestable and fair markets in the digital sector (Digital Markets Act)], should be designated as essential entities under this Directive. Furthermore, the Commission should assess whether it is appropriate to amend Annex I to the Directive 2020/1828 of the European Parliament and of the Council¹ by adding a reference to this Directive.</u></p> <p><u>I. Directive 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC (OJ L 409, 4.12.2020, p.1).</u></p>		
Recital 82a				
92a		<p><u>(82a) This Directive lays down cybersecurity requirements for Member States as well as essential</u></p>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<u>and important entities established in the Union. Those cybersecurity requirements should also be applied by the Union institutions, bodies, offices and agencies on the basis of a Union legislative act.</u>		
Recital 82b				
92b		<u>(82b) This Directive creates new tasks for ENISA, thereby enhancing its role, and could also result in ENISA being required to carry out its existing tasks under Regulation (EU) 2019/881 to a higher standard than before. In order to ensure that ENISA has the necessary financial and human resources to carry out existing and new activities under its tasks, as well as to satisfy any higher standard resulting from its enhanced role, its budget should be increased accordingly. In addition, in order to ensure the efficient use of resources, ENISA should be given greater flexibility in the way that it is permitted to allocate resources internally, so as to enable it to carry out its tasks, and to satisfy expectations,</u>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<u>effectively.</u>		
Recital 83				
93	(83) Since the objective of this Directive, namely to achieve a high common level of cybersecurity in the Union, 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 European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.	(83) Since the objective of this Directive, namely to achieve a high common level of cybersecurity in the Union, 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 European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.	(83) Since the objective of this Directive, namely to achieve a high common level of cybersecurity in the Union, 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 European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.	
Recital 84				
94	(84) This Directive respects the fundamental rights, and observes the principles, recognised by the Charter of Fundamental Rights of the European Union, in particular the right to respect for private life and communications, the	(84) This Directive respects the fundamental rights, and observes the principles, recognised by the Charter of Fundamental Rights of the European Union , in particular the right to respect for private life and communications, the	(84) This Directive respects the fundamental rights, and observes the principles, recognised by the Charter of Fundamental Rights of the European Union, in particular the right to respect for private life and communications, the	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	protection of personal data, the freedom to conduct a business, the right to property, the right to an effective remedy before a court and the right to be heard. This Directive should be implemented in accordance with those rights and principles,	protection of personal data, the freedom to conduct a business, the right to property, the right to an effective remedy before a court and the right to be heard. This <u>includes the right to an effective remedy before a court for the recipients of services provided by essential and important entities.</u> This Directive should be implemented in accordance with those rights and principles.	protection of personal data, the freedom to conduct a business, the right to property, the right to an effective remedy before a court and the right to be heard. This Directive should be implemented in accordance with those rights and principles,	
Formula				
95	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	
CHAPTER I				
96	CHAPTER I General provisions	CHAPTER I General provisions	CHAPTER I General provisions	
Article 1				
97	Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter	
Article 1(1)				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
98	1. This Directive lays down measures with a view to ensuring a high common level of cybersecurity within the Union.	1. This Directive lays down measures with a view to ensuring a high common level of cybersecurity within the Union.	1. This Directive lays down measures with a view to ensuring a high common level of cybersecurity within the Union <u>so as to improve the functioning of the internal market</u> .	
Article 1(2), introductory part				
99	2. To that end, this Directive:	2. To that end, this Directive:	2. To that end, this Directive:	
Article 1(2), point (a)				
100	(a) lays down obligations on Member States to adopt national cybersecurity strategies, designate competent national authorities, single points of contact and computer security incident response teams (CSIRTs);	(a) lays down obligations on Member States to adopt national cybersecurity strategies, designate competent national authorities, single points of contact and computer security incident response teams (CSIRTs);	(a) lays down obligations on Member States to adopt national cybersecurity strategies, designate competent national authorities, single points of contact and computer security incident response teams (CSIRTs);	
Article 1(2), point (b)				
101	(b) lays down cybersecurity risk management and reporting obligations for entities of a type referred to as essential entities in Annex I and important entities in Annex II;	(b) lays down cybersecurity risk management and reporting obligations for entities of a type referred to as essential entities in Annex I and important entities in Annex II;	(b) lays down cybersecurity risk management and reporting obligations for entities of a type referred to as essential entities in Annex <u>in Annexes</u> I and important entities in Annex II;	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 1(2), point (c)				
102	(c) lays down obligations on cybersecurity information sharing.	(c) lays down obligations on cybersecurity information sharing.	(c) lays down <u>rules and</u> obligations on cybersecurity information sharing.	
Article 1(2), point (ca)				
102a		<u>(ca) lays down supervision and enforcement obligations on Member States.</u>		
Article 2				
103	Article 2 Scope	Article 2 Scope	Article 2 Scope	
Article 2(1)				
104	1. This Directive applies to public and private entities of a type referred to as essential entities in Annex I and as important entities in Annex II. This Directive does not apply to entities that qualify as micro and small enterprises within the meaning of Commission Recommendation 2003/361/EC. ¹	1. This Directive applies to public and private <u>essential and important</u> entities of a type referred to as essential entities in Annex I and as important entities in Annex II <u>that provide their services or carry out their activities within the Union</u> . This Directive does not apply to entities	1. This Directive applies to public and private entities of a type referred to as essential entities in Annex I and as important entities in Annex II. This Directive does not apply to entities that qualify as micro and small enterprises within the meaning of Commission Recommendation 2003/361/EC <u>the</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>1. Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).</p>	<p>that qualify as micro and small enterprises within the meaning of small enterprises or <u>microenterprises within the meaning of Article 2(2) and (3) of the Annex to</u> Commission Recommendation 2003/361/EC^{1, +} <u>Article 3(4) of the Annex of that Recommendation is not applicable.</u></p> <p>1. Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).</p>	<p><u>types listed in Annexes I and II which meet or exceed the ceilings for medium-sized enterprises within the meaning of Commission Recommendation 2003/361/EC¹. Article 3(4) and Article 6(2) second and third subparagraphs of the Annex to that Recommendation shall not apply for the purposes of this Directive.</u>⁺</p> <p>1. Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).</p>	
Article 2(2), introductory part				
105	<p>2. However, regardless of their size, this Directive also applies to entities referred to in Annexes I and II, where:</p>	<p>2. However, Regardless of their size, this Directive also applies to entities referred to in Annexes I and H <u>essential and important entities</u>, where:</p>	<p>2. However, Regardless of their size, this Directive also applies to <u>the size of the</u> entities referred to in Annexes I and II, <u>paragraph 1, this Directive also applies</u> where:</p>	
Article 2(2), point (a), introductory part				
106	<p>(a) the services are provided by one of the following entities:</p>	<p>(a) the services are provided by one of the following entities:</p>	<p>(a) the services are provided by one of the following entities:</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 2(2), point (a)(i)				
107	(i) public electronic communications networks or publicly available electronic communications services referred to in point 8 of Annex I;	(i) public electronic communications networks or publicly available electronic communications services referred to in point 8 of Annex I;	(i) <u>providers of</u> public electronic communications networks or publicly available electronic communications services referred to in point 8 of Annex I;	
Article 2(2), point (a)(ii)				
108	(ii) trust service providers referred to point 8 of Annex I;	(ii) trust service providers referred to point 8 of Annex I;	(ii) <u>qualified</u> trust service providers referred to <u>in</u> point 8 <u>XX</u> of Annex I;	
Article 2(2), point (a)(IIa)				
108a			<u>iii non-qualified trust service providers referred to in point XX of Annex I;</u>	
Article 2(2), point (a)(iii)				
109	(iii) top-level domain name registries and domain name system (DNS) service providers referred to in point 8 of Annex I;	(iii) top-level domain name registries and domain name system (DNS) service providers referred to in point 8 of Annex I;	(iii) <u>iv</u> top-level domain name registries and domain name system (DNS) service providers referred to in point 8 of Annex I;	
Article 2(2), point (b)				
110				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	(b) the entity is a public administration entity as defined in point 23 of Article 4;	(b) the entity is a public administration entity as defined in point 23 of Article 4;	(b) the entity is a public administration entity as defined in point 23 of Article 4;	
Article 2(2), point (c)				
111	(c) the entity is the sole provider of a service in a Member State;	(c) the entity is the sole provider of a service in a Member State;	(c) the entity is the sole provider <u>in a Member State of a service which is essential for the maintenance of critical societal or economic activities</u> of a service in a Member State;	
Article 2(2), point (d)				
112	(d) a potential disruption of the service provided by the entity could have an impact on public safety, public security or public health;	(d) a potential disruption of the service provided by the entity could have an impact on public safety, public security or public health;	(d) a potential disruption of the service provided by the entity could have a <u>a significant</u> impact on public safety, public security or public health;	
Article 2(2), point (e)				
113	(e) a potential disruption of the service provided by the entity could induce systemic risks, in particular for the sectors where such disruption could have a cross-border impact;	(e) a potential disruption of the service provided by the entity could induce systemic risks, in particular for the sectors where such disruption could have a cross-border impact;	(e) a potential disruption of the service provided by the entity could induce <u>a significant</u> systemic risks, in particular for the sectors where such disruption could have a cross-border impact;	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 2(2), point (f)				
114	(f) the entity is critical because of its specific importance at regional or national level for the particular sector or type of service, or for other interdependent sectors in the Member State;	(f) the entity is critical because of its specific importance at regional or national level for the particular sector or type of service, or for other interdependent sectors in the Member State;	(f) the entity is critical because of its specific importance at regional or national level for the particular sector or type of service, or for other interdependent sectors in the Member State;	
Article 2(2), point (g)				
115	(g) the entity is identified as a critical entity pursuant to Directive (EU) XXXX/XXXX of the European Parliament and of the Council ¹ [Resilience of Critical Entities Directive], or as an entity equivalent to a critical entity pursuant to Article 7 of that Directive. 1. [insert the full title and OJ publication reference when known]	(g) the entity is identified as a critical entity pursuant to Directive (EU) XXXX/XXXX of the European Parliament and of the Council ¹ [Resilience of Critical Entities Directive], or as an entity equivalent to a critical entity pursuant to Article 7 of that Directive. 1. [insert the full title and OJ publication reference when known]	(g) the entity is identified as a critical entity pursuant to Directive (EU) XXXX/XXXX of the European Parliament and of the Council ¹ [Resilience of Critical Entities Directive], <u>or</u> as an entity equivalent to a critical entity pursuant to Article 7 of that Directive ¹ .	
Article 2(2), first paragraph -a				
115a			<u>2a Regardless of their size, this Directive also applies to public administration entities of central governments recognised as such in a Member State in accordance</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>with national law and referred to in point 9 of Annex I. Member States may establish that this Directive also applies to public administration entities at regional and local levels.</u>	
Article 2(2), first paragraph				
116	Member States shall establish a list of entities identified pursuant to points (b) to (f) and submit it to the Commission by [6 months after the transposition deadline]. Member States shall review the list, on a regular basis, and at least every two years thereafter and, where appropriate, update it.	Member States shall establish a list of entities identified pursuant to points (b) to (f) and submit it to the Commission by [6 months after the transposition deadline]. Member States shall review the list, on a regular basis, and at least every two years thereafter and, where appropriate, update it.	Member States shall establish a list of entities identified pursuant to points (b) to (f) and submit it to the Commission by [6 months after the transposition deadline]. Member States shall review the list, on a regular basis, and at least every two years thereafter and, where appropriate, update it.	
Article 2(2), first paragraph a				
116a		<u>By ... [6 months after the transposition deadline], Member States shall establish a list of essential and important entities, including the entities referred to in paragraph 1 and the entities identified pursuant to paragraph 2, points (b) to (f) and Article 24 (1). Member States shall review and, where appropriate update,</u>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<u>that list, on a regular basis, and at least every two years thereafter.</u>		
Article 2(2), first paragraph b				
116b		<u>Member States shall ensure that essential and important entities submit at least the following information to competent authorities:</u> <u>(a) the name of the entity;</u> <u>(b) address and up-to-date contact details, including email addresses, IP ranges, telephone numbers; and</u> <u>(c) the relevant sector(s) and subsector(s) referred to in Annexes I and II.</u> <u>The essential and important entities shall notify any changes to the details submitted pursuant to the first subparagraph without delay, and, in any event, within two weeks from the date on which the change takes effect. To that end, the Commission, with the assistance of ENISA, shall without undue delay issue guidelines and templates regarding the obligations set out in this paragraph.</u>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 2(2), first paragraph c				
116c		<p><u>By ...[6 months after the transposition deadline] and every two years thereafter, Member States shall notify:</u></p> <p><u>(a) the Commission and the Cooperation Group of the number of all essential and important entities identified for each sector and subsector referred to in Annexes I and II, and</u></p> <p><u>(b) the Commission, of the names of the entities identified pursuant to paragraph 2, points (b) to (f).</u></p>		
Article 2(3)				
117	3. This Directive is without prejudice to the competences of Member States concerning the maintenance of public security, defence and national security in compliance with Union law.	3. This Directive is without prejudice to the competences of Member States concerning the maintenance of public security, defence and national security in compliance with Union law.	3. This Directive is without prejudice to the competences of Member States concerning the maintenance of public security, defence and national security in compliance with Union <u>law Member States' responsibilities to safeguard national security or their power to safeguard other essential State functions, including ensuring the territorial</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>integrity of the State and maintaining law and order.</u>	
Article 2(3a), introductory part				
117a			<u>3a. (1) This Directive does not apply to:</u>	
Article 2(3a), point (a), introductory part				
117b			<u>(a) entities that fall outside the scope of Union law and in any event all 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 private entity, without prejudice to point (2);</u>	
Article 2(3a), point (a)(1), introductory part				
117c			<u>(b) entities that carry out activities in the areas of the judiciary, parliaments or central banks.</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 2(3a), point (a)(1)(i), introductory part				
117d			<u>(2) Where public administration entities carry out activities in these areas only as part of their overall activities, they shall be excluded in their entirety from the scope of this Directive.</u>	
Article 2(3a), point (a)(1)(i), first indent				
117e				
Article 2(3b), introductory part				
117f			<u>3aa. This Directive does not apply to:</u>	
Article 2(3b), point (a)				
117g			<u>(i) 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;</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 2(3b), point (b)				
117h			<u>(ii) activities of entities in the judiciary, the parliaments, central banks and in the area of public security, including public administration entities carrying out law enforcement activities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties.</u>	
Article 2(3c)				
117i			<u>3aaa. 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.</u>	
Article 2(3d)				
117j			<u>3aaaa. This Directive is without prejudice to Union law on the protection of personal data, in particular Regulation (EU)</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>2016/679 and Directive 2002/58/EC.</u>	
Article 2(3e)				
117k			<u>3b. This Directive does not apply to entities which are exempted from the Regulation (EU) XXXX/XXXX of the European Parliament and of the Council [the DORA Regulation] in accordance with Art 2 para 4 of the DORA Regulation.</u>	
Article 2(4)				
118	<p>4. This Directive applies without prejudice to Council Directive 2008/114/EC¹ and Directives 2011/93/EU² and 2013/40/EU³ of the European Parliament and of the Council.</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). 2. Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual</p>	<p>4. This Directive applies without prejudice to Council Directive 2008/114/EC¹ and Directives 2011/93/EU²and, 2013/40/EU³ <u>and 2002/58/EC⁴</u> of the European Parliament and of the Council.</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). 2. Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual</p>	<p>4. This Directive applies without prejudice to Council Directive 2008/114/EC⁴ and Directives 2011/93/EU²¹ and 2013/40/EU³² of the European Parliament and of the Council.</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) <u>2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of</u></p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).</p> <p>3. Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA (OJ L 218, 14.8.2013, p. 8).</p>	<p>abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).</p> <p>3. Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA (OJ L 218, 14.8.2013, p. 8).</p> <p><u>4. 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 (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).</u></p>	<p><u>children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).</u></p> <p>2. Directive 2011/93/EU <u>2013/40/EU</u> of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography; <u>12 August 2013 on attacks against information systems</u> and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1) <u>2005/222/JHA (OJ L 218, 14.8.2013, p. 8).</u></p> <p>3. Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA (OJ L 218, 14.8.2013, p. 8).</p>	
Article 2(5)				
119	<p>5. 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</p>	<p>5. 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</p>	<p>5. 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 <u>according to this Directive</u> only where that exchange is necessary for the application of this Directive. The information exchanged shall be limited to that</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	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 essential or important entities.	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 essential or important entities.	which is relevant and proportionate to the purpose of that exchange. The exchange of information shall preserve the confidentiality of that information and protect the security and commercial interests of essential or important entities.	
Article 2(6)				
120	6. Where provisions of sector-specific acts of Union law require essential or important entities either to adopt cybersecurity risk management measures or to notify incidents or significant cyber threats, and where those requirements are at least equivalent in effect to the obligations laid down in this Directive, the relevant provisions of this Directive, including the provision on supervision and enforcement laid down in Chapter VI, shall not apply.	6. Where provisions of sector-specific acts of Union law require essential or important entities either to adopt cybersecurity risk management measures or to notify incidents or significant cyber threats , and where those requirements are at least equivalent in effect to the obligations laid down in this Directive, the relevant provisions of this Directive, including the provision on supervision and enforcement laid down in Chapter VI, shall not apply. <u>The Commission shall, without undue delay, issue guidelines in relation to the implementation of the sector-specific acts of Union law in order to ensure that cybersecurity requirements established by this</u>	6. Where provisions of sector-specific acts of Union law require essential or important entities either to adopt cybersecurity risk management measures or to notify incidents or significant cyber threats, and where those requirements are at least equivalent in effect to the obligations laid down in this Directive, the relevant provisions of this Directive, including the provision on supervision and enforcement laid down in Chapter VI, shall not apply.	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<u>Directive are fulfilled by those acts and that there is no overlap or legal uncertainty. When preparing those guidelines, the Commission shall take into account the best practices and expertise of ENISA and the Cooperation Group.</u>		
Article 2(6a)				
120a		<u>6a. Essential and important entities, CSIRTs and providers of security technologies and services, shall process personal data, to the extent strictly necessary and proportionate for the purposes of cybersecurity and network and information security, to meet the obligations set out in this Directive. That processing of personal data under this Directive shall be carried out in compliance with Regulation (EU) 2016/679, in particular Article 6 thereof.</u>		
Article 2(6b)				
120b		<u>6b. The processing of personal data pursuant to this Directive by providers of public electronic communications networks or</u>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<u>providers of publicly available electronic communications referred to in Annex I, point 8, shall be carried out in accordance with Directive 2002/58/EC.</u>		
Article 2a				
120c			<u>Article 2bis</u> <u>Essential and important entities</u>	
Article 2a(1), introductory part				
120d			<u>1. Of the entities to which this Directive applies, the following shall be considered essential:</u>	
Article 2a(1), point (a)				
120e			<u>(i) entities of a type provided for in points 1 to 8a and 10 of Annex I to this Directive which exceed the ceilings for medium-sized enterprises as defined in Commission Recommendation 2003/361/EC;</u>	
Article 2a(1), point (b)				
120f				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>(ii) medium-sized entities referred to in Article 2(2), points (a) (i);</u>	
Article 2a(1), point (c)				
120g			<u>(iii) entities referred to in Article 2(2), points (a) (ii) and (iv) of this Directive, irrespective of the size;</u>	
Article 2a(1), point (d)				
120h			<u>(iv) entities referred to in Article 2(2) point (g) and Article 2(2a) of this Directive, irrespective of the size;</u>	
Article 2a(1), point (e)				
120i			<u>(v) if established by the Member States, entities which the Member States identified before the entry into force of this Directive as operators of essential services in accordance with Directive (EU) 2016/1148 or national law;</u>	
Article 2a(1), point (f)				
120j			<u>(vi) entities which exceed the</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>ceilings for medium-sized enterprises as defined in Commission Recommendation 2003/361/EC of the type provided for in Annex II that Member States determine that are essential on the basis of criteria referred to in Article 2(2), points (c) to (e);</u>	
Article 2a(1), point (g)				
120k			<u>(vii) medium-sized entities within the meaning of Commission Recommendation 2003/361/EC that Member States determine that are essential on the basis of criteria referred to in Article 2(2), points (c) to (e);</u>	
Article 2a(1), point (h)				
120l			<u>(viii) micro or small-sized entities within the meaning of Commission Recommendation 2003/361/EC provided for in paragraph (2), point (a) (i) or identified pursuant to paragraph (2), points (c) to (e) of this Article that Member States determine that are essential on the basis of national risk assessments.</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 2a(2), introductory part				
120m			<u>2. The entities to which this Directive applies, the following shall be considered important entities:</u>	
Article 2a(2), point (a)				
120n			<u>(i) entities of a type provided for in Annex I to this Directive which qualify as medium-sized enterprises within the meaning of Commission Recommendation 2003/361/EC and entities of the type provided for in Annex II which meet or exceed the ceilings for medium-sized enterprises within the meaning of Commission Recommendation 2003/361/EC¹;</u> <u>1. Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition off micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).</u>	
Article 2a(2), point (b)				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
120o			<u>(ii) entities referred to in Article 2(2) point (iii) of this Directive, irrespective of the size;</u>	
Article 2a(2), point (c)				
120p			<u>(iii) small and micro entities referred to in Article 2(2) (a) (i);</u>	
Article 2a(2), point (d)				
120q			<u>(iv) small and micro entities that Member States determine that are important entities on the basis of Article 2(2)(c) to (e).</u>	
Article 2b				
120r			<u>Article 2a</u> <u>Notification mechanisms</u>	
Article 2b(1)				
120s			<u>1. Member States may establish national mechanism for self-notification that require all entities under the scope of this Directive to submit at least their</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>name, address, contact details, the sector in which they operate or type of service that they provide and, where applicable, the list of Member States where they provide services subject to this Directive, to the competent authorities under this Directive or bodies designated for this purpose by the Member States.</u>	
Article 2b(2)				
120t			<u>2. Member States shall submit to the Commission in relation to the entities that they identified pursuant to Article 2(2) points (b) to (e), at least relevant information on the number of identified entities, the sector they belong to or type of service they provide as per the Annexes, and the specific provision(s) of Article 2(2) based on which they were identified by [12 months after the transposition deadline of this Directive]. Member States shall review this information on a regular basis, and at least every two years thereafter and, where appropriate, update it.</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 2c				
120u			<u>Article 2b</u> <u>Sector-specific Union acts</u>	
Article 2c(1)				
120v			<u>1. Where sector-specific Union legal acts require essential or important entities to adopt cybersecurity risk management measures or to notify significant incidents or cyber threats, and where those requirements are at least equivalent in effect to the obligations laid down in this Directive, the relevant provisions of this Directive, including the provisions on supervision and enforcement laid down in Chapter VI, shall not apply to such entities. If sector-specific Union legal acts do not cover all entities in a specific sector falling within the scope of this Directive, the relevant provisions of this Directive shall continue to apply to the entities not covered by those sector-specific provisions.</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 2c(2), introductory part				
120w			<u>2. The requirements referred in paragraph 1 of this Article shall be considered equivalent in effect to the obligations laid down in this Directive if the respective sector specific Union act provides for immediate access, where appropriate automatic and direct, to the incident notifications by the competent authorities under this Directive or the designated CSIRTs and if:</u>	
Article 2c(2), point (a)				
120x			<u>(a) cybersecurity risk management measures, are at least equivalent in effect to those laid down in Article 18 (1) and (2) of this Directive; or</u>	
Article 2c(2), point (b)				
120y			<u>(b) requirements to notify significant incidents are at least equivalent in effect to those laid down in Article 20 (1) to (6).</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 2c(3)				
120z			<u>3. The Commission shall periodically review the application of the equivalent effect requirements provided for in paragraphs 1 and 2 of this Article in relation to sector-specific provisions of Union legal acts. The Commission shall consult the Cooperation Group and ENISA when preparing those periodical reviews.</u>	
Article 3				
121	Article 3 Minimum harmonisation	Article 3 Minimum harmonisation	Article 3 Minimum harmonisation	
Article 3, first paragraph				
122	Without prejudice to their other obligations under Union law, Member States may, in accordance with this Directive, adopt or maintain provisions ensuring a higher level of cybersecurity.	Without prejudice to their other obligations under Union law, Member States may, in accordance with this Directive, adopt or maintain provisions ensuring a higher level of cybersecurity.	Without prejudice to their other obligations under Union law, Member States may, in accordance with this Directive, adopt or maintain provisions ensuring a higher level of cybersecurity <u>in the areas covered by this Directive.</u>	
Article 4				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
123	Article 4 Definitions	Article 4 Definitions	Article 4 Definitions	
Article 4, first paragraph, introductory part				
124	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 4, first paragraph, point (1), introductory part				
125	(1) ‘network and information system’ means:	(1) ‘network and information system’ means:	(1) ‘network and information system’ means:	
Article 4, first paragraph, point (1)(a)				
126	(a) an electronic communications network within the meaning of Article 2(1) of Directive (EU) 2018/1972;	(a) an electronic communications network within the meaning of Article 2(1) of Directive (EU) 2018/1972;	(a) an electronic communications network within the meaning of Article 2(1) of Directive (EU) 2018/1972;	
Article 4, first paragraph, point (1)(b)				
127	(b) any device or group of inter-connected or related devices, one or more of which, pursuant to a program, perform automatic processing of digital data;	(b) any device or group of inter-connected or related devices, one or more of which, pursuant to a program, perform automatic processing of digital data;	(b) any device or group of inter-connected or related devices, one or more of which, pursuant to a program, perform automatic processing of digital data;	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 4, first paragraph, point (1)(c)				
128	(c) digital data stored, processed, retrieved or transmitted by elements covered under points (a) and (b) for the purposes of their operation, use, protection and maintenance;	(c) digital data stored, processed, retrieved or transmitted by elements covered under points (a) and (b) for the purposes of their operation, use, protection and maintenance;	(c) digital data stored, processed, retrieved or transmitted by elements covered under points (a) and (b) for the purposes of their operation, use, protection and maintenance;	
Article 4, first paragraph, point (2)				
129	(2) ‘security of network and information systems’ means the ability of network and information systems to resist, at a given level of confidence, any action that compromises the availability, authenticity, integrity or confidentiality of stored or transmitted or processed data or the related services offered by, or accessible via, those network and information systems;	(2) ‘security of network and information systems’ means the ability of network and information systems to resist, at a given level of confidence, any action that compromises the availability, authenticity, integrity or confidentiality of stored or transmitted or processed data or the related services offered by, or accessible via, those network and information systems;	(2) ‘security of network and information systems’ means the ability of network and information systems to resist, at a given level of confidence, any action that compromises <u>event that may compromise</u> the availability, authenticity, integrity or confidentiality of stored or transmitted or processed data or <u>of</u> the related services offered by, or accessible via, those network and information systems;	
Article 4, first paragraph, point (2a)				
129a			<u>(2a) ‘electronic communications services’ means electronic communications services within</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>the meaning of Article 2(4) of Directive (EU) 2018/1972;</u>	
Article 4, first paragraph, point (3)				
130	<p>(3) ‘cybersecurity’ means cybersecurity within the meaning of Article 2(1) of Regulation (EU) 2019/881 of the European Parliament and of the Council¹;</p> <p>1. Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act))(OJ L 151, 7.6.2019, p.15).</p>	<p>(3) ‘cybersecurity’ means cybersecurity within the meaning of Article 2(1) of Regulation (EU) 2019/881 of the European Parliament and of the Council¹;</p> <p>1. Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act))(OJ L 151, 7.6.2019, p.15).</p>	<p>(3) ‘cybersecurity’ means cybersecurity within the meaning of Article 2(1) of Regulation (EU) 2019/881 of the European Parliament and of the Council¹;</p> <p>1. Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act))(OJ L 151, 7.6.2019, p.15).</p>	
Article 4, first paragraph, point (4)				
131	<p>(4) ‘national strategy on cybersecurity’ means a coherent framework of a Member State providing strategic objectives and priorities on the security of network and information systems in that Member State;</p>	<p>(4) ‘national strategy on cybersecurity’ means a coherent framework of a Member State providing strategic objectives and priorities on the security of network and information systems in that Member State;</p>	<p>(4) ‘national strategy on cybersecurity-’ <u>strategy</u> means a coherent framework of a Member State providing <u>a governance to achieve</u> strategic objectives and priorities on the security of network and information systems<u>in the area of cybersecurity</u> in that Member State;</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 4, first paragraph, point (4a)				
131a		<u>(4a) ‘near miss’ means an event which could have compromised the availability, authenticity, integrity or confidentiality of data, or could have caused harm, but was successfully prevented from producing their negative impact;</u>		
Article 4, first paragraph, point (5)				
132	(5) ‘incident’ means any event compromising the availability, authenticity, integrity or confidentiality of stored, transmitted or processed data or of the related services offered by, or accessible via, network and information systems;	(5) ‘incident’ means any event compromising the availability, authenticity, integrity or confidentiality of stored, transmitted or processed data or of the related services offered by, or accessible via, network and information systems;	(5) ‘incident’ means any event compromising the availability, authenticity, integrity or confidentiality of stored, transmitted or processed data or of the related services offered by, or accessible via, network and information systems;	
Article 4, first paragraph, point (5a)				
132a			<u>(5a) ‘large-scale cybersecurity incident’ means an incident with a significant impact on at least two Member States or whose disruption exceeds a Member State’s capacity to respond to it.</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 4, first paragraph, point (6)				
133	(6) ‘incident handling’ means all actions and procedures aiming at detection, analysis and containment of and a response to an incident;	(6) ‘incident handling’ means all actions and procedures aiming at <u>prevention</u> , detection, analysis, and containment of and a response to an incident;	(6) ‘incident handling’ means all actions and procedures aiming at detection, analysis and containment of and a response to an incident;	
Article 4, first paragraph, point (6a)				
133a			<u>(6a) ‘risk’ means the potential for loss or disruption caused by an incident and shall be expressed as a combination of the magnitude of such loss or disruption and the likelihood of occurrence of said incident.</u>	
Article 4, first paragraph, point (7)				
134	(7) ‘cyber threat’ means a cyber threat within the meaning Article 2(8) of Regulation (EU) 2019/881;	(7) ‘cyber threat’ means a cyber threat within the meaning Article 2(8) of Regulation (EU) 2019/881;	(7) ‘cyber threat’ means a cyber threat within the meaning Article 2(8) of Regulation (EU) 2019/881;	
Article 4, first paragraph, point (7a)				
134a			<u>(7a) ‘significant cyber threat’ means a cyber threat which, based</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>on its technical characteristics, can be assumed to have the potential to severely impact the network and information systems of an entity or its users by causing considerable material or non-material losses;</u>	
Article 4, first paragraph, point (7a)				
134b		<u>(7a) ‘risk’ means the potential for loss or disruption caused by an incident and is to be expressed as a combination of the magnitude of such loss or disruption and the likelihood of occurrence of that incident;</u>		
Article 4, first paragraph, point (8)				
135	(8) ‘vulnerability’ means a weakness, susceptibility or flaw of an asset, system, process or control that can be exploited by a cyber threat;	(8) ‘vulnerability’ means a weakness, susceptibility or flaw of an asset, system, process or control that can be exploited by a cyber threat;	(8) ‘vulnerability’ means a weakness, susceptibility or flaw of an asset, system, process or control <u>ICT asset or a system</u> that can be exploited by a cyber threat;	
Article 4, first paragraph, point (8a)				
135a			<u>(8a) ‘near misses’ means an event that could potentially have caused</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u><i>harm to the network and information systems of an entity or its users, but was successfully prevented from fully transpiring;</i></u>	
Article 4, first paragraph, point (9)				
136	(9) ‘representative’ means any natural or legal person established in the Union explicitly designated to act on behalf of i) a DNS service provider, a top-level domain (TLD) name registry, a cloud computing service provider, a data centre service provider, a content delivery network provider as referred to in point 8 of Annex I or ii) entities referred to in point 6 of Annex II that are not established in the Union, which may be addressed by a national competent authority or a CSIRT instead of the entity with regard to the obligations of that entity under this Directive;	(9) ‘representative’ means any natural or legal person established in the Union explicitly designated to act on behalf of i) a DNS service provider, a top-level domain (TLD) name registry, a cloud computing service provider, a data centre service provider, a content delivery network provider as referred to in point 8 of Annex I or ii) entities referred to in point 6 of Annex II that are not established in the Union, which may be addressed by a national competent authority or a CSIRT instead of the entity with regard to the obligations of that entity under this Directive;	(9) ‘representative’ means any natural or legal person established in the Union explicitly designated to act on behalf of i) a DNS service provider, a top-level domain (TLD) name registry, a cloud computing service provider, a data centre service provider, a content delivery network provider as referred to in point 8 of Annex I or ii) entities referred to in point 6 of Annex II that are not established in the Union, which may be addressed by a national competent authority or a CSIRT instead of the entity with regard to the obligations of that entity under this Directive;	
Article 4, first paragraph, point (10)				
137	(10) ‘standard’ means a standard within the meaning of Article 2(1) of Regulation (EU) No 1025/2012 of the European Parliament and of	(10) ‘standard’ means a standard within the meaning of Article 2(1) of Regulation (EU) No 1025/2012 of the European Parliament and of	(10) ‘standard’ means a standard within the meaning of Article 2(1) of Regulation (EU) No 1025/2012 of the European Parliament and of	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>the Council¹;</p> <p>1. Regulation (EU) No 1025/2012 of the European Parliament and of the Council 25 October 2012 on European standardization, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p.12).</p>	<p>the Council¹;</p> <p>1. Regulation (EU) No 1025/2012 of the European Parliament and of the Council 25 October 2012 on European standardization, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p.12).</p>	<p>the Council¹;</p> <p>1. Regulation (EU) No 1025/2012 of the European Parliament and of the Council 25 October 2012 on European standardization, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p.12).</p>	
Article 4, first paragraph, point (11)				
138	<p>(11) ‘technical specification’ means a technical specification within the meaning of Article 2(4) of Regulation (EU) No 1025/2012;</p>	<p>(11) ‘technical specification’ means a technical specification within the meaning of Article 2(4) <u>as defined in Article 2, point (20)</u> of Regulation (EU) No 1025/2012 <u>No 2019/881</u>;</p>	<p>(11) ‘technical specification’ means a technical specification within the meaning of Article 2(4) of Regulation (EU) No 1025/2012;</p>	
Article 4, first paragraph, point (12)				
139	<p>(12) ‘internet exchange point (IXP)’ means a network facility which enables the interconnection of more than two independent networks (autonomous systems), primarily for the purpose of</p>	<p>(12) ‘internet exchange point (IXP)’ means a network facility which enables the interconnection of more than two independent networks (autonomous systems), primarily for the purpose of</p>	<p>(12) ‘internet exchange point (IXP)’ means a network facility which enables the interconnection of more than two independent networks (autonomous systems), primarily for the purpose of</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	facilitating the exchange of internet traffic; an IXP provides interconnection only for autonomous systems; an IXP does not require the internet traffic passing between any pair of participating autonomous systems to pass through any third autonomous system, nor does it alter or otherwise interfere with such traffic;	facilitating the exchange of internet traffic; an IXP provides interconnection only for autonomous systems; an IXP does not require the internet traffic passing between any pair of participating autonomous systems to pass through any third autonomous system, nor does it alter or otherwise interfere with such traffic;	facilitating the exchange of internet traffic; an IXP provides interconnection only for autonomous systems; an IXP does not require the internet traffic passing between any pair of participating autonomous systems to pass through any third autonomous system, nor does it alter or otherwise interfere with such traffic;	
Article 4, first paragraph, point (13)				
140	(13) ‘domain name system (DNS)’ means a hierarchical distributed naming system which allows end-users to reach services and resources on the internet;	(13) ‘domain name system (DNS)’ means a hierarchical distributed naming system which allows end-users to reach <u>enables the identification of internet services and resources, allowing end-user devices to utilise</u> on the internet routing and connectivity services, to reach those services and resources ;	(13) ‘domain name system (DNS)’ means a hierarchical distributed naming system which allows end-users to reach services and resources on the internet;	
Article 4, first paragraph, point (14)				
141	(14) ‘DNS service provider’ means an entity that provides recursive or authoritative domain name resolution services to internet	(14) ‘DNS service provider’ means an entity that provides recursive or authoritative domain name resolution services to	(14) ‘DNS service provider’ means an entity that provides recursive or authoritative domain name resolution services to internet	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	end-users and other DNS service providers;	internet end-users and other DNS service providers;	end-users and other DNS service providers <u>for third-party usage, with the exception of the root name servers</u> ;	
Article 4, first paragraph, point (14a)				
141a		<u>(14a) open and public recursive domain name resolution services to internet end-users; or</u>		
Article 4, first paragraph, point (14b)				
141b		<u>(14b) authoritative domain name resolution services as a service procurable by third-party entities;</u>		
Article 4, first paragraph, point (15)				
142	(15) ‘top–level domain name registry’ means an entity which has been delegated a specific TLD and is responsible for administering the TLD including the registration of domain names under the TLD and the technical operation of the TLD, including the operation of its name servers, the maintenance of its databases and the distribution of TLD zone files across name	(15) ‘top–level domain name registry’ means an entity which has been delegated a specific TLD and is responsible for administering the TLD including the registration of domain names under the TLD and the technical operation of the TLD, including the operation of its name servers, the maintenance of its databases and the distribution of TLD zone files across name	(15) ‘top–level domain name registry’ means an entity which has been delegated a specific TLD and is responsible for administering the TLD including the registration of domain names under the TLD and the technical operation of the TLD, including the operation of its name servers, the maintenance of its databases and the distribution of TLD zone files across name	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	servers;	servers, <u>irrespective of whether any of those operations are being performed by the entity or are outsourced</u> ;	servers, <u>while excluding the situations where top-level domain names are used by a registry only for own use</u> ;	
Article 4, first paragraph, point (15a)				
142a		<u>(15a) 'domain name registration services' means services provided by domain name registries and registrars, privacy or proxy registration service providers, domain brokers or resellers, and any other services which are related to the registration of domain names</u> ;		
Article 4, first paragraph, point (15a)				
142b			<u>(15a) 'entities providing domain name registration services for the TLD' means TLD name registries, registrars for the TLDs and agents of registrars such as resellers and providers of proxy services</u> ;	
Article 4, first paragraph, point (16)				
143	(16) 'digital service' means a service within the meaning of	(16) 'digital service' means a service within the meaning of	(16) 'digital service' means a service within the meaning of	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	Article 1(1)(b) of Directive (EU) 2015/1535 of the European Parliament and of the Council ¹ ; 1. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L. 241, 17.9.2015, p.1).	Article 1(1)(b) of Directive (EU) 2015/1535 of the European Parliament and of the Council ¹ ; 1. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L. 241, 17.9.2015, p.1).	Article 1(1)(b) of Directive (EU) 2015/1535 of the European Parliament and of the Council ¹ ; 1. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L. 241, 17.9.2015, p.1).	
Article 4, first paragraph, point (16a)				
143a			<u>(16a) ‘trust services’ means trust services within the meaning of Article 3(16) of Regulation (EU) No 910/2014;</u>	
Article 4, first paragraph, point (16b)				
143b			<u>(16b) ‘qualified trust service provider’ means a qualified trust service provider within the meaning of Article 3(20) of Regulation (EU) No 910/2014;</u>	
Article 4, first paragraph, point (17)				
144	(17) ‘online marketplace’ means a digital service within the meaning	(17) ‘online marketplace’ means a digital service within the meaning	(17) ‘online marketplace’ means a digital service within the meaning	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>of Article 2 point (n) of Directive 2005/29/EC of the European Parliament and of the Council¹;</p> <p>1. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (OJ L 149, 11.6.2005, p. 22).</p>	<p>of Article 2 point (n) of Directive 2005/29/EC of the European Parliament and of the Council¹;</p> <p>1. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (OJ L 149, 11.6.2005, p. 22).</p>	<p>of Article 2 point (n) of Directive 2005/29/EC of the European Parliament and of the Council¹;</p> <p>1. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (OJ L 149, 11.6.2005, p. 22).</p>	
Article 4, first paragraph, point (18)				
145	<p>(18) 'online search engine' means a digital service within the meaning of Article 2(5) of Regulation (EU) 2019/1150 of the European Parliament and of the Council¹;</p> <p>1. Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57).</p>	<p>(18) 'online search engine' means a digital service within the meaning of Article 2(5) of Regulation (EU) 2019/1150 of the European Parliament and of the Council¹;</p> <p>1. Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57).</p>	<p>(18) 'online search engine' means a digital service within the meaning of Article 2(5) of Regulation (EU) 2019/1150 of the European Parliament and of the Council¹;</p> <p>1. Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57).</p>	
Article 4, first paragraph, point (19)				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
146	(19) ‘cloud computing service’ means a digital service that enables on-demand administration and broad remote access to a scalable and elastic pool of shareable and distributed computing resources;	(19) ‘cloud computing service’ means a digital service that enables on-demand administration and broad remote access to a scalable and elastic pool of shareable and distributed computing resources;	(19) ‘cloud computing service’ means a digital service that enables on-demand administration and broad remote access to a scalable and elastic pool of shareable and <u>computing resources, including when those are</u> distributed computing resources <u>over several locations</u> ;	
Article 4, first paragraph, point (20)				
147	(20) ‘data centre service’ means a service that encompasses structures, or groups of structures, dedicated to the centralised accommodation, interconnection and operation of information technology and network equipment providing data storage, processing and transport services together with all the facilities and infrastructures for power distribution and environmental control;	(20) ‘data centre service’ means a service that encompasses structures, or groups of structures, dedicated to the centralised accommodation, interconnection and operation of information technology and network equipment providing data storage, processing and transport services together with all the facilities and infrastructures for power distribution and environmental control;	(20) ‘data centre service’ means a service that encompasses structures, or groups of structures, dedicated to the centralised accommodation, interconnection and operation of information technology and network equipment providing data storage, processing and transport services together with all the facilities and infrastructures for power distribution and environmental control;	
Article 4, first paragraph, point (21)				
148	(21) ‘content delivery network’ means a network of geographically distributed servers for the purpose	(21) ‘content delivery network’ means a network of geographically distributed servers for the purpose	(21) ‘content delivery network’ means a network of geographically distributed servers for the purpose	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	of ensuring high availability, accessibility or fast delivery of digital content and services to internet users on behalf of content and service providers;	of ensuring high availability, accessibility or fast delivery of digital content and services to internet users on behalf of content and service providers;	of ensuring high availability, accessibility or fast delivery of digital content and services to internet users on behalf of content and service providers;	
Article 4, first paragraph, point (22)				
149	(22) ‘social networking services platform’ means a platform that enables end-users to connect, share, discover and communicate with each other across multiple devices, and in particular, via chats, posts, videos and recommendations);	(22) ‘social networking services platform’ means a platform that enables end-users to connect, share, discover and communicate with each other across multiple devices, and in particular, via chats, posts, videos and recommendations);	(22) ‘social networking services platform’ means a platform that enables end-users to connect, share, discover and communicate with each other across multiple devices, and in particular, via chats, posts, videos and recommendations);	
Article 4, first paragraph, point (23), introductory part				
150	(23) ‘public administration entity’ means an entity in a Member State that complies with the following criteria:	(23) ‘public administration entity’ means an entity in a Member State that complies with the following criteria:	(23) -‘public administration entity’ means, an entity <u>recognised as such</u> in a Member State <u>in accordance with national law</u> , that complies with the following criteria:	
Article 4, first paragraph, point (23)(a)				
151	(a) it is established for the purpose of meeting needs in the general	(a) it is established for the purpose of meeting needs in the general	(a) it is established for the purpose of meeting needs in the general	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	interest and does not have an industrial or commercial character;	interest and does not have an industrial or commercial character;	interest and does not have an industrial or commercial character;	
Article 4, first paragraph, point (23)(b)				
152	(b) it has legal personality;	(b) it has legal personality;	(b) it has legal personality <u>or it is entitled by law to act on behalf of another entity with legal personality</u> ;	
Article 4, first paragraph, point (23)(c)				
153	(c) it is financed, for the most part, by the State, regional authority, or by other bodies governed by public law; or it is subject to management supervision by those authorities or bodies; or it has an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional authorities, or by other bodies governed by public law;	(c) it is financed, for the most part, by the State, regional authority, or by other bodies governed by public law; or it is subject to management supervision by those authorities or bodies; or it has an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional authorities, or by other bodies governed by public law;	(c) it is financed, for the most part, by the State, regional authority, or by other bodies governed by public law; or it is subject to management supervision by those authorities or bodies; or it has an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional authorities, or by other bodies governed by public law;	
Article 4, first paragraph, point (23)(d)				
154	(d) it has the power to address to natural or legal persons administrative or regulatory decisions affecting their rights in	(d) it has the power to address to natural or legal persons administrative or regulatory decisions affecting their rights in	(d) it has the power to address to natural or legal persons administrative or regulatory decisions affecting their rights in	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	the cross-border movement of persons, goods, services or capital.	the cross-border movement of persons, goods, services or capital.	the cross-border movement of persons, goods, services or capital.	
Article 4, first paragraph, point (23), first paragraph				
155	Public administration entities that carry out activities in the areas of public security, law enforcement, defence or national security are excluded.	Public administration entities that carry out activities in the areas of public security, law enforcement, defence or national security are excluded.		
Article 4, first paragraph, point (23a)				
155a		<u>(23a) ‘public electronic communications network’ means a public electronic communications network as defined in Article 2, point (8) of Directive (EU) 2018/1972;</u>		
Article 4, first paragraph, point (23b)				
155b		<u>(23b) ‘electronic communications service’ means a electronic communications service as defined in Article 2, point (4) of Directive (EU) 2018/1972;</u>		
Article 4, first paragraph, point (24)				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
156	(24) ‘entity’ means any natural or legal person created and recognised as such under the national law of its place of establishment, which may, acting under its own name, exercise rights and be subject to obligations;	(24) ‘entity’ means any natural or legal person created and recognised as such under the national law of its place of establishment, which may, acting under its own name, exercise rights and be subject to obligations;	(24) ‘entity’ means any natural or legal person created and recognised as such under the national law of its place of establishment, which may, acting under its own name, exercise rights and be subject to obligations;	
Article 4, first paragraph, point (25)				
157	(25) ‘essential entity’ means any entity of a type referred to as an essential entity in Annex I;	(25) ‘essential entity’ means any entity of a type referred to as an essential entity in Annex I;	(25) ‘essential entity’ means any entity of a type referred to as an essential entity in Annex I <u>provided for in the Annex I and designated as ‘essential’ in accordance with Article 2bis(1)</u> ;	
Article 4, first paragraph, point (26)				
158	(26) ‘important entity’ means any entity of a type referred to as an important entity in Annex II.	(26) ‘important entity’ means any entity of a type referred to as an important entity in Annex II.	(26) ‘important entity’ means any entity of a type referred to as an <u>the type provided for in Annexes I and II and designated ‘important entity in Annex II’ in accordance with Article 2bis(2)</u> .	
Article 4, first paragraph, point (26a)				
158a			<u>(26a) ‘ICT product’ means an</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>ICT product within the meaning of Article 2(12) of Regulation (EU) 2019/881;</u>	
Article 4, first paragraph, point (26b)				
158b			<u>(26aa) 'ICT service' means an ICT service within the meaning of Article 2(13) of Regulation (EU) 2019/881;</u>	
Article 4, first paragraph, point (26c)				
158c			<u>(26ab) 'ICT process' means an ICT process within the meaning of Article 2(14) of Regulation (EU) 2019/881.</u>	
Article 4, first paragraph, point (26d)				
158d			<u>(26ac) 'Managed service provider' means any entity that delivers services, such as network, application, infrastructure and security, via ongoing and regular management, support and active administration on customers' premises, in their MSP's data centre (hosting), or in a third-party data centre.</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 4, first paragraph, point (26e), introductory part				
158e			<p><u>(26ad) ‘Managed security service provider’ means any entity which provides outsourced monitoring and management of security devices and systems. Common services include managed firewall, intrusion detection, virtual private network, vulnerability scanning and anti-viral services.</u></p> <p><u>It also includes the use of high-availability security operation centres (either from their own facilities or from other data centre providers) to provide 24/7 services designed to reduce the number of operational security personnel an enterprise needs to hire, train and retain to maintain an acceptable security posture.</u></p>	
Article 4, first paragraph, point (26e)(i)				
158f				
CHAPTER II				
159	CHAPTER II	CHAPTER II	CHAPTER II	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	Coordinated cybersecurity regulatory frameworks	Coordinated cybersecurity regulatory frameworks	Coordinated cybersecurity regulatory frameworks	
Article 5				
160	Article 5 National cybersecurity strategy	Article 5 National cybersecurity strategy	Article 5 National cybersecurity strategy	
Article 5(1), introductory part				
161	1. Each Member State shall adopt a national cybersecurity strategy defining the strategic objectives and appropriate policy and regulatory measures, with a view to achieving and maintaining a high level of cybersecurity. The national cybersecurity strategy shall include, in particular, the following:	1. Each Member State shall adopt a national cybersecurity strategy defining the strategic objectives, <u>the required technical, organisational and financial resources to achieve those objectives, as well as the</u> and appropriate policy and regulatory measures, with a view to achieving and maintaining a high level of cybersecurity. The national cybersecurity strategy shall include, in particular, the following:	1. Each Member State shall adopt a national cybersecurity strategy defining the strategic objectives and appropriate policy and regulatory measures, with a view to achieving and maintaining a high level of cybersecurity. The national cybersecurity strategy shall include, in particular, the following:	
Article 5(1), point (a)				
162	(a) a definition of objectives and priorities of the Member States' strategy on cybersecurity;	(a) a definition of objectives and priorities of the Member States' <u>State's</u> strategy on	(a) a definition of objectives and priorities of the Member States' strategy on cybersecurity;	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		cybersecurity;		
Article 5(1), point (b)				
163	(b) a governance framework to achieve those objectives and priorities, including the policies referred to in paragraph 2 and the roles and responsibilities of public bodies and entities as well as other relevant actors;	(b) a governance framework to achieve those objectives and priorities, including the policies referred to in paragraph 2 and the roles and responsibilities of public bodies and entities as well as other relevant actors;	(b) a governance framework to achieve those objectives and priorities, including the policies referred to in paragraph 2 and the roles and responsibilities of public bodies and entities as well as other relevant actors;	
Article 5(1), point (ba)				
163a		<u>(ba) a framework allocating the roles and responsibilities of public bodies and entities as well as other relevant actors, underpinning the cooperation and coordination, at the national level, between the competent authorities designated pursuant to Articles 7(1) and Article 8(1), the single point of contact designated pursuant to Article 8(3), and the CSIRTs designated pursuant to Article 9;</u>		
Article 5(1), point (c)				
164	(c) an assessment to identify	(c) an assessment to identify	(c) an assessment <u>guidance</u> to	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	relevant assets and cybersecurity risks in that Member State;	relevant assets and cybersecurity risks in that Member State;	identify relevant assets and <u>assess</u> cybersecurity risks in that Member State;	
Article 5(1), point (d)				
165	(d) an identification of the measures ensuring preparedness, response and recovery to incidents, including cooperation between the public and private sectors;	(d) an identification of the measures ensuring preparedness, response and recovery to incidents, including cooperation between the public and private sectors;	(d) an identification of the measures ensuring preparedness, response and recovery to incidents, including cooperation between the public and private sectors;	
Article 5(1), point (e)				
166	(e) a list of the various authorities and actors involved in the implementation of the national cybersecurity strategy;	(e) a list of the various authorities and actors involved in the implementation of the national cybersecurity strategy, <u>including a cybersecurity single point of contact for SMEs that provides support for implementing the specific cybersecurity measures</u> ;	(e) a list of the various authorities and actors involved in the implementation of the national cybersecurity strategy;	
Article 5(1), point (f)				
167	(f) a policy framework for enhanced coordination between the competent authorities under this Directive and Directive (EU) XXXX/XXXX of the European	(f) a policy framework for enhanced coordination between the competent authorities under this Directive and Directive (EU) XXXX/XXXX of the European	(f) a policy framework for enhanced coordination between the competent authorities under this Directive and Directive (EU) XXXX/XXXX of the European	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>Parliament and of the Council¹ [Resilience of Critical Entities Directive] for the purposes of information sharing on incidents and cyber threats and the exercise of supervisory tasks.</p> <p>1. [insert the full title and OJ publication reference when known]</p>	<p>Parliament and of the Council¹ [Resilience of Critical Entities Directive], <u>both within and between Member States</u>, for the purposes of information sharing on incidents and cyber threats and the exercise of supervisory tasks.</p> <p>1. [insert the full title and OJ publication reference when known]</p>	<p>Parliament and of the Council¹ [Resilience of Critical Entities Directive] for the purposes of information sharing on <u>cybersecurity risks, cyber threats and incidents</u> and cyber <u>as well as on non-cyber risks</u>, threats and <u>incidents and</u> the exercise of supervisory tasks. as appropriate;</p> <p>1. [insert the full title and OJ publication reference when known]</p>	
Article 5(1), point (fa)				
167a			<p><u>(fa) policy framework for coordination and cooperation between competent authorities under this Directive and competent authorities designated under sector-specific legislation.</u></p>	
Article 5(1), point (fa)				
167b		<p><u>(fa) an assessment of the general level of cybersecurity awareness among citizens.</u></p>		
Article 5(2), introductory part				
168				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	2. As part of the national cybersecurity strategy, Member States shall in particular adopt the following policies:	2. As part of the national cybersecurity strategy, Member States shall in particular adopt the following policies:	2. As part of the national cybersecurity strategy, Member States shall in particular adopt the following policies:	
Article 5(2), point (-a)				
168a		<u>(-a) a policy addressing cybersecurity for each sector covered by this Directive;</u>		
Article 5(2), point (a)				
169	(a) a policy addressing cybersecurity in the supply chain for ICT products and services used by essential and important entities for the provision of their services;	(a) a policy addressing cybersecurity in the supply chain for ICT products and services used by essential and important entities for the provision of their services;	(a) a policy addressing cybersecurity in the supply chain for ICT products and services used by essential and important entities for the provision of their services;	
Article 5(2), point (b)				
170	(b) guidelines regarding the inclusion and specification of cybersecurity-related requirements for ICT products and service in public procurement;	(b) guidelines regarding the inclusion and specification of cybersecurity-related requirements for ICT products and service in public procurement, <u>including encryption requirements and the use of open-source cybersecurity products;</u>	(b) guidelines <u>a policy</u> regarding the inclusion and specification of cybersecurity-related requirements for ICT products and service <u>services</u> in public procurement, <u>including cybersecurity certification;</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 5(2), point (c)				
171	(c) a policy to promote and facilitate coordinated vulnerability disclosure within the meaning of Article 6;	(c) a policy to promote and facilitate coordinated vulnerability disclosure within the meaning of Article 6;	(c) a policy to promote and facilitate <u>on management of vulnerabilities, encompassing the promotion and facilitation of voluntary</u> coordinated vulnerability disclosure within the meaning of Article 66(1) ;	
Article 5(2), point (d)				
172	(d) a policy related to sustaining the general availability and integrity of the public core of the open internet;	(d) a policy related to sustaining the general availability and integrity of the public core of the open internet, <u>including cybersecurity of undersea communications cables</u> ;	(d) a policy related to sustaining the general availability, <u>integrity and confidentiality</u> and integrity of the public core of the open internet;	
Article 5(2), point (da)				
172a		<u>(da) a policy to promote and support the development and integration of emerging technologies, such as artificial intelligence, in cybersecurity-enhancing tools and applications;</u>		
Article 5(2), point (db)				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
172b		<u>(db) a policy to promote the integration of open-source tools and applications;</u>		
Article 5(2), point (e)				
173	(e) a policy on promoting and developing cybersecurity skills, awareness raising and research and development initiatives;	(e) a policy on promoting and developing cybersecurity skills, awareness raising and research and development initiatives;	(e) a policy on promoting and developing cybersecurity <u>education and training</u> , skills, awareness raising and research and development initiatives;	
Article 5(2), point (f)				
174	(f) a policy on supporting academic and research institutions to develop cybersecurity tools and secure network infrastructure;	(f) a policy on supporting academic and research institutions to develop, <u>enhance and deploy</u> cybersecurity tools and secure network infrastructure;	(f) a policy on supporting academic and research institutions to develop cybersecurity tools and secure network infrastructure;	
Article 5(2), point (g)				
175	(g) a policy, relevant procedures and appropriate information-sharing tools to support voluntary cybersecurity information sharing between companies in compliance with Union law;	(g) a policy, relevant procedures and appropriate information-sharing tools to support voluntary cybersecurity information sharing between companies in compliance with Union law;	(g) a policy, relevant procedures and appropriate information-sharing tools to support voluntary cybersecurity information sharing between companies in compliance with Union law;	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 5(2), point (h)				
176	(h) a policy addressing specific needs of SMEs, in particular those excluded from the scope of this Directive, in relation to guidance and support in improving their resilience to cybersecurity threats.	(h) a policy addressing specific needs of <u>promoting cybersecurity for</u> SMEs, in particular <u>including</u> those excluded from the scope of this Directive, in relation to <u>addressing their specific needs and providing easily accessed guidance and support, including guidelines addressing supply chain challenges faced;</u> in improving their resilience to cybersecurity threats.	(h) a policy addressing specific needs of SMEs, in particular those excluded from the scope of this Directive, in relation to guidance and support in improving their resilience to cybersecurity <u>cyber</u> threats.	
Article 5(2), point (ha)				
176a		<u>(ha) a policy to promote cyber hygiene comprising a baseline set of practices and controls and raising the general cybersecurity awareness among citizens of cybersecurity threats and best practices;</u>		
Article 5(2), point (hb)				
176b		<u>(hb) a policy on promoting active cyber defence;</u>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 5(2), point (hc)				
176c		<u>(hc) a policy to help authorities develop competences and understanding of the security considerations needed to design, build and manage connected places;</u>		
Article 5(2), point (hd)				
176d		<u>(hd) a policy specifically addressing the ransomware threat and disrupting the ransomware business model;</u>		
Article 5(2), point (he)				
176e		<u>(he) a policy, including relevant procedures and governance frameworks, to support and promote the establishment of cybersecurity PPPs.</u>		
Article 5(3)				
177	3. Member States shall notify their national cybersecurity strategies to the Commission within three	3. Member States shall notify their national cybersecurity strategies to the Commission within three	3. Member States shall notify their national cybersecurity strategies to the Commission within three	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	months from their adoption. Member States may exclude specific information from the notification where and to the extent that it is strictly necessary to preserve national security.	months from their adoption. Member States may exclude specific information from the notification where and to the extent that it is strictly necessary to preserve national security.	months from their adoption. <u>In doing so</u> , Member States may exclude specific information from the notification where and to the extent that it is strictly necessary to preserve <u>elements of the strategy which relate to</u> national security.	
Article 5(4)				
178	4. Member States shall assess their national cybersecurity strategies at least every four years on the basis of key performance indicators and, where necessary, amend them. The European Union Agency for Cybersecurity (ENISA) shall assist Member States, upon request, in the development of a national strategy and of key performance indicators for the assessment of the strategy.	4. Member States shall assess their national cybersecurity strategies at least every four years on the basis of key performance indicators and, where necessary, amend them. The European Union Agency for Cybersecurity (ENISA) shall assist Member States, upon request, in the development of a national strategy and of key performance indicators for the assessment of the strategy. <u>ENISA shall provide guidance to Member States in order to align their already formulated national cybersecurity strategies with the requirements and obligations set out in this Directive.</u>	4. Member States shall assess their national cybersecurity strategies <u>on a regular basis and</u> four <u>five</u> years on the basis of key performance indicators and, where necessary, amend them. The European Union Agency for Cybersecurity (ENISA) shall assist Member States, upon <u>their</u> request, in the development of a national strategy and of key performance indicators for the assessment of the strategy.	
Article 6				
179				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	Article 6 Coordinated vulnerability disclosure and a European vulnerability registry	Article 6 Coordinated vulnerability disclosure and a European vulnerability registry <u>database</u>	Article 6 Coordinated vulnerability disclosure and a European vulnerability registry	
Article 6(1)				
180	1. Each Member State shall designate one of its CSIRTs as referred to in Article 9 as a coordinator for the purpose of coordinated vulnerability disclosure. The designated CSIRT shall act as a trusted intermediary, facilitating, where necessary, the interaction between the reporting entity and the manufacturer or provider of ICT products or ICT services. Where the reported vulnerability concerns multiple manufacturers or providers of ICT products or ICT services across the Union, the designated CSIRT of each Member State concerned shall cooperate with the CSIRT network.	1. Each Member State shall designate one of its CSIRTs as referred to in Article 9 as a coordinator for the purpose of coordinated vulnerability disclosure. The designated CSIRT shall act as a trusted intermediary, facilitating, where necessary <u>upon the request of the reporting entity</u> , the interaction between the reporting entity and the manufacturer or provider of ICT products or ICT services. Where the reported vulnerability concerns multiple manufacturers or providers of ICT products or ICT services across the Union, the designated CSIRT of each Member State concerned shall cooperate with the CSIRT network.	1. Each Member State shall designate one of its CSIRTs as referred to in Article 9 as a coordinator for the purpose of coordinated vulnerability disclosure. The designated CSIRT shall act as a trusted intermediary, facilitating, where necessary, the interaction between the reporting entity, <u>the potential vulnerability owner</u> and the manufacturer or provider of ICT products or ICT services. Where the reported vulnerability concerns multiple manufacturers or providers of ICT products or ICT services across the Union <u>Any natural or legal person may report, possibly anonymously, a vulnerability referred to in Article 4(8) to the designated CSIRT. The designated CSIRT shall ensure a diligent follow-up of the report and the confidentiality of the identity of</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<p><u>the person who reports the vulnerability. Where the reported vulnerability could potentially have significant impact on entities in more than one Member State,</u> the designated CSIRT of each Member State concerned shall, <u>where appropriate,</u> cooperate with <u>other designated CSIRTs within the CSIRTs</u>the CSIRT network.</p>	
Article 6(2)				
181	<p>2. ENISA shall develop and maintain a European vulnerability registry. To that end, ENISA shall establish and maintain the appropriate information systems, policies and procedures with a view in particular to enabling important and essential entities and their suppliers of network and information systems to disclose and register vulnerabilities present in ICT products or ICT services, as well as to provide access to the information on vulnerabilities contained in the registry to all interested parties. The registry shall, in particular, include information describing the</p>	<p>2. ENISA shall develop and maintain a European vulnerability registry<u>database leveraging the global Common Vulnerabilities and Exposures (CVE).</u> To that end, ENISA shall establish and maintain the appropriate information systems, policies and procedures, <u>and shall adopt the necessary technical and organisational measures to ensure the security and integrity of the database,</u> with a view in particular to enabling important and essential entities and their suppliers of network and information systems, <u>as well as entities which do not fall within the scope of this</u></p>	<p>2. ENISA shall develop and maintain a European vulnerability registry, <u>in consultation with the Cooperation Group.</u> To that end, ENISA shall establish and maintain the appropriate information systems, policies and procedures with a view in particular to enabling important and essential entities and their suppliers of network and information systems to disclose and register, <u>on a voluntary basis, publicly known</u> vulnerabilities present in ICT products or ICT services, as well as to provide access to the information on vulnerabilities contained in the registry to all</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	vulnerability, the affected ICT product or ICT services and the severity of the vulnerability in terms of the circumstances under which it may be exploited, the availability of related patches and, in the absence of available patches, guidance addressed to users of vulnerable products and services as to how the risks resulting from disclosed vulnerabilities may be mitigated.	<u><i>Directive, and their suppliers,</i></u> to disclose and register vulnerabilities present in ICT products or ICT services, as well as to provide. <u><i>All interested parties shall be provided</i></u> access to the information on <u><i>the</i></u> vulnerabilities contained in the registry to all interested parties. <u><i>The registry database that have patches or mitigation measures available. The database</i></u> shall, in particular, include information describing the vulnerability, the affected ICT product or ICT services and the severity of the vulnerability in terms of the circumstances under which it may be exploited, the availability of related patches and, in the. <u><i>In</i></u> absence of available patches, guidance addressed to users of vulnerable <u><i>ICT</i></u> products and <u><i>ICT</i></u> services as to how the risks resulting from disclosed vulnerabilities may be mitigated <u><i>shall be included in the database.</i></u>	interested parties. The registry shall, in particular, include information describing the vulnerability, the affected ICT product or ICT services and the severity of the vulnerability in terms of the circumstances under which it may be exploited, the availability of related patches and, in the absence of available patches, guidance <u><i>issued by national competent authorities or CSIRTs</i></u> addressed to users of vulnerable products and services as to how the risks resulting from disclosed vulnerabilities may be mitigated. <u><i>ENISA shall ensure that the European vulnerability registry uses secure and resilient communication and information infrastructure.</i></u>	
Article 7				
182	Article 7 National cybersecurity crisis	Article 7 National cybersecurity crisis	Article 7 National cybersecurity crisis	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	management frameworks	management frameworks	management frameworks	
Article 7(1)				
183	1. Each Member State shall designate one or more competent authorities responsible for the management of large-scale incidents and crises. Member States shall ensure that competent authorities have adequate resources to perform, in an effective and efficient manner, the tasks assigned to them.	1. Each Member State shall designate one or more competent authorities responsible for the management of large-scale incidents and crises. Member States shall ensure that competent authorities have adequate resources to perform, in an effective and efficient manner, the tasks assigned to them.	1. Each Member State shall designate one or more competent authorities responsible for the management of large-scale <u>cybersecurity</u> incidents and crises. Member States shall ensure that competent authorities have adequate resources to perform, in an effective and efficient manner, the tasks assigned to them. <u>Member States shall ensure coherence with the existing frameworks for general crisis management.</u>	
Article 7(1a)				
183a		<u>1a. Where a Member State designates more than one competent authority referred to in paragraph 1, it shall clearly indicate which of those competent authorities is to serve as the coordinator for the management of large-scale incidents and crises.</u>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 7(2)				
184	2. Each Member State shall identify capabilities, assets and procedures that can be deployed in case of a crisis for the purposes of this Directive.	2. Each Member State shall identify capabilities, assets and procedures that can be deployed in <u>the</u> case of a crisis for the purposes of this Directive.	2. Each Member State shall identify capabilities, assets and procedures that can be deployed in case of a crisis for the purposes of this Directive.	
Article 7(3), introductory part				
185	3. Each Member State shall adopt a national cybersecurity incident and crisis response plan where objectives and modalities in the management of large-scale cybersecurity incidents and crises are set out. The plan shall lay down, in particular, the following:	3. Each Member State shall adopt a national cybersecurity incident and crisis response plan where objectives and modalities in the management of large-scale cybersecurity incidents and crises are set out. The plan shall lay down, in particular, the following:	3. Each Member State shall adopt a national cybersecurity incident and crisis response plan where objectives and modalities in the management of large-scale cybersecurity incidents and crises are set out. The plan shall lay down, in particular, the following:	
Article 7(3), point (a)				
186	(a) objectives of national preparedness measures and activities;	(a) objectives of national preparedness measures and activities;	(a) objectives of national preparedness measures and activities;	
Article 7(3), point (b)				
187	(b) tasks and responsibilities of the national competent authorities;	(b) tasks and responsibilities of the national competent authorities;	(b) tasks and responsibilities of the national competent authorities;	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 7(3), point (c)				
188	(c) crisis management procedures and information exchange channels;	(c) crisis management procedures and information exchange channels;	(c) <u>cybersecurity</u> crisis management procedures, <u>including their integration into the general national crisis management framework</u> and information exchange channels;	
Article 7(3), point (d)				
189	(d) preparedness measures, including exercises and training activities;	(d) preparedness measures, including exercises and training activities;	(d) preparedness measures, including exercises and training activities;	
Article 7(3), point (e)				
190	(e) relevant public and private interested parties and infrastructure involved;	(e) relevant public and private interested parties and infrastructure involved;	(e) relevant public and private interested parties and infrastructure involved;	
Article 7(3), point (f)				
191	(f) national procedures and arrangements between relevant national authorities and bodies to ensure the Member State's effective participation in and	(f) national procedures and arrangements between relevant national authorities and bodies to ensure the Member State's effective participation in and	(f) national procedures and arrangements between relevant national authorities and bodies to ensure the Member State's effective participation in and	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	support of the coordinated management of large-scale cybersecurity incidents and crises at Union level.	support of the coordinated management of large-scale cybersecurity incidents and crises at Union level.	support of the coordinated management of large-scale cybersecurity incidents and crises at Union level.	
Article 7(4)				
192	4. Member States shall communicate to the Commission the designation of their competent authorities referred to in paragraph 1 and submit their national cybersecurity incident and crisis response plans as referred to in paragraph 3 within three months from that designation and the adoption of those plans. Member States may exclude specific information from the plan where and to the extent that it is strictly necessary for their national security.	4. Member States shall communicate to the Commission the designation of their competent authorities referred to in paragraph 1 and submit <u>to the EU-CyCLONe</u> their national cybersecurity incident and crisis response plans as referred to in paragraph 3 within three months from that designation and the adoption of those plans. Member States may exclude specific information from the plan where and to the extent that it is strictly necessary for their national security.	4. Member States shall communicate to <u>inform</u> the Commission <u>about</u> the designation of their competent authorities referred to in paragraph 1 and submit <u>relevant information relating to the requirements of paragraph 3 of this Article about</u> their national cybersecurity incident and crisis response plans as referred to in paragraph 3 within three months from that designation and the adoption of those plans. Member States may exclude specific information from the plan where and to the extent that it is strictly necessary for their national security, <u>public security or defence</u> .	
Article 8				
193	Article 8 National competent authorities and	Article 8 National competent authorities and	Article 8 National competent authorities and	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	single points of contact	single points of contact	single points of contact	
Article 8(1)				
194	1. Each Member State shall designate one or more competent authorities responsible for cybersecurity and for the supervisory tasks referred to in Chapter VI of this Directive. Member States may designate to that effect an existing authority or existing authorities.	1. Each Member State shall designate one or more competent authorities responsible for cybersecurity and for the supervisory tasks referred to in Chapter VI of this Directive. Member States may designate to that effect an existing authority or existing authorities.	1. Each Member State shall designate one or more competent authorities responsible for cybersecurity and for the supervisory tasks referred to in Chapter VI of this Directive. Member States may designate to that effect an existing authority or existing authorities.	
Article 8(2)				
195	2. The competent authorities referred to paragraph 1 shall monitor the application of this Directive at national level.	2. The competent authorities referred to paragraph 1 shall monitor the application of this Directive at national level.	2. The competent authorities referred to paragraph 1 shall monitor the application of this Directive at national level.	
Article 8(3)				
196	3. Each Member State shall designate one national single point of contact on cybersecurity ('single point of contact'). Where a Member State designates only one competent authority, that competent authority shall also be	3. Each Member State shall designate one <u>of the competent authorities referred to in paragraph 1 as a</u> national single point of contact on cybersecurity ('single point of contact'). Where a Member State designates only one	3. Each Member State shall designate one national single point of contact on cybersecurity ('single point of contact'). Where a Member State designates only one competent authority, that competent authority shall also be	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	the single point of contact for that Member State.	competent authority, that competent authority shall also be the single point of contact for that Member State.	the single point of contact for that Member State.	
Article 8(4)				
197	4. Each single point of contact shall exercise a liaison function to ensure cross-border cooperation of its Member State's authorities with the relevant authorities in other Member States, as well as to ensure cross-sectorial cooperation with other national competent authorities within its Member State.	4. Each single point of contact shall exercise a liaison function to ensure cross-border cooperation of its Member State's authorities with the relevant authorities in other Member States, <u>the Commission and ENISA</u> , as well as to ensure cross-sectorial cooperation with other national competent authorities within its Member State.	4. Each single point of contact shall exercise a liaison function to ensure cross-border cooperation of its Member State's authorities with the relevant authorities in other Member States, as well as to ensure cross-sectorial cooperation with other national competent authorities within its Member State.	
Article 8(5)				
198	5. Member States shall ensure that the competent authorities referred to in paragraph 1 and the single points of contact have adequate resources to carry out, in an effective and efficient manner, the tasks assigned to them and thereby to fulfil the objectives of this Directive. Member States shall ensure effective, efficient and	5. Member States shall ensure that the competent authorities referred to in paragraph 1 and the single points of contact have adequate resources to carry out, in an effective and efficient manner, the tasks assigned to them and thereby to fulfil the objectives of this Directive. Member States shall ensure effective, efficient and	5. Member States shall ensure that the competent authorities referred to in paragraph 1 and the single points of contact have adequate resources to carry out, in an effective and efficient manner, the tasks assigned to them and thereby to fulfil the objectives of this Directive. Member States shall ensure effective, efficient and	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	secure cooperation of the designated representatives in the Cooperation Group referred to in Article 12.	secure cooperation of the designated representatives in the Cooperation Group referred to in Article 12.	secure cooperation of the designated representatives in the Cooperation Group referred to in Article 12.	
Article 8(6)				
199	6. Each Member State shall notify to the Commission, without undue delay, the designation of the competent authority referred to in paragraph 1 and single point of contact referred to in paragraph 3, their tasks, and any subsequent change thereto. Each Member State shall make public their designation. The Commission shall publish the list of the designated single points of contacts.	6. Each Member State shall notify to the Commission, without undue delay, the designation of the competent authority referred to in paragraph 1 and single point of contact referred to in paragraph 3, their tasks, and any subsequent change thereto. Each Member State shall make public their designation. The Commission shall publish the list of the designated single points of contacts.	6. Each Member State shall notify to the Commission, without undue delay, the designation of the competent authority referred to in paragraph 1 and single point of contact referred to in paragraph 3, their tasks, and any subsequent change thereto. Each Member State shall make public their designation. The Commission shall publish the list of the designated single points of contacts.	
Article 9				
200	Article 9 Computer security incident response teams (CSIRTs)	Article 9 Computer security incident response teams (CSIRTs)	Article 9 Computer security incident response teams (CSIRTs)	
Article 9(1)				
201	1. Each Member State shall designate one or more CSIRTs	1. Each Member State shall designate one or more CSIRTs	1. Each Member State shall designate one or more CSIRTs	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	which shall comply with the requirements set out in Article 10(1), covering at least the sectors, subsectors or entities referred to in Annexes I and II, and be responsible for incident handling in accordance with a well-defined process. A CSIRT may be established within a competent authority referred to in Article 8.	which shall comply with the requirements set out in Article 10(1), covering at least the sectors, subsectors or entities referred to in Annexes I and II, and be responsible for incident handling in accordance with a well-defined process. A CSIRT may be established within a competent authority referred to in Article 8.	which shall comply with the requirements set out in Article 10(1), covering at least the sectors, subsectors or entities referred to in Annexes I and II, and be responsible for incident handling in accordance with a well-defined process. A CSIRT may be established within a competent authority referred to in Article 8.	
Article 9(2)				
202	2. Member States shall ensure that each CSIRT has adequate resources to carry out effectively their tasks as set out in Article 10(2).	2. Member States shall ensure that each CSIRT has adequate resources <i>and the technical capabilities necessary</i> to carry out effectively their tasks as set out in Article 10(2).	2. Member States shall ensure that each CSIRT has adequate resources to carry out effectively their tasks as set out in Article 10(2). <i>When carrying out these tasks, CSIRTs may prioritise the provision of particular services to entities based on a risk-based approach.</i>	
Article 9(3)				
203	3. Member States shall ensure that each CSIRT has at its disposal an appropriate, secure, and resilient communication and information infrastructure to exchange information with essential and	3. Member States shall ensure that each CSIRT has at its disposal an appropriate, secure, and resilient communication and information infrastructure to exchange information with essential and	3. Member States shall ensure that each CSIRT has at its disposal an appropriate, secure, and resilient communication and information infrastructure to exchange information with essential and	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	important entities and other relevant interested parties. To this end, Member States shall ensure that the CSIRTs contribute to the deployment of secure information sharing tools.	important entities and other relevant interested parties. To this end, Member States shall ensure that the CSIRTs contribute to the deployment of secure information sharing tools.	important entities and other relevant interested parties. To this end, Member States shall ensure that the CSIRTs contribute to the deployment of secure information sharing tools.	
Article 9(4)				
204	4. CSIRTs shall cooperate and, where appropriate, exchange relevant information in accordance with Article 26 with trusted sectorial or cross-sectorial communities of essential and important entities.	4. CSIRTs shall cooperate and, where appropriate, exchange relevant information in accordance with Article 26 with trusted sectorial or cross-sectorial communities of essential and important entities.	4. CSIRTs shall cooperate and, where appropriate, exchange relevant information in accordance with Article 26 with trusted sectorial or cross-sectorial communities of essential and important entities.	
Article 9(5)				
205	5. CSIRTs shall participate in peer reviews organised in accordance with Article 16.	5. CSIRTs shall participate in peer reviews organised in accordance with Article 16.	5. CSIRTs shall participate in peer reviews <u>learnings</u> organised in accordance with Article 16.	
Article 9(6)				
206	6. Member States shall ensure the effective, efficient and secure cooperation of their CSIRTs in the CSIRTs network referred to in Article 13.	6. Member States shall ensure the effective, efficient and secure cooperation of their CSIRTs in the CSIRTs network referred to in Article 13.	6. Member States shall ensure the effective, efficient and secure cooperation of their CSIRTs in the CSIRTs network referred to in Article 13.	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 9(6a)				
206a		<u>6a. Member States shall ensure the possibility of effective, efficient and secure information exchange on all classification levels between their own CSIRTs and CSIRTs from third countries on the same classification level.</u>		
Article 9(6b)				
206b		<u>6b. CSIRTs shall, without prejudice to Union law, in particular Regulation (EU) 2016/679, cooperate with CSIRTs or equivalent bodies in candidate countries and in other third countries in the Western Balkans and the Eastern Partnership and, where possible, provide them with cybersecurity assistance.</u>		
Article 9(7)				
207	7. Member States shall communicate to the Commission without undue delay the CSIRTs designated in accordance with	7. Member States shall communicate to the Commission without undue delay the CSIRTs designated in accordance with	7. Member States shall communicate to the Commission without undue delay the CSIRTs designated in accordance with	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	paragraph 1, the CSIRT coordinator designated in accordance with Article 6(1) and their respective tasks provided in relation to the entities referred to in Annexes I and II.	paragraph 1, and the CSIRT coordinator designated in accordance with Article 6(1), including and their respective tasks provided in relation to the entities referred to in Annexes I and II <u>essential and important entities</u> .	paragraph 1, the CSIRT coordinator designated in accordance with Article 6(1) and their respective tasks provided in relation to the entities referred to in Annexes I and II.	
Article 9(8)				
208	8. Member States may request the assistance of ENISA in developing national CSIRTs.	8. Member States may request the assistance of ENISA in developing national CSIRTs.	8. Member States may request the assistance of ENISA in developing national CSIRTs.	
Article 10				
209	Article 10 Requirements and tasks of CSIRTs	Article 10 Requirements, <u>technical capabilities</u> and tasks of CSIRTs	Article 10 Requirements and tasks of CSIRTs	
Article 10(1), introductory part				
210	1. CSIRTs shall comply with the following requirements:	1. CSIRTs shall comply with the following requirements:	1. CSIRTs shall comply with the following requirements:	
Article 10(1), point (a)				
211	(a) CSIRTs shall ensure a high	(a) CSIRTs shall ensure a high	(a) CSIRTs shall ensure a high	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	level of availability of their communications services by avoiding single points of failure, and shall have several means for being contacted and for contacting others at all times. CSIRTs shall clearly specify the communication channels and make them known to constituency and cooperative partners;	level of availability of their communications services by avoiding single points of failure, and shall have several means for being contacted and for contacting others at all times. CSIRTs shall clearly specify the communication channels and make them known to constituency and cooperative partners;	level of availability of their communications services <u>channels</u> by avoiding single points of failure, and shall have several means for being contacted and for contacting others at all times. CSIRTs shall clearly specify the communication channels and make them known to constituency and cooperative partners;	
Article 10(1), point (b)				
212	(b) CSIRTs' premises and the supporting information systems shall be located in secure sites;	(b) CSIRTs' premises and the supporting information systems shall be located in secure sites;	(b) CSIRTs' premises and the supporting information systems shall be located in secure sites;	
Article 10(1), point (c)				
213	(c) CSIRTs shall be equipped with an appropriate system for managing and routing requests, in particular, to facilitate effective and efficient handovers;	(c) CSIRTs shall be equipped with an appropriate system for managing and routing <u>classifying, routing and tracking</u> requests, in particular, to facilitate effective and efficient handovers;	(c) CSIRTs shall be equipped with an appropriate system for managing and routing requests, in particular, to facilitate effective and efficient handovers;	
Article 10(1), point (ca)				
213a		<u>(ca) CSIRTs shall have appropriate codes of conduct in</u>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<u><i>place to ensure the confidentiality and trustworthiness of their operations;</i></u>		
Article 10(1), point (d)				
214	(d) CSIRTs shall be adequately staffed to ensure availability at all times;	(d) CSIRTs shall be adequately staffed to ensure availability at all times <u><i>and ensure appropriate training frameworks of their staff;</i></u>	(d) CSIRTs shall be adequately staffed to ensure availability at all times;	
Article 10(1), point (e)				
215	(e) CSIRTs shall be equipped with redundant systems and backup working space to ensure continuity of its services;	(e) CSIRTs shall be equipped with redundant systems and backup working space to ensure continuity of its services, <u><i>including broad connectivity across networks, information systems, services and devices;</i></u>	(e) CSIRTs shall be equipped with redundant systems and backup working space to ensure continuity of its services;	
Article 10(1), point (f)				
216	(f) CSIRTs shall have the possibility to participate in international cooperation networks.	(f) CSIRTs shall have the possibility to participate in international cooperation networks.	(f) CSIRTs shall have the possibility to participate in international cooperation networks.	
Article 10(1a)				
216a				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<p><u>1a. CSIRTs shall develop at least the following technical capabilities:</u></p> <p><u>(a) the ability to conduct real-time or near-real-time monitoring of networks and information systems, and anomaly detection;</u></p> <p><u>(b) the ability to support intrusion prevention and detection;</u></p> <p><u>(c) the ability to collect and conduct complex forensic data analysis, and to reverse engineer cyber threats;</u></p> <p><u>(d) the ability to filter malign traffic;</u></p> <p><u>(e) the ability to enforce strong authentication and access privileges and controls; and</u></p> <p><u>(f) the ability to analyse cyber threats.</u></p>		
Article 10(2), introductory part				
217	2. CSIRTs shall have the following tasks:	2. CSIRTs shall have the following tasks:	2. CSIRTs shall have the following tasks:	
Article 10(2), point (a)				
218	(a) monitoring cyber threats, vulnerabilities and incidents at	(a) monitoring cyber threats, vulnerabilities and incidents at	(a) monitoring cyber threats, vulnerabilities and incidents at	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	national level;	national level <u>and acquiring real-time threat intelligence</u> ;	national level;	
Article 10(2), point (b)				
219	(b) providing early warning, alerts, announcements and dissemination of information to essential and important entities as well as to other relevant interested parties on cyber threats, vulnerabilities and incidents;	(b) providing early warning, alerts, announcements and dissemination of information to essential and important entities as well as to other relevant interested parties on cyber threats, vulnerabilities and incidents, <u>if possible near-real-time</u> ;	(b) providing early warning, alerts, announcements and dissemination of information to essential and important entities as well as to <u>competent authorities and</u> other relevant interested parties on cyber threats, vulnerabilities and incidents;	
Article 10(2), point (c)				
220	(c) responding to incidents;	(c) responding to incidents <u>and providing assistance to the entities involved</u> ;	(c) responding to incidents;	
Article 10(2), point (d)				
221	(d) providing dynamic risk and incident analysis and situational awareness regarding cybersecurity;	(d) providing dynamic risk and incident analysis and situational awareness regarding cybersecurity;	(d) <u>collecting and analysing forensic data and</u> providing dynamic risk and incident analysis and situational awareness regarding cybersecurity;	
Article 10(2), point (e)				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
222	(e) providing, upon request of an entity, a proactive scanning of the network and information systems used for the provision of their services;	(e) providing, upon request of an entity <u>or in the case of a serious threat to national security</u> , a proactive scanning of the network and information systems used for the provision of their services;	(e) providing, upon request of an entity, a proactive scanning of a <u>proactive scanning of the network and information systems to detect vulnerabilities with potential significant impact provided that, where there is no consent of that entity,</u> the network and information systems used for the provision of <u>are not intruded or</u> their services <u>functioning negatively impacted</u> ;	
Article 10(2), point (f)				
223	(f) participating in the CSIRTs network and providing mutual assistance to other members of the network upon their request.	(f) participating in the CSIRTs network and providing mutual assistance to other members of the network upon their request.	(f) participating in the CSIRTs network and providing mutual assistance <u>according to their capacities and competencies</u> to other members of the network upon their request.	
Article 10(2), point (fa)				
223a			<u>(fa) where applicable, acting as a coordinator for the purpose of the coordinated vulnerability disclosure process pursuant to Article 6 (1) that shall include in particular facilitating the</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>interaction between the reporting entities, the potential vulnerability owner and the manufacturer or provider of ICT products or ICT services in cases where this is necessary, identifying and contacting concerned entities, supporting reporting entities, negotiating disclosure time lines and managing vulnerabilities that affect multiple organisations (multi-party coordinated vulnerability disclosure).</u>	
Article 10(2), point (fa)				
223b		<u>(fa) providing, upon request of an entity, enabling and configuration of network logging to protect data, including personal data from unauthorised exfiltration;</u>		
Article 10(2), point (fb)				
223c		<u>(fb) contributing to the deployment of secure information sharing tools pursuant to Article 9(3).</u>		
Article 10(3)				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
224	3. CSIRTs shall establish cooperation relationships with relevant actors in the private sector, with a view to better achieving the objectives of the Directive.	3. CSIRTs shall establish cooperation relationships with relevant actors in the private sector, with a view to better achieving the objectives of the Directive.	3. CSIRTs shall establish cooperation relationships with relevant actors in the private sector, with a view to better achieving the objectives of the Directive.	
Article 10(3a)				
224a			<u>3a. CSIRTs may establish cooperation relationships with national CSIRTs of third countries. As part of this cooperation, they may exchange relevant, information, including personal data in accordance with Union law on data protection.</u>	
Article 10(4), introductory part				
225	4. In order to facilitate cooperation, CSIRTs shall promote the adoption and use of common or standardised practices, classification schemes and taxonomies in relation to the following:	4. In order to facilitate cooperation, CSIRTs shall promote <u>automation of information exchange</u> , the adoption and use of common or standardised practices, classification schemes and taxonomies in relation to the following:	4. In order to facilitate cooperation, CSIRTs shall promote the adoption and use of common or standardised practices, classification schemes and taxonomies in relation to the following:	
Article 10(4), point (a)				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
226	(a) incident handling procedures;	(a) incident handling procedures;	(a) incident handling procedures;	
Article 10(4), point (b)				
227	(b) cybersecurity crisis management;	(b) cybersecurity crisis management;	(b) cybersecurity crisis management;	
Article 10(4), point (c)				
228	(c) coordinated vulnerability disclosure.	(c) coordinated vulnerability disclosure.	(c) coordinated vulnerability disclosure.	
Article 11				
229	Article 11 Cooperation at national level	Article 11 Cooperation at national level	Article 11 Cooperation at national level	
Article 11(1)				
230	1. Where they are separate, the competent authorities referred to in Article 8, the single point of contact and the CSIRT(s) of the same Member State shall cooperate with each other with regard to the fulfilment of the obligations laid down in this Directive.	1. Where they are separate, the competent authorities referred to in Article 8, the single point of contact and the CSIRT(s) of the same Member State shall cooperate with each other with regard to the fulfilment of the obligations laid down in this Directive.	1. Where they are separate, the competent authorities referred to in Article 8, the single point of contact and the CSIRT(s) of the same Member State shall cooperate with each other with regard to the fulfilment of the obligations laid down in this Directive.	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 11(2)				
231	2. Member States shall ensure that either their competent authorities or their CSIRTs receive notifications on incidents, and significant cyber threats and near misses submitted pursuant to this Directive. Where a Member State decides that its CSIRTs shall not receive those notifications, the CSIRTs shall, to the extent necessary to carry out their tasks, be granted access to data on incidents notified by the essential or important entities, pursuant to Article 20.	2. Member States shall ensure that either their competent authorities or their CSIRTs receive notifications on <u>significant</u> incidents, and significant pursuant to Article 20 and cyber threats and near misses submitted pursuant to this Directive. Where a Member State decides that its CSIRTs shall not receive those notifications, the CSIRTs shall, to the extent necessary to carry out their tasks, be granted access to data on incidents notified by the essential or important entities, pursuant to <u>Article 20 and</u> cyber threats and near misses submitted pursuant to this Directive. Where a Member State decides that its CSIRTs shall not receive those notifications, the CSIRTs shall, to the extent necessary to carry out their tasks, be granted access to data on incidents notified by the essential or important entities, pursuant to <u>Article 27 through the single entry point referred to in</u> Article 20(4a).	2. Member States shall ensure that either their competent authorities or their CSIRTs receive notifications on incidents, and significant cyber threats and near misses submitted pursuant to this Directive. Where a Member State decides that its CSIRTs shall not receive those notifications, the CSIRTs shall, to the extent necessary to carry out their tasks, be granted access to data on incidents notified by the essential or important entities, pursuant to Article 20.	
Article 11(3)				
232	3. Each Member State shall ensure that its competent authorities or CSIRTs inform its single point of contact of notifications on incidents, significant cyber threats and near misses submitted pursuant to this Directive.	3. Each Member State shall ensure that its competent authorities or CSIRTs inform its single point of contact of notifications on incidents, significant cyber threats and near misses submitted pursuant to this Directive.	3. Each Member State shall ensure that its competent authorities or CSIRTs inform its single point of contact of notifications on incidents, significant cyber threats and near misses submitted pursuant to this Directive.	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 11(4)				
233	<p>4. To the extent necessary to effectively carry out the tasks and obligations laid down in this Directive, Member States shall ensure appropriate cooperation between the competent authorities and single points of contact and law enforcement authorities, data protection authorities, and the authorities responsible for critical infrastructure pursuant to Directive (EU) XXXX/XXXX [Resilience of Critical Entities Directive] and the national financial authorities designated in accordance with Regulation (EU) XXXX/XXXX of the European Parliament and of the Council¹ [the DORA Regulation] within that Member State.</p> <p>1. [insert the full title and OJ publication reference when known]</p>	<p>4. To the extent necessary to effectively carry out the tasks and obligations laid down in this Directive, Member States shall ensure appropriate cooperation between the competent authorities and, single points of contact, CSIRTs, and law enforcement authorities, <u>national regulatory authorities or other competent authorities responsible for public electronic communications networks or for publicly available electronic communications services pursuant to Directive (EU) 2018/1972</u>, data protection authorities, and the authorities responsible for critical infrastructure pursuant to Directive (EU) XXXX/XXXX [Resilience of Critical Entities Directive] and the national financial authorities designated in accordance with Regulation (EU) XXXX/XXXX of the European Parliament and of the Council¹ [the DORA Regulation] within that Member State <u>in line with their respective competences</u>.</p> <p>1. [insert the full title and OJ publication reference when known]</p>	<p>4. To the extent necessary to effectively carry out the tasks and obligations laid down in this Directive, Member States shall ensure appropriate cooperation between the competent authorities, <u>CSIRTs, and</u> single points of contact and <u>as well as</u> law enforcement authorities, data protection authorities, and the <u>competent</u> authorities responsible for critical infrastructure <u>designated</u> pursuant to Directive (EU) XXXX/XXXX [Resilience of Critical Entities Directive], <u>the competent authorities under Commission Implementing Regulation 2019/1583, the national regulatory authorities designated in accordance with Directive (EU) 2018/1972, the national authorities designated pursuant to Article 17 of Regulation (EU) No 910/2014, and</u> the national financial authorities designated in accordance with Regulation (EU) XXXX/XXXX of the European Parliament and of the Council¹ [the DORA Regulation], <u>as well as</u></p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<p><u>competent authorities designated by other sector-specific Union legal acts</u>, within that Member State.</p> <p><i>1. [insert the full title and OJ publication reference when known]</i></p>	
Article 11(5)				
234	<p>5. Member States shall ensure that their competent authorities regularly provide information to competent authorities designated pursuant to Directive (EU) XXXX/XXXX [Resilience of Critical Entities Directive] on cybersecurity risks, cyber threats and incidents affecting essential entities identified as critical, or as entities equivalent to critical entities, pursuant to Directive (EU) XXXX/XXXX [Resilience of Critical Entities Directive], as well as the measures taken by competent authorities in response to those risks and incidents.</p>	<p>5. Member States shall ensure that their competent authorities regularly provide <u>timely</u> information to competent authorities designated pursuant to Directive (EU) XXXX/XXXX [Resilience of Critical Entities Directive] on cybersecurity risks, cyber threats and incidents affecting essential entities identified as critical, or as entities equivalent to critical entities, pursuant to Directive (EU) XXXX/XXXX [Resilience of Critical Entities Directive], as well as the measures taken by competent authorities in response to those risks and incidents.</p>	<p>5. Member States shall ensure that their competent authorities regularly provide information <u>under this Directive and the</u> competent authorities designated pursuant to Directive (EU) XXXX/XXXX [Resilience of Critical Entities Directive] <u>regularly exchange information on the identification of critical entities</u>, on cybersecurity risks, cyber threats and incidents <u>as well as on non-cyber risks, threats and incidents</u> affecting essential entities identified as critical, <u>or</u> as entities equivalent to critical entities, <u>in</u> pursuant to Directive (EU) XXXX/XXXX [Resilience of Critical Entities Directive], as well as the measures taken by <u>in response to those risks and incidents. Member States shall</u></p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<p><u>also ensure that competent authorities under this Directive and the competent authorities designated under Regulation XXXX/XXXX [DORA Regulation], Directive 2018/1972 and Regulation (EU) 910/2014 regularly exchange relevant information.</u></p> <p><u>With regard to trust service providers and in particular in cases where that supervisory role under this Directive is assigned to a different body than the supervisory bodies designated pursuant to Regulation (EU) 910/2014, the national competent authorities under this Directive shall cooperate closely, in a timely manner, by exchanging the relevant information in order to ensure effective supervision and compliance of trust service providers with the requirements set out in this Directive and Regulation [XXXX/XXXX] and, where applicable, the national competent authority under this Directive shall, without undue delay, inform the eIDAS supervisory body about any</u></p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<i><u>notified significant cyber threat or incident with impact on trust services</u></i> <i>in response to those risks and incidents.</i>	
Article 11(5a)				
234a			<i><u>5a. For the purpose of simplifying the reporting of incidents, Member States may establish a single-entry point for all notifications required under this Directive, as well as under Regulation (EU) 2016/679 and Directive 2002/58/EC, where appropriate. Member States may use the single entry point for notifications required under other sector-specific Union legal acts. This single-entry point shall not affect the application of the provisions of Regulation (EU) 2016/679 and Directive 2002/58/EC, in particular those relating to independent supervisory authorities.</u></i>	
CHAPTER III				
235	CHAPTER III Cooperation	CHAPTER III Cooperation	CHAPTER III <u>EU</u> Cooperation	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 12				
236	Article 12 Cooperation Group	Article 12 Cooperation Group	Article 12 Cooperation Group	
Article 12(1)				
237	1. In order to support and to facilitate strategic cooperation and the exchange of information among Member States in the field of application of the Directive, a Cooperation Group is established.	1. In order to support and to facilitate strategic cooperation and the exchange of information among Member States in the field of application of the Directive, a Cooperation Group is established.	1. In order to support and to facilitate strategic cooperation and the exchange of information among Member States in the field of application of the Directive <u>as well as to strengthen trust and confidence</u> , a Cooperation Group is established.	
Article 12(2)				
238	2. The Cooperation Group shall carry out its tasks on the basis of biennial work programmes referred to in paragraph 6.	2. The Cooperation Group shall carry out its tasks on the basis of biennial work programmes referred to in paragraph 6.	2. The Cooperation Group shall carry out its tasks on the basis of biennial work programmes referred to in paragraph 6.	
Article 12(3), introductory part				
239	3. The Cooperation Group shall be composed of representatives of Member States, the Commission	3. The Cooperation Group shall be composed of representatives of Member States, the Commission	3. The Cooperation Group shall be composed of representatives of Member States, the Commission	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	and ENISA. The European External Action Service shall participate in the activities of the Cooperation Group as an observer. The European Supervisory Authorities (ESAs) in accordance with Article 17(5)(c) of Regulation (EU) XXXX/XXXX [the DORA Regulation] may participate in the activities of the Cooperation Group.	and ENISA. The European <u>Parliament and the European</u> External Action Service shall participate in the activities of the Cooperation Group as an <u>observer</u> observers . The European Supervisory Authorities (ESAs) in accordance with Article 17(5)(c) of Regulation (EU) XXXX/XXXX [the DORA Regulation] may participate in the activities of the Cooperation Group.	and ENISA. The European External Action Service shall participate in the activities of the Cooperation Group as an observer. The European Supervisory Authorities (ESAs) in accordance with Article 17(5)(c) of <u>and the competent authorities designated under</u> Regulation (EU) XXXX/XXXX [the DORA Regulation] may participate in the activities of the Cooperation Group <u>in accordance with Article 42(1) of Regulation (EU) XXXX/XXXX [the DORA Regulation]</u> .	
Article 12(3), first paragraph				
240	Where appropriate, the Cooperation Group may invite representatives of relevant stakeholders to participate in its work.	Where appropriate, the Cooperation Group may invite representatives of relevant stakeholders, <u>such as the European Data Protection Board and representatives of industry</u> , to participate in its work.	Where appropriate, the Cooperation Group may invite representatives of relevant stakeholders to participate in its work.	
Article 12(3), second paragraph				
241	The Commission shall provide the secretariat.	The Commission shall provide the secretariat.	The Commission shall provide the secretariat.	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 12(4), introductory part				
242	4. The Cooperation Group shall have the following tasks:	4. The Cooperation Group shall have the following tasks:	4. The Cooperation Group shall have the following tasks:	
Article 12(4), point (a)				
243	(a) providing guidance to competent authorities in relation to the transposition and implementation of this Directive;	(a) providing guidance to competent authorities in relation to the transposition and implementation of this Directive;	(a) providing guidance to competent authorities in relation to the transposition and implementation of this Directive;	
Article 12(4), point (aa)				
243a			<u>(aa) providing guidance in relation to the development and implementation of policies on coordinated vulnerability disclosure as referred to in Article 5(2) (c) and Article 6(1);</u>	
Article 12(4), point (b)				
244	(b) exchanging best practices and information in relation to the implementation of this Directive, including in relation to cyber threats, incidents, vulnerabilities, near misses, awareness-raising	(b) exchanging best practices and information in relation to the implementation of this Directive, including in relation to cyber threats, incidents, vulnerabilities, near misses, awareness-raising	(b) exchanging best practices and information in relation to the implementation of this Directive, including in relation to cyber threats, incidents, vulnerabilities, near misses, awareness-raising	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	initiatives, trainings, exercises and skills, building capacity as well as standards and technical specifications;	initiatives, trainings, exercises and skills, <u>capacity</u> building, <u>standards and technical specifications</u> capacity as well as standards and technical specifications <u>the identification of essential and important entities</u> ;	initiatives, trainings, exercises and skills, building capacity as well as standards and technical specifications;	
Article 12(4), point (ba)				
244a		<u>(ba) mapping the national solutions in order to promote compatibility of cybersecurity solutions applied to each specific sector across the Union;</u>		
Article 12(4), point (c)				
245	(c) exchanging advice and cooperating with the Commission on emerging cybersecurity policy initiatives;	(c) exchanging advice and cooperating with the Commission on emerging cybersecurity policy initiatives <u>and the overall consistency of sector-specific cybersecurity requirements</u> ;	(c) exchanging advice and cooperating with the Commission on emerging cybersecurity policy initiatives;	
Article 12(4), point (d)				
246	(d) exchanging advice and cooperating with the Commission on draft Commission implementing	(d) exchanging advice and cooperating with the Commission on draft Commission implementing	(d) exchanging advice and cooperating with the Commission on draft Commission implementing	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	or delegated acts adopted pursuant to this Directive;	or delegated acts adopted pursuant to this Directive;	or delegated acts adopted pursuant to this Directive;	
Article 12(4), point (e)				
247	(e) exchanging best practices and information with relevant Union institutions, bodies, offices and agencies;	(e) exchanging best practices and information with relevant Union institutions, bodies, offices and agencies;	(e) exchanging best practices and information with relevant Union institutions, bodies, offices and agencies;	
Article 12(4), point (ea)				
247a			<u>(ea) exchanging views on the implementation of sectorial legislation with cybersecurity aspects;</u>	
Article 12(4), point (f)				
248	(f) discussing reports on the peer review referred to in Article 16(7);	(f) discussing reports on the peer review referred to in Article 16(7), <u>and drawing up conclusions and recommendations;</u>	(f) discussing reports on the peer review <u>learnings</u> referred to in Article 16(7);	
Article 12(4), point (fa)				
248a		<u>(fa) carrying out coordinated security risk assessments that may be initiated pursuant to Article</u>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<u>19(1), in cooperation with the Commission and ENISA;</u>		
Article 12(4), point (g)				
249	(g) discussing results from joint-supervisory activities in cross-border cases as referred to in Article 34;	(g) discussing results from joint-supervisory activities in cross-border cases as referred to in Article 34;	(g) discussing results <u>experiences</u> from joint-supervisory activities in cross-border cases as referred to in Article 34;	
Article 12(4), point (h)				
250	(h) providing strategic guidance to the CSIRTs network on specific emerging issues;	(h) providing strategic guidance to the CSIRTs network on specific emerging issues;	(h) providing strategic guidance to the CSIRTs network <u>and EU-CyCLONe</u> on specific emerging issues;	
Article 12(4), point (ha)				
250a			<u>(ha) exchanging views on policy follow-up of large-scale cybersecurity incidents on the basis of lessons learned of the CSIRTs network and EU-CyCLONe;</u>	
Article 12(4), point (i)				
251	(i) contributing to cybersecurity	(i) contributing to cybersecurity	(i) contributing to cybersecurity	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	capabilities across the Union by facilitating the exchange of national officials through a capacity building programme involving staff from the Member States' competent authorities or CSIRTs;	capabilities across the Union by facilitating the exchange of national officials through a capacity building programme involving staff from the Member States' competent authorities or CSIRTs;	capabilities across the Union by facilitating the exchange of national officials through a capacity building programme involving staff from the Member States' competent authorities or CSIRTs;	
Article 12(4), point (j)				
252	(j) organising regular joint meetings with relevant private interested parties from across the Union to discuss activities carried out by the Group and gather input on emerging policy challenges;	(j) organising regular joint meetings with relevant private interested parties from across the Union to discuss activities carried out by the Group and gather input on emerging policy challenges;	(j) organising regular joint meetings with relevant private interested parties from across the Union to discuss activities carried out by the Group and gather input on emerging policy challenges;	
Article 12(4), point (k)				
253	(k) discussing the work undertaken in relation to cybersecurity exercises, including the work done by ENISA.	(k) discussing the work undertaken in relation to cybersecurity exercises, including the work done by ENISA.	(k) discussing the work undertaken in relation to cybersecurity exercises, including the work done by ENISA.	
Article 12(4), point (ka)				
253a			<u>(ka) establish the peer-learning mechanism in accordance with Article 16 of this Directive.</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 12(4), point (ka)				
253b		<u>(ka) submitting to the Commission for the purpose of the review referred to in Article 35 reports on the experience gained at a strategic and operational level;</u>		
Article 12(4), point (kb)				
253c		<u>(kb) providing a yearly assessment in cooperation with ENISA, Europol and national law enforcement institutions on which third countries are harbouring ransomware criminals.</u>		
Article 12(5)				
254	5. The Cooperation Group may request from the CSIRT network a technical report on selected topics.	5. The Cooperation Group may request from the CSIRT network a technical report on selected topics.	5. The Cooperation Group may request from the CSIRT network a technical report on selected topics.	
Article 12(6)				
255	6. By ... □ 24 months after the date of entry into force of this Directive□ and every two years	6. By ... □ 24 months after the date of entry into force of this Directive□ and every two years	6. By ... □ /24 months after the date of entry into force of this Directive □ and every two years	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	thereafter, the Cooperation Group shall establish a work programme in respect of actions to be undertaken to implement its objectives and tasks. The timeframe of the first programme adopted under this Directive shall be aligned with the timeframe of the last programme adopted under Directive (EU) 2016/1148.	thereafter, the Cooperation Group shall establish a work programme in respect of actions to be undertaken to implement its objectives and tasks. The timeframe of the first programme adopted under this Directive shall be aligned with the timeframe of the last programme adopted under Directive (EU) 2016/1148.	thereafter, the Cooperation Group shall establish a work programme in respect of actions to be undertaken to implement its objectives and tasks. The timeframe of the first programme adopted under this Directive shall be aligned with the timeframe of the last programme adopted under Directive (EU) 2016/1148.	
Article 12(7)				
256	7. The Commission may adopt implementing acts laying down procedural arrangements necessary for the functioning of the Cooperation Group. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(2).	7. The Commission may adopt implementing acts laying down procedural arrangements necessary for the functioning of the Cooperation Group. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(2).	7. The Commission may adopt implementing acts laying down procedural arrangements necessary for the functioning of the Cooperation Group. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(2).	
Article 12(8)				
257	8. The Cooperation Group shall meet regularly and at least once a year with the Critical Entities Resilience Group established under Directive (EU) XXXX/XXXX [Resilience of Critical Entities	8. The Cooperation Group shall meet regularly and at least one <u>twice</u> a year with the Critical Entities Resilience Group established under Directive (EU) XXXX/XXXX [Resilience of	8. The Cooperation Group shall meet regularly and at least once a year with the Critical Entities Resilience Group established under Directive (EU) XXXX/XXXX [Resilience of Critical Entities	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	Directive] to promote strategic cooperation and exchange of information.	Critical Entities Directive] to promote <u>facilitate</u> strategic cooperation and exchange of information <u>information exchange</u> .	Directive] to promote strategic cooperation and <u>facilitate</u> exchange of information.	
Article 13				
258	Article 13 CSIRTs network	Article 13 CSIRTs network	Article 13 CSIRTs network	
Article 13(1)				
259	1. In order to contribute to the development of confidence and trust and to promote swift and effective operational cooperation among Member States, a network of the national CSIRTs is established.	1. In order to contribute to the development of confidence and trust and to promote swift and effective operational cooperation among Member States, a network of the national CSIRTs is established.	1. In order to contribute to the development of confidence and trust and to promote swift and effective operational cooperation among Member States, a network of the national CSIRTs is established.	
Article 13(2)				
260	2. The CSIRTs network shall be composed of representatives of the Member States' CSIRTs and CERT-EU. The Commission shall participate in the CSIRTs network as an observer. ENISA shall provide the secretariat and shall actively support cooperation	2. The CSIRTs network shall be composed of representatives of the Member States' CSIRTs and CERT-EU. The Commission shall participate in the CSIRTs network as an observer. ENISA shall provide the secretariat and shall actively support cooperation	2. The CSIRTs network shall be composed of representatives of the Member States' CSIRTs <u>designated in accordance with Article 9</u> and CERT-EU. The Commission shall participate in the CSIRTs network as an observer. ENISA shall provide the secretariat	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	among the CSIRTs.	among the CSIRTs.	and shall actively support cooperation among the CSIRTs.	
Article 13(3), introductory part				
261	3. The CSIRTs network shall have the following tasks:	3. The CSIRTs network shall have the following tasks:	3. The CSIRTs network shall have the following tasks:	
Article 13(3), point (a)				
262	(a) exchanging information on CSIRTs' capabilities;	(a) exchanging information on CSIRTs' capabilities;	(a) exchanging information on CSIRTs' capabilities;	
Article 13(3), point (aa)				
262a		<u><i>(aa) facilitating the sharing and transferring of technology and relevant measures, policies, best practices and frameworks among the CSIRTs;</i></u>		
Article 13(3), point (b)				
263	(b) exchanging relevant information on incidents, near misses, cyber threats, risks and vulnerabilities;	(b) exchanging relevant information on incidents, near misses, cyber threats, risks and vulnerabilities;	(b) exchanging relevant information on incidents, near misses, cyber threats, risks and vulnerabilities;	
Article 13(3), point (ba)				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
263a			<u>(ba) exchanging information in regard to cybersecurity publications and recommendations;</u>	
Article 13(3), point (ba)				
263b		<u>(ba) ensuring interoperability with regard to information sharing standards;</u>		
Article 13(3), point (bb)				
263c			<u>(bb) sharing of technical solutions facilitating the technical handling of incidents;</u>	
Article 13(3), point (bc)				
263d			<u>(bc) exchanging best practices, tools and processes in regards to the tasks of the CSIRTs;</u>	
Article 13(3), point (c)				
264	(c) at the request of a representative of the CSIRT network potentially affected by an	(c) at the request of a representative of the CSIRT network potentially affected by an	(c) at the request of a representative <u>member</u> of the CSIRT <u>CSIRTs</u> network potentially	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	incident, exchanging and discussing information in relation to that incident and associated cyber threats, risks and vulnerabilities;	incident, exchanging and discussing information in relation to that incident and associated cyber threats, risks and vulnerabilities;	affected by an incident, exchanging and discussing information in relation to that incident and associated cyber threats, risks and vulnerabilities;	
Article 13(3), point (d)				
265	(d) at the request of a representative of the CSIRT network, discussing and, where possible, implementing a coordinated response to an incident that has been identified within the jurisdiction of that Member State;	(d) at the request of a representative of the CSIRT network, discussing and, where possible, implementing a coordinated response to an incident that has been identified within the jurisdiction of that Member State;	(d) at the request of a representative of the CSIRT <u>member of the CSIRTs</u> network, discussing and, where possible, implementing a coordinated response to an incident that has been identified within the jurisdiction of that Member State;	
Article 13(3), point (e)				
266	(e) providing Member States with support in addressing cross-border incidents pursuant to this Directive;	(e) providing Member States with support in addressing cross-border incidents pursuant to this Directive;	(e) providing Member States with support in addressing cross-border incidents pursuant to this Directive;	
Article 13(3), point (f)				
267	(f) cooperating and providing assistance to designated CSIRTs referred to in Article 6 with regard to the management of multiparty coordinated disclosure of	(f) cooperating and providing assistance to designated CSIRTs referred to in Article 6 with regard to the management of multiparty coordinated disclosure of	(f) cooperating, <u>exchanging best practices</u> and providing assistance to designated CSIRTs referred to in Article 6 with regard to the management of multiparty	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	vulnerabilities affecting multiple manufacturers or providers of ICT products, ICT services and ICT processes established in different Member States;	vulnerabilities affecting multiple manufacturers or providers of ICT products, ICT services and ICT processes established in different Member States;	coordinated disclosure of vulnerabilities affecting multiple manufacturers or providers of ICT products, ICT services and ICT processes established in different Member States;	
Article 13(3), point (g), introductory part				
268	(g) discussing and identifying further forms of operational cooperation, including in relation to:	(g) discussing and identifying further forms of operational cooperation, including in relation to:	(g) discussing and identifying further forms of operational cooperation, including in relation to:	
Article 13(3), point (g)(i)				
269	(i) categories of cyber threats and incidents;	(i) categories of cyber threats and incidents;	(i) categories of cyber threats and incidents;	
Article 13(3), point (g)(ii)				
270	(ii) early warnings;	(ii) early warnings;	(ii) early warnings;	
Article 13(3), point (g)(iii)				
271	(iii) mutual assistance;	(iii) mutual assistance;	(iii) mutual assistance;	
Article 13(3), point (g)(iv)				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
272	(iv) principles and modalities for coordination in response to cross-border risks and incidents;	(iv) principles and modalities for coordination in response to cross-border risks and incidents;	(iv) principles and modalities for coordination in response to cross-border risks and incidents;	
Article 13(3), point (g)(v)				
273	(v) contribution to the national cybersecurity incident and crisis response plan referred to in Article 7 (3);	(v) contribution to the national cybersecurity incident and crisis response plan referred to in Article 7 (3);	(v) contribution to the national cybersecurity incident and crisis response plan referred to in Article 7 (3) <u>at the request of a Member State</u> ;	
Article 13(3), point (h)				
274	(h) informing the Cooperation Group of its activities and of the further forms of operational cooperation discussed pursuant to point (g), where necessary, requesting guidance in that regard;	(h) informing the Cooperation Group of its activities and of the further forms of operational cooperation discussed pursuant to point (g), where necessary, requesting guidance in that regard;	(h) informing the Cooperation Group of its activities and of the further forms of operational cooperation discussed pursuant to point (g), <u>and</u> , where necessary, requesting guidance in that regard;	
Article 13(3), point (i)				
275	(i) taking stock from cybersecurity exercises, including from those organised by ENISA;	(i) taking stock from cybersecurity exercises, including from those organised by ENISA;	(i) taking stock from cybersecurity exercises, including from those organised by ENISA;	
Article 13(3), point (j)				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
276	(j) at the request of an individual CSIRT, discussing the capabilities and preparedness of that CSIRT;	(j) at the request of an individual CSIRT, discussing the capabilities and preparedness of that CSIRT;	(j) at the request of an individual CSIRT, discussing the capabilities and preparedness of that CSIRT;	
Article 13(3), point (k)				
277	(k) cooperating and exchanging information with regional and Union-level Security Operations Centres (SOCs) in order to improve common situational awareness on incidents and threats across the Union;	(k) cooperating and exchanging information with regional and Union-level Security Operations Centres (SOCs) in order to improve common situational awareness on incidents and threats across the Union;	(k) cooperating and exchanging information with regional and Union-level Security Operations Centres (SOCs) in order to improve common situational awareness on incidents and threats across the Union;	
Article 13(3), point (l)				
278	(l) discussing the peer-review reports referred to in Article 16(7);	(l) discussing the peer-review reports referred to in Article 16(7);	(l) discussing the peer-review <u>peer-learning</u> reports referred to in Article 16(7);	
Article 13(3), point (m)				
279	(m) issuing guidelines in order to facilitate the convergence of operational practices with regard to the application of the provisions of this Article concerning operational cooperation.	(m) issuing guidelines in order to facilitate the convergence of operational practices with regard to the application of the provisions of this Article concerning operational cooperation.	(m) issuing guidelines in order to facilitate the convergence of operational practices with regard to the application of the provisions of this Article concerning operational cooperation.	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 13(4)				
280	4. For the purpose of the review referred to in Article 35 and by ☐ 24 months after the date of entry into force of this Directive☐, and every two years thereafter, the CSIRTs network shall assess the progress made with the operational cooperation and produce a report. The report shall, in particular, draw conclusions on the outcomes of the peer reviews referred to in Article 16 carried out in relation to national CSIRTs, including conclusions and recommendations, pursued under this Article. That report shall also be submitted to the Cooperation Group.	4. For the purpose of the review referred to in Article 35 and by ☐ 24 months after the date of entry into force of this Directive☐, and every two years thereafter, the CSIRTs network shall assess the progress made with the operational cooperation and produce a report. The report shall, in particular, draw conclusions on the outcomes of the peer reviews referred to in Article 16 carried out in relation to national CSIRTs, including conclusions and recommendations, pursued under this Article. That report shall also be submitted to the Cooperation Group.	4. For the purpose of the review referred to in Article 35 and by ☐ 24 months after the date of entry into force of this Directive☐, and every two years thereafter, the CSIRTs network shall assess the progress made with the operational cooperation and produce a report. The report shall, in particular, draw conclusions on the outcomes of the peer reviews peer-learning referred to in Article 16 carried out in relation to national CSIRTs, including conclusions and recommendations, pursued under this Article. That report shall also be submitted to the Cooperation Group.	
Article 13(5)				
281	5. The CSIRTs network shall adopt its own rules of procedure.	5. The CSIRTs network shall adopt its own rules of procedure.	5. The CSIRTs network shall adopt its own rules of procedure.	
Article 13(6)				
281a			<u>6. The CSIRT network shall cooperate with the EU-CyCLONe</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>on the basis of agreed procedural arrangements.</u>	
Article 14				
282	Article 14 The European cyber crises liaison organisation network (EU - CyCLONe)	Article 14 The European cyber crises liaison organisation network (EU - CyCLONe)	Article 14 The European cyber crises liaison organisation network (EU - CyCLONe)	
Article 14(1)				
283	1. In order to support the coordinated management of large-scale cybersecurity incidents and crises at operational level and to ensure the regular exchange of information among Member States and Union institutions, bodies and agencies, the European Cyber Crises Liaison Organisation Network (EU - CyCLONe) is hereby established.	1. In order to support the coordinated management of large-scale cybersecurity incidents and crises at operational level and to ensure the regular exchange of <u>relevant</u> information among Member States and Union institutions, bodies and agencies, the European Cyber Crises Liaison Organisation Network (EU - CyCLONe) is hereby established.	1. In order to support the coordinated management of large-scale cybersecurity incidents and crises at operational level and to ensure the regular exchange of information among Member States and Union institutions, bodies and agencies, the European Cyber Crises Liaison Organisation Network (EU - CyCLONe) is hereby established.	
Article 14(2)				
284	2. EU-CyCLONe shall be composed of the representatives of Member States' crisis management authorities designated in	2. EU-CyCLONe shall be composed of the representatives of Member States' crisis management authorities designated in	2. EU-CyCLONe shall be composed of the representatives of Member States' <u>cyber</u> crisis management authorities designated	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	accordance with Article 7, the Commission and ENISA. ENISA shall provide the secretariat of the network and support the secure exchange of information.	accordance with Article 7, the Commission and ENISA. ENISA shall provide the secretariat of the network <u>EU-CyCLONe</u> and support the secure exchange of information.	in accordance with Article 7. The Commission and ENISA <u>shall participate in the activities of the network as an observer</u> . ENISA shall provide the secretariat of the network and support the secure exchange of information <u>as well as provide necessary tools to support cooperation between Member States ensuring secure exchange of information</u> . <u>Where appropriate, EU-CyCLONe may invite representatives of relevant stakeholders to participate in its work</u> .	
Article 14(2a)				
284a				
Article 14(3), introductory part				
285	3. EU-CyCLONe shall have the following tasks:	3. EU-CyCLONe shall have the following tasks:	3. EU-CyCLONe shall have the following tasks:	
Article 14(3), point (a)				
286	(a) increasing the level of preparedness of the management of large scale incidents and crises;	(a) increasing the level of preparedness of the management of large scale incidents and crises;	(a) increasing the level of preparedness of the management of large scale <u>cybersecurity</u> incidents	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			and crises;	
Article 14(3), point (b)				
287	(b) developing a shared situational awareness of relevant cybersecurity events;	(b) developing a shared situational awareness of relevant cybersecurity events;	(b) developing a shared situational awareness of relevant <u>for large scale</u> cybersecurity events <u>incidents and crisis</u> ;	
Article 14(3), point (ba)				
287a			<u>(ba) assessing the consequences and impact of relevant large scale cybersecurity incidents and proposing possible mitigation measures;</u>	
Article 14(3), point (c)				
288	(c) coordinating large scale incidents and crisis management and supporting decision-making at political level in relation to such incidents and crisis;	(c) coordinating large scale incidents and crisis management and supporting decision-making at political level in relation to such incidents and crisis;	(c) coordinating <u>the management of</u> large scale <u>cybersecurity</u> incidents and crisis management and supporting decision-making at political level in relation to such incidents and crisis;	
Article 14(3), point (d)				
289	(d) discussing national	(d) discussing national	(d) <u>at a request of a Member</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	cybersecurity incident and response plans referred to in Article 7(2).	cybersecurity incident and response plans referred to in Article 7(2).	<u>State</u> , discussing <u>its</u> national cybersecurity incident and <u>crisis</u> response plans referred to in Article 7(2) <u>7(3)</u> ;	
Article 14(4)				
290	4. EU-CyCLONe shall adopt its rules of procedure.	4. EU-CyCLONe shall adopt its rules of procedure.	4. EU-CyCLONe shall adopt its rules of procedure.	
Article 14(5)				
291	5. EU-CyCLONe shall regularly report to the Cooperation Group on cyber threats, incidents and trends, focusing in particular on their impact on essential and important entities.	5. EU-CyCLONe shall regularly report to the Cooperation Group on cyber threats , <u>large-scale</u> incidents and <u>crises, as well as</u> trends, focusing in particular on their impact on essential and important entities.	5. EU-CyCLONe shall regularly report to the Cooperation Group on cyber threats , <u>the management of large scale cybersecurity</u> incidents and trends <u>crisis management</u> , focusing in particular on their impact on essential and important entities.	
Article 14(6)				
292	6. EU-CyCLONe shall cooperate with the CSIRTs network on the basis of agreed procedural arrangements.	6. EU-CyCLONe shall cooperate with the CSIRTs network on the basis of agreed procedural arrangements.	6. EU-CyCLONe shall cooperate with the CSIRTs network on the basis of agreed procedural arrangements.	
Article 14(6a)				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
292a			<u>7. EU-CyCLONe shall submit to the European Parliament and the Council a report assessing its work by [24 months after the date of entering into force of this Directive].</u>	
Article 14a				
292b			<u>Article 14a</u> <u>International cooperation</u>	
Article 14a, first paragraph				
292c			<u>The Union may, where appropriate, conclude international agreements, in accordance with Article 218 TFEU, with third countries or international organisations, allowing and organising their participation in some activities of the Cooperation Group, the CSIRTs network and EU-CyCLONe, in accordance with Union law on data protection.</u>	
Article 15				
293				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	Article 15 Report on the state of cybersecurity in the Union	Article 15 Report on the state of cybersecurity in the Union	Article 15 Report on the state of cybersecurity in the Union	
Article 15(1), introductory part				
294	1. ENISA shall issue, in cooperation with the Commission, a biennial report on the state of cybersecurity in the Union. The report shall in particular include an assessment of the following:	1. ENISA shall issue, in cooperation with the Commission, a biennial report on the state of cybersecurity in the Union <u>and shall submit and present it to the European Parliament</u> . The report shall <u>be delivered in machine-readable format and shall</u> in particular include an assessment of the following:	1. ENISA shall issue, in cooperation with the Commission <u>and the Cooperation Group</u> , a biennial report on the state of cybersecurity in the Union. <u>In particular</u> , the report shall in particular include an assessment of the following:	
Article 15(1), point (aa)				
294a			<u>(aa) a Union-level cybersecurity risk assessment, taking account of the threat landscape;</u>	
Article 15(1), point (a)				
295	(a) the development of cybersecurity capabilities across the Union;	(a) the development of cybersecurity capabilities across the Union;	(a) <u>an assessment of</u> the development of cybersecurity capabilities <u>in the public and private sectors</u> across the Union;	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 15(1), point (aa)				
295a		<u>(aa) the general level of cybersecurity awareness and hygiene among citizens and entities, including SMEs, as well as the general level of security of connected devices;</u>		
Article 15(1), point (b)				
296	(b) the technical, financial and human resources available to competent authorities and cybersecurity policies, and the implementation of supervisory measures and enforcement actions in light of the outcomes of peer reviews referred to in Article 16;	(b) the technical, financial and human resources available to competent authorities and cybersecurity policies, and the implementation of supervisory measures and enforcement actions in light of the outcomes of peer reviews referred to in Article 16;	(b) the technical, financial and human resources available to competent authorities and cybersecurity policies, and the implementation of supervisory measures and enforcement actions in light of the outcomes of peer reviews referred to in Article 16;	
Article 15(1), point (c)				
297	(c) a cybersecurity index providing for an aggregated assessment of the maturity level of cybersecurity capabilities.	(c) a cybersecurity index providing for an aggregated assessment of the maturity level of cybersecurity capabilities <u>across the Union, including the alignment of Member States national cybersecurity strategies.</u>	(c) an aggregated assessment <u>based on</u> cybersecurity index <u>quantitative and qualitative indicators,</u> providing for an aggregated assessment <u>overview</u> of the maturity level of cybersecurity <u>capabilities,</u> <u>including sector-specific</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			capabilities.	
Article 15(2)				
298	2. The report shall include particular policy recommendations for increasing the level of cybersecurity across the Union and a summary of the findings for the particular period from the Agency's EU Cybersecurity Technical Situation Reports issued by ENISA in accordance with Article 7(6) of Regulation (EU) 2019/881.	2. The report shall include particular <u>identification of obstacles and</u> policy recommendations for increasing the level of cybersecurity across the Union and a summary of the findings for the particular period from the Agency's EU Cybersecurity Technical Situation Reports issued by ENISA in accordance with Article 7(6) of Regulation (EU) 2019/881.	2. The report shall include particular policy recommendations for increasing the level of cybersecurity across the Union and a summary of the findings for the particular period from the Agency's EU Cybersecurity Technical Situation Reports issued by ENISA in accordance with Article 7(6) of Regulation (EU) 2019/881.	
Article 15(2a)				
298a		<u>2a. ENISA, in cooperation with the Commission and with guidance from the Cooperation Group and the CSIRTs network, shall prepare the methodology including the relevant variables of the cybersecurity index referred to in paragraph 1, point (c).</u>		
Article 16				
299				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	Article 16 Peer-reviews	Article 16 Peer-reviews	Article 16 Peer-reviews	
Article 16(1), introductory part				
300	<p>1. The Commission shall establish, after consulting the Cooperation Group and ENISA, and at the latest by 18 months following the entry into force of this Directive, the methodology and content of a peer-review system for assessing the effectiveness of the Member States' cybersecurity policies. The reviews shall be conducted by cybersecurity technical experts drawn from Member States different than the one reviewed and shall cover at least the following:</p>	<p>1. The Commission shall establish, after consulting the Cooperation Group and ENISA, and at the latest by ... /18 months following the entry into force of this Directive[, the methodology and content of a peer-review system for assessing the effectiveness of the Member States' cybersecurity policies. The reviews<u>peer-reviews</u> shall be conducted <u>in consultation with ENISA</u> by cybersecurity technical experts drawn from <u>at least two</u> Member States different than the one reviewed and shall cover at least the following:</p>	<p>1. <u>With a view to strengthening mutual trust, achieving a high common level of cybersecurity, as well as strengthening the Member States' cybersecurity capabilities and policies necessary for effectively implementing this Directive, the Cooperation Group</u> The Commission shall establish, <u>with the support of the Commission and</u> after consulting <u>ENISA, and, where relevant, the CSIRTs network</u> the Cooperation Group and ENISA, and at the latest by 18<u>24</u> months following the entry into force of this Directive, the methodology and content of a peer review<u>for an objective, non-discriminatory and fair peer-learning</u> system for assessing the effectiveness of the Member States' cybersecurity policies. The reviews<u>concerning the Member States' implementation of this Directive. Participation in the peer-learning is voluntary. The</u></p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>system</u> shall be <u>consist of</u> <u>assessment rounds</u> conducted by cybersecurity technical experts drawn from Member States different than the one reviewed and shall cover <u>one or several of at least</u> the following <u>aspects</u> :	
Article 16(1)(i)				
301	(i) the effectiveness of the implementation of the cybersecurity risk management requirements and reporting obligations referred to in Articles 18 and 20;	(i) the effectiveness of the implementation of the cybersecurity risk management requirements and reporting obligations referred to in Articles 18 and 20;	(i) the effectiveness of the implementation of the cybersecurity risk management requirements and reporting obligations referred to in Articles 18 and 20;	
Article 16(1)(ii)				
302	(ii) the level of capabilities, including the available financial, technical and human resources, and the effectiveness of the exercise of the tasks of the national competent authorities;	(ii) the level of capabilities, including the available financial, technical and human resources, and the effectiveness of the exercise of the tasks of the national competent authorities;	(ii) the level of capabilities, including the available financial, technical and human resources, and the effectiveness of the exercise of the tasks of the national competent authorities <u>referred to in Article 8 and CSIRTs referred to in Article 9</u> ;	
Article 16(1)(iii)				
303				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	(iii) the operational capabilities and effectiveness of CSIRTs;	(iii) the operational capabilities and effectiveness of CSIRTs <u>in executing their tasks</u> ;	(iii) the operational capabilities and effectiveness of CSIRTs ;	
Article 16(1)(iii)				
304	(iv) the effectiveness of mutual assistance referred to in Article 34;	(iv) the effectiveness of mutual assistance referred to in Article 34;	(iv) <u>iii</u> the effectiveness <u>implementation</u> of mutual assistance referred to in Article 34;	
Article 16(1)(iv)				
305	(v) the effectiveness of the information-sharing framework, referred to in Article 26 of this Directive.	(v) the effectiveness of the information-sharing framework, referred to in Article 26 of this Directive.	(v) <u>(iv)</u> <u>the implementation</u> the effectiveness of the information-sharing framework, referred to in Article 26 of this Directive .	
Article 16(2)				
306	2. The methodology shall include objective, non-discriminatory, fair and transparent criteria on the basis of which the Member States shall designate experts eligible to carry out the peer reviews. ENISA and the Commission shall designate experts to participate as observers in the peer-reviews. The Commission, supported by ENISA,	2. The methodology shall include objective, non-discriminatory, fair and transparent criteria on the basis of which the Member States shall designate experts eligible to carry out the peer reviews. ENISA and the Commission shall designate experts to participate as observers in the peer-reviews. The Commission, supported by ENISA,	2. The methodology shall include objective, non-discriminatory, fair and transparent criteria on the basis of <u>criteria based on</u> which the Member States shall <u>are to</u> designate experts eligible to carry out the peer reviews. ENISA and the Commission <u>participate in the peer-learning rounds</u> shall designate experts to participate as	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	shall establish within the methodology as referred to in paragraph 1 an objective, non-discriminatory, fair and transparent system for the selection and the random allocation of experts for each peer review.	shall establish within the methodology as referred to in paragraph 1 an objective, non-discriminatory, fair and transparent system for the selection and the random allocation of experts for each peer review.	observers in the peer reviews. The Commission, supported by ENISA, be objective, non-discriminatory, fair and transparent and shall establish within <u>be included in</u> the methodology as referred to in paragraph 1 an objective, non-discriminatory, fair and transparent system for the selection and the random allocation of experts for each peer review. <u>ENISA and the Commission may designate experts to participate as observers in the peer-learning rounds.</u>	
Article 16(2a)				
306a				
Article 16(3)				
307	3. The organisational aspects of the peer reviews shall be decided by the Commission, supported by ENISA, and, following consultation of the Cooperation Group, be based on criteria defined in the methodology referred to in paragraph 1. Peer reviews shall	3. The organisational aspects of the peer reviews shall be decided by the Commission, supported by ENISA, and, following consultation of the Cooperation Group, be based on criteria defined in the methodology referred to in paragraph 1. Peer reviews shall	3. The organisational aspects of the peer reviews shall be decided by the Commission, supported by ENISA, and, following consultation of the Cooperation Group, be based on criteria defined in the methodology referred to in paragraph 1. Peer reviews shall	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	assess the aspects referred to in paragraph 1 for all Member States and sectors, including targeted issues specific to one or several Member States or one or several sectors.	assess the aspects referred to in paragraph 1 for all Member States and sectors, including targeted issues specific to one or several Member States or one or several sectors. <u>The designated experts carrying out the review shall communicate these targeted issues to the Member State under peer-review, prior to its commencement.</u>	assess the aspects referred to in paragraph 1 for all Member States and sectors, including targeted issues specific to one or several Member States or one or several sectors.	
Article 16(3a)				
307a			<u>3a. Prior to the commencement of the peer-learning rounds, Member States may carry out a self-assessment of the aspects covered by that particular peer learning round and provide that self-assessment to the designated experts referred to in paragraph 2.</u>	
Article 16(3a)				
307b		<u>3a. Prior to the commencement of the peer-review process, the Member State under to the peer-review shall carry out a self-assessment of the reviewed aspects and provide that self-assessment</u>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<u>to the designated experts.</u>		
Article 16(4)				
308	<p>4. Peer reviews shall entail actual or virtual on-site visits and off-site exchanges. In view of the principle of good cooperation, the Member States being reviewed shall provide the designated experts with the requested information necessary for the assessment of the reviewed aspects. Any information obtained through the peer review process shall be used solely for that purpose. The experts participating in the peer review shall not disclose any sensitive or confidential information obtained in the course of that review to any third parties.</p>	<p>4. Peer reviews shall entail actual or virtual on-site visits and off-site exchanges. In view of the principle of good cooperation, the Member States being reviewed shall provide the designated experts with the requested information necessary for the assessment of the reviewed aspects. <u>The Commission, in cooperation with ENISA, shall develop appropriate codes of conduct underpinning the working methods of designated experts.</u> Any information obtained through the peer review process shall be used solely for that purpose. The experts participating in the peer review shall not disclose any sensitive or confidential information obtained in the course of that review to any third parties.</p>	<p>4. Peer reviews shall<u>Peer-learnings may</u> entail actual<u>physical</u> or virtual on-site visits and off-site exchanges. In view of the principle of good cooperation, the Member States being reviewed<u>taking part in the peer-learning</u> shall provide the designated experts with the requested information necessary for the assessment, <u>without prejudice to national or Union laws concerning protection of confidential or classified information or to safeguarding essential State functions, such as national security-of the reviewed aspects.</u> Any information obtained through the peer review<u>peer-learning</u> process shall be used solely for that purpose. The experts participating in the peer review<u>peer-learning</u> shall not disclose any sensitive or confidential information obtained in <u>that context to any third parties.</u> <u>The Member State participating in</u></p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>the peer-learning may object to the designation of particular experts on duly justified grounds communicated to the Cooperation Group</u> the course of that review to any third parties.	
Article 16(5)				
309	5. Once reviewed in a Member State, the same aspects shall not be subject to further peer review within that Member State during the two years following the conclusion of a peer review, unless otherwise decided by the Commission, upon consultation with ENISA and the Cooperation Group.	5. Once reviewed in a Member State, the same aspects shall not be subject to further peer review within that Member State during the two years following the conclusion of a peer review, unless otherwise decided by the Commission, upon consultation with ENISA and the Cooperation Group.	5. Once reviewed in a Member State <u>subject to a peer-learning round</u> , the same aspects shall not be subject to further peer review within that <u>peer-learning rounds for the participating</u> Member State <u>States</u> during the two <u>four</u> years following the conclusion of a peer review <u>that peer- learning round</u> , unless otherwise decided by the Commission, upon consultation with ENISA and <u>the Member State concerned requests it or agrees upon proposal by</u> the Cooperation Group.	
Article 16(6)				
310	6. Member State shall ensure that any risk of conflict of interests concerning the designated experts are revealed to the other Member	6. Member State shall ensure that any risk of conflict of interests concerning the designated experts are revealed to the other Member	6. Member State shall ensure that any risk of conflict of interests concerning the designated experts are revealed to the other Member	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	States, the Commission and ENISA without undue delay.	States, the Commission and ENISA, <u>before the commencement of the peer-review process</u> without undue delay.	States, the Commission and ENISA without undue delay.	
Article 16(7)				
311	7. Experts participating in peer reviews shall draft reports on the findings and conclusions of the reviews. The reports shall be submitted to the Commission, the Cooperation Group, the CSIRTs network and ENISA. The reports shall be discussed in the Cooperation Group and the CSIRTs network. The reports may be published on the dedicated website of the Cooperation Group.	7. Experts participating in peer reviews shall draft reports on the findings and conclusions of the reviews. The reports <u>include recommendations to enable improvement on the aspects covered by the peer-review process. The reports</u> shall be submitted to the Commission, the Cooperation Group, the CSIRTs network and ENISA. The reports shall be discussed in the Cooperation Group and the CSIRTs network. The reports may be published on the dedicated website of the Cooperation Group, <u>excluding sensitive and confidential information.</u>	7. Experts participating in peer reviews <u>peer-learning rounds</u> shall draft reports on the findings and conclusions of the reviews. The reports <u>assessments. Member States</u> shall be submitted to the Commission, the Cooperation Group, the CSIRTs network and ENISA. The <u>allowed to provide comments on their respective draft reports, which shall be attached to the report. The final</u> reports shall be discussed in <u>submitted to</u> the Cooperation Group and the CSIRTs network. The reports may be published on the dedicated website of the Cooperation Group <u>Member States may decide to make their respective reports publicly available.</u>	
CHAPTER IV				
312	CHAPTER IV	CHAPTER IV	CHAPTER IV	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	Cybersecurity risk management and reporting obligations	Cybersecurity risk management and reporting obligations	Cybersecurity risk management and reporting obligations	
SECTION I				
313	SECTION I Cybersecurity risk management and reporting	SECTION I Cybersecurity risk management and reporting	SECTION I Cybersecurity risk management and reporting	
Article 17				
314	Article 17 Governance	Article 17 Governance	Article 17 Governance	
Article 17(1)				
315	1. Member States shall ensure that the management bodies of essential and important entities approve the cybersecurity risk management measures taken by those entities in order to comply with Article 18, supervise its implementation and be accountable for the non-compliance by the entities with the obligations under this Article.	1. Member States shall ensure that the management bodies of essential and important entities approve the cybersecurity risk management measures taken by those entities in order to comply with Article 18, supervise its implementation and be accountable for the non-compliance by the entities with the obligations under this Article.	1. Member States shall ensure that the management bodies of essential and important entities approve the cybersecurity risk management measures taken by those entities in order to comply with Article 18, supervise <u>oversee</u> its implementation and can be held <u>be</u> accountable for the non-compliance by the entities with the obligations under this Article. <u>The application of this paragraph shall be without prejudice to the Member State's national laws as regards the liability rules in public</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u><i>institutions, as well as the liability of public servants and elected and appointed officials.</i></u>	
Article 17(2)				
316	2. Member States shall ensure that members of the management body follow specific trainings, on a regular basis, to gain sufficient knowledge and skills in order to apprehend and assess cybersecurity risks and management practices and their impact on the operations of the entity.	2. Member States shall ensure that members of the management body <u><i>of essential and important entities</i></u> follow specific <i>trainings, training,</i> <u><i>and shall encourage essential and important entities to offer similar training to all employees</i></u> on a regular basis, to gain sufficient knowledge and skills in order to apprehend and assess cybersecurity risks and management practices and their impact on the <i>operations</i> <u><i>of services provided by</i></u> the entity.	2. Member States shall ensure that <u><i>the</i></u> members of the management body <i>follow specific</i> <u><i>are required to follow</i></u> trainings, on a regular basis, to gain sufficient knowledge and skills in order to apprehend and assess cybersecurity risks and management practices and their impact on the operations of the entity.	
Article 18				
317	Article 18 Cybersecurity risk management measures	Article 18 Cybersecurity risk management measures	Article 18 Cybersecurity risk management measures	
Article 18(1a)				
317a			<u><i>1a. This Directive applies an "all-hazard" approach that includes</i></u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>the protection of network and information systems and their physical environment from any event that could compromise the availability, authenticity, integrity or confidentiality of stored, transmitted or processed data or of services offered by, or accessible via, network and information systems.</u>	
Article 18(1)				
318	1. Member States shall ensure that essential and important entities shall take appropriate and proportionate technical and organisational measures to manage the risks posed to the security of network and information systems which those entities use in the provision of their services. Having regard to the state of the art, those measures shall ensure a level of security of network and information systems appropriate to the risk presented.	1. Member States shall ensure that essential and important entities shall take appropriate and proportionate technical, <u>operational</u> and organisational measures to manage the risks posed to the security of network and information systems which those entities use in <u>for their operations or for</u> the provision of their services <u>and prevent or minimise the impact of incidents on recipients of their services and on other services</u> . Having regard to the state of the art <u>and to European or international standards</u> , those measures shall ensure a level of security of	1. Member States shall ensure that essential and important entities shall take appropriate and proportionate technical and organisational measures to manage the risks posed to the security of network- and information systems which those entities use in the provision of their services. Having regard to the state of the art <u>and the cost of implementation</u> , those measures shall ensure a level of security of network and information systems appropriate to the risk presented. <u>When assessing the proportionality of those measures, due account shall be taken of the degree of the entity's</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		network and information systems appropriate to the risk presented.	<u>exposure to risks, its size, the likelihood of occurrence of incidents and their severity. Having regard of the level and type of the risk posed to society in the event of incidents affecting essential or important entities, cybersecurity risk management measures imposed on important entities may be less stringent than those imposed on essential entities.</u>	
Article 18(2), introductory part				
319	2. The measures referred to in paragraph 1 shall include at least the following:	2. The measures referred to in paragraph 1 shall include at least the following:	2. The measures referred to in paragraph 1 shall include at least the following:	
Article 18(2), point (a)				
320	(a) risk analysis and information system security policies;	(a) risk analysis and information system security policies;	(a) risk analysis and information system security policies;	
Article 18(2), point (b)				
321	(b) incident handling (prevention, detection, and response to incidents);	(b) incident handling (prevention, detection, and response to incidents);	(b) incident handling (prevention, detection, <u>response and recovery from</u> and response to incidents);	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 18(2), point (c)				
322	(c) business continuity and crisis management;	(c) business continuity, <u>such as backup management and disaster recovery</u> , and crisis management;	(c) business continuity and crisis management;	
Article 18(2), point (d)				
323	(d) supply chain security including security-related aspects concerning the relationships between each entity and its suppliers or service providers such as providers of data storage and processing services or managed security services;	(d) supply chain security including security-related aspects concerning the relationships between each entity and its suppliers or service providers such as providers of data storage and processing services or managed security services ;	(d) supply chain security including security-related aspects concerning the relationships between each entity and its <u>direct</u> suppliers or service providers such as providers of data storage and processing services or managed security services;	
Article 18(2), point (e)				
324	(e) security in network and information systems acquisition, development and maintenance, including vulnerability handling and disclosure;	(e) security in network and information systems acquisition, development and maintenance, including vulnerability handling and disclosure;	(e) security in network and information systems acquisition, development and maintenance, including vulnerability handling and disclosure;	
Article 18(2), point (f)				
325	(f) policies and procedures (testing and auditing) to assess the	(f) policies and procedures (<u>training</u> , testing and auditing) to	(f) policies and procedures (testing and auditing) to assess the	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	effectiveness of cybersecurity risk management measures;	assess the effectiveness of cybersecurity risk management measures;	effectiveness of cybersecurity risk management measures;	
Article 18(2), point (fa)				
325a		<u>(fa) basic computer hygiene practices and cybersecurity training;</u>		
Article 18(2), point (g)				
326	(g) the use of cryptography and encryption.	(g) the use of cryptography, <u>such as and encryption, where appropriate;</u>	(g) the use of <u>policy on the use of</u> cryptography and encryption;	
Article 18(2), point (ga)				
326a			<u>(ga) human resources security, access control policies and asset management.</u>	
Article 18(2), point (ga)				
326b		<u>(ga) the use of multi-factor authentication or continuous authentication solutions, secured voice, video and text communications and secured</u>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<u><i>emergency communications systems within the entity, where appropriate.</i></u>		
Article 18(3)				
327	3. Member States shall ensure that, where considering appropriate measures referred to in point (d) of paragraph 2, entities shall take into account the vulnerabilities specific to each supplier and service provider and the overall quality of products and cybersecurity practices of their suppliers and service providers, including their secure development procedures.	3. Member States shall ensure that, where considering appropriate measures referred to in point (d) of paragraph 2, entities shall take into account the vulnerabilities specific to each supplier and service provider and the overall quality of products and cybersecurity practices of their suppliers and service providers, including their secure development procedures.	3. Member States shall ensure that, where considering appropriate measures referred to in point (d) of paragraph 2, entities shall <u>are required to</u> take into account the vulnerabilities specific to each <u>direct</u> supplier and service provider and the overall quality of products and cybersecurity practices of their suppliers and service providers, including their secure development procedures. <u>Member States shall also ensure that, where considering appropriate measures referred to in point (d) of paragraph 2, entities are required to take into account the results of the coordinated risk assessments carried out in accordance with Article 19 (1).</u>	
Article 18(4)				
328	4. Member States shall ensure that where an entity finds that	4. Member States shall ensure that where an entity finds that	4. Member States shall ensure that where an entity finds that	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	respectively its services or tasks are not in compliance with the requirements laid down in paragraph 2, it shall, without undue delay, take all necessary corrective measures to bring the service concerned into compliance.	respectively its services or tasks are not in compliance with the requirements laid down in paragraph 2, it shall, without undue delay, take all necessary <u>appropriate and proportionate</u> corrective measures to bring the service concerned into compliance.	respectively its services or tasks are not in compliance with the requirements laid down in paragraph 2, it shall, without undue delay, take all necessary corrective measures to bring the service concerned into compliance.	
Article 18(5)				
329	5. The Commission may adopt implementing acts in order to lay down the technical and the methodological specifications of the elements referred to in paragraph 2. Where preparing those acts, the Commission shall proceed in accordance with the examination procedure referred to in Article 37(2) and follow, to the greatest extent possible, international and European standards, as well as relevant technical specifications.	5. The Commission may adopt implementing acts in order to lay down the technical and the methodological specifications of the elements referred to in paragraph 2. Where preparing those acts, the Commission shall proceed in accordance with the examination procedure referred to in Article 37(2) and follow, to the greatest extent possible, international and European standards, as well as relevant technical specifications.	5. The Commission may adopt implementing acts in order to lay down the technical and the methodological specifications, <u>as well as sectoral specificities, as necessary,</u> of the elements referred to in paragraph 2 <u>of this Article.</u> <u>The Commission shall adopt by [18 months after the entry into force of this Directive]</u> <u>implementing acts in order to lay down the technical and the methodological specifications for entities referred to in Article 24(1) and trust service providers referred to in point 8 of Annex I.</u> <u>Those implementing acts</u> Where preparing those acts, the Commission shall <u>proceed</u> <u>be adopted</u> in accordance with the	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			examination procedure referred to in Article 37(2). <u>When preparing such implementing acts, the Commission shall and follow, to the greatest extent possible, follow</u> international and European standards, as well as relevant technical specifications <u>and exchange advice with the Cooperation Group and ENISA on the draft implementing act in accordance with Article 12(4)(d).</u>	
Article 18(6)				
330	6. The Commission is empowered to adopt delegated acts in accordance with Article 36 to supplement the elements laid down in paragraph 2 to take account of new cyber threats, technological developments or sectorial specificities.	6. The Commission is empowered to adopt delegated acts in accordance with Article 36 to supplement the elements laid down in paragraph 2 <u>of this Article</u> to take account of new cyber threats, technological developments or sectorial specificities <u>as well as to supplement this Directive by laying down the technical and the methodological specifications of the measures referred to in paragraph 2 of this Article.</u>	6. The Commission is empowered to adopt delegated acts in accordance with Article 36 to supplement the elements laid down in paragraph 2 to take account of new cyber threats, technological developments or sectorial specificities.	
Article 19				
331				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	Article 19 EU coordinated risk assessments of critical supply chains	Article 19 EU coordinated risk assessments of critical supply chains	Article 19 EU coordinated risk assessments of critical supply chains	
Article 19(1)				
332	1. The Cooperation Group, in cooperation with the Commission and ENISA, may carry out coordinated security risk assessments of specific critical ICT services, systems or products supply chains, taking into account technical and, where relevant, non-technical risk factors.	1. The Cooperation Group, in cooperation with the Commission and ENISA, may carry out coordinated security risk assessments of specific critical ICT <u>and information and communication system (ICS)</u> services, systems or products supply chains, taking into account technical and, where relevant, non-technical risk factors.	1. The Cooperation Group, in cooperation with the Commission and ENISA, may carry out coordinated security risk assessments of specific critical ICT services, systems or products supply chains, taking into account technical and, where relevant, non-technical risk factors.	
Article 19(2)				
333	2. The Commission, after consulting with the Cooperation Group and ENISA, shall identify the specific critical ICT services, systems or products that may be subject to the coordinated risk assessment referred to in paragraph 1.	2. The Commission, after consulting with the Cooperation Group and ENISA, <u>and, where applicable, relevant stakeholders,</u> shall identify the specific critical ICT <u>and ICS</u> services, systems or products that may be subject to the coordinated risk assessment referred to in paragraph 1.	2. The Commission, after consulting with the Cooperation Group and ENISA, shall identify the specific critical ICT services, systems or products that may be subject to the coordinated risk assessment referred to in paragraph 1.	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 20				
334	Article 20 Reporting obligations	Article 20 Reporting obligations	Article 20 Reporting obligations	
Article 20(1)				
335	1. Member States shall ensure that essential and important entities notify, without undue delay, the competent authorities or the CSIRT in accordance with paragraphs 3 and 4 of any incident having a significant impact on the provision of their services. Where appropriate, those entities shall notify, without undue delay, the recipients of their services of incidents that are likely to adversely affect the provision of that service. Member States shall ensure that those entities report, among others, any information enabling the competent authorities or the CSIRT to determine any cross-border impact of the incident.	1. Member States shall ensure that essential and important entities notify, without undue delay, the competent authorities or the CSIRT in accordance with paragraphs 3 and 4 of any incident having a significant impact on the provision of their services. Where appropriate, those entities shall notify, without undue delay, the recipients of their services of incidents that are likely to adversely affect the provision of that service <u>incident</u> . Member States shall ensure that those entities report, among others, any information enabling the competent authorities or the CSIRT to determine any cross-border impact of the incident.	1. Member States shall ensure that essential and important entities notify, without undue delay, the competent authorities or the CSIRT in accordance with paragraphs 3 and 4 of any incident having a significant impact on the provision of their services. Where appropriate, those entities shall notify, without undue delay, the recipients of their services of <u>these</u> incidents that are likely to adversely affect the provision of that service. Member States shall ensure that those entities report, among others, any information enabling the competent authorities or the CSIRT to determine any cross-border impact of the incident. <u>The act of the notification in itself shall not make the notifying entity subject to increased liability.</u>	
Article 20(2)				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
336	2. Member States shall ensure that essential and important entities notify, without undue delay, the competent authorities or the CSIRT of any significant cyber threat that those entities identify that could have potentially resulted in a significant incident.	2. Member States shall ensure that essential and important entities notify, without undue delay, the competent authorities or the CSIRT of any significant cyber threat that those entities identify that could have potentially resulted in a significant incident.	2. Member States shall ensure that Where applicable, the essential and important entities <u>shall</u> notify, without undue delay, the competent authorities or the CSIRT of any <u>recipients of their services that are potentially affected by a significant cyber threat of any measures or remedies</u> that those <u>recipients can take in response to that threat. Where appropriate, the</u> entities identify that could have potentially resulted in a significant incident <u>shall also notify those recipients of the threat itself. The act of the notification in itself shall not make the notifying entity subject to increased liability.</u>	
Article 20(2), first paragraph				
337	Where applicable, those entities shall notify, without undue delay, the recipients of their services that are potentially affected by a significant cyber threat of any measures or remedies that those recipients can take in response to that threat. Where appropriate, the entities shall also notify those	Where applicable, those entities Member States shall notify, without undue delay, ensure that <u>essential and important entities inform</u> the recipients of their services, <u>without undue delay, of protective measures or remedies to particular incidents and known risks, which can be taken by the</u>	Where applicable, those entities shall notify, without undue delay, the recipients of their services that are potentially affected by a significant cyber threat of any measures or remedies that those recipients can take in response to that threat. Where appropriate, the entities shall also notify those	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	recipients of the threat itself. The notification shall not make the notifying entity subject to increased liability.	recipients that are potentially affected by a significant cyber threat of any measures or remedies that those recipients can take in response to that threat. Where appropriate, the entities shall also notify those recipients <u>inform the recipients of their services</u> of the threat <u>incident or known risk</u> itself. The notification <u>Informing of recipients shall take place on a 'best efforts' basis and</u> shall not make <u>subject</u> the notifying entity subject to increased <u>to an increase in</u> liability.	recipients of the threat itself. The notification shall not make the notifying entity subject to increased liability.	
Article 20(3)				
338	3. An incident shall be considered significant if:	3. An <u>In order to determine the significance of the</u> incident, <u>where available, the following parameters</u> shall be considered significant if <u>taken into account</u> :	3. An incident shall be considered significant if:	
Article 20(3), point (a)				
339	(a) the incident has caused or has the potential to cause substantial operational disruption or financial losses for the entity concerned;	(a) the incident has caused or has the potential to cause substantial operational disruption or financial losses for the entity concerned <u>number of recipients of</u>	(a) the incident has caused or has the potential to cause substantial <u>severe</u> operational disruption <u>of the service</u> or financial losses for the entity concerned;	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<u>the services affected by the incident;</u>		
Article 20(3), point (b)				
340	(b) the incident has affected or has the potential to affect other natural or legal persons by causing considerable material or non-material losses.	(b) the incident has affected or has the potential to affect other natural or legal persons by causing considerable material or non-material losses. <u>duration of the incident;</u>	(b) the incident has affected or has the potential to affect other natural or legal persons by causing considerable material or non-material losses.	
Article 20(3), point (ba)				
340a		<u>(ba) the geographical spread of the area affected by the incident;</u>		
Article 20(3), point (bb)				
340b		<u>(bb) the extent to which the functioning and continuity of the service is affected by the incident;</u>		
Article 20(3), point (bc)				
340c		<u>(bc) the extent of the impact of the incident on economic and societal activities.</u>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 20(4), introductory part				
341	4. Member States shall ensure that, for the purpose of the notification under paragraph 1, the entities concerned shall submit to the competent authorities or the CSIRT:	4. Member States shall ensure that, for the purpose of the notification under paragraph 1, the entities concerned shall submit to the competent authorities or the CSIRT:	4. Member States shall ensure that, for the purpose of the notification under paragraph 1, the entities concerned shall submit to the competent authorities or the CSIRT:	
Article 20(4), point (a)				
342	(a) without undue delay and in any event within 24 hours after having become aware of the incident, an initial notification, which, where applicable, shall indicate whether the incident is presumably caused by unlawful or malicious action;	(a) without undue delay and in any event within 24 hours after having become aware <u>an initial notification</u> of the <u>significant</u> incident, an initial notification, which, where applicable, shall indicate whether the incident is presumably caused by unlawful or malicious action; <u>shall contain information available to the notifying entity on a best efforts basis as follows:</u>	(a) without undue delay and in any event within 24 hours after having become aware of the incident, an initial notification <u>as an early warning</u> , which, where applicable, shall indicate whether the incident is presumably caused by unlawful or malicious action;	
Article 20(4), point (a)(i)				
342a		<u>(i) with regard to incidents that significantly disrupt the availability of the services provided by the entity, the CSIRT</u>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<u>shall be notified without undue delay and in any event within 24 hours of becoming aware of the incident;</u>		
Article 20(4), point (a)(ii)				
342b		<u>(ii) with regard to incidents that have a significant impact on the entity other than on the availability of the services provided by that entity, the CSIRT shall be notified without undue delay and in any event within 72 hours of becoming aware of the incident;</u>		
Article 20(4), point (a)(iii)				
342c		<u>(iii) with regard to incidents that have a significant impact on the services of a trust services provider as defined in Article 3, point (19) of Regulation (EU) No 910/2014 or on the personal data maintained by that trust service provider, the CSIRT shall be notified without undue delay and in any event within 24 hours of becoming aware of the incident;</u>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 20(4), point (b)				
343	(b) upon the request of a competent authority or a CSIRT, an intermediate report on relevant status updates;	(b) upon the request of a competent authority or a CSIRT, an intermediate report on relevant status updates, <u>upon the request of a CSIRT</u> ;	(b) upon the request of a competent authority or a CSIRT, an intermediate report on relevant status updates;	
Article 20(4), point (c), introductory part				
344	(c) a final report not later than one month after the submission of the report under point (a), including at least the following:	(c) a final <u>comprehensive</u> report not later than one month after the submission of the report under point (a) <u>initial notification</u> , including at least the following:	(c) a final report not later than one month after the submission of the report <u>initial notification</u> under point (a), including at least the following:	
Article 20(4), point (c)(i)				
345	(i) a detailed description of the incident, its severity and impact;	(i) a detailed description of the incident, its severity and impact;	(i) a detailed description of the incident, its severity and impact;	
Article 20(4), point (c)(ii)				
346	(ii) the type of threat or root cause that likely triggered the incident;	(ii) the type of threat or root cause that likely triggered the incident;	(ii) the type of threat or root cause that likely triggered the incident;	
Article 20(4), point (c)(iii)				
347	(iii) applied and ongoing	(iii) applied and ongoing	(iii) applied and ongoing	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	mitigation measures.	mitigation measures.	mitigation measures.	
Article 20(4), point (ca)				
347a		<u>(ca) in the case of an ongoing incident at time of the submission of the comprehensive report referred to in point (c), a final report shall be provided one month after the incident has been resolved.</u>		
Article 20(4), first paragraph				
348	Member States shall provide that in duly justified cases and in agreement with the competent authorities or the CSIRT, the entity concerned can deviate from the deadlines laid down in points (a) and (c).	Member States shall provide that in duly justified cases and in agreement with the competent authorities or the CSIRT, the entity concerned can deviate from the deadlines laid down in points (a) <u>and (c). (a)(i) and (ii) and point (c).</u> <u>Member States shall ensure the confidentiality and appropriate protection of sensitive information about incidents shared with CSIRTs, and shall adopt measures and procedures for sharing and reuse of incident information.</u>	Member States shall provide that in duly justified cases and in agreement with the competent authorities or the CSIRT, the entity concerned can deviate from the deadlines laid down in points (a) and (c). <u>In particular, a deviation from the deadline referred to in point (c) can be justified in cases where the incident is still ongoing.</u>	
Article 20(4a)				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
348a		<u>4a. Member States shall establish a single entry point for all notifications required under this Directive and other relevant Union law. ENISA, in cooperation with the Cooperation Group, shall develop and continuously improve common notification templates by means of guidelines to simplify and streamline the reporting information required under Union law and decrease the burden on reporting entities.</u>		
Article 20(4b)				
348b		<u>4b. Essential and important entities referred to in Article 24(1) may meet the requirements of paragraph 1 of this Article by notifying the CSIRT of the Member State in which the entities have the main establishment within in the Union, and by notifying the essential and important entities they provide services to of any significant incident that is known to impact the recipient of the services.</u>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 20(5)				
349	<p>5. The competent national authorities or the CSIRT shall provide, within 24 hours after receiving the initial notification referred to in point (a) of paragraph 4, a response to the notifying entity, including initial feedback on the incident and, upon request of the entity, guidance on the implementation of possible mitigation measures. Where the CSIRT did not receive the notification referred to in paragraph 1, the guidance shall be provided by the competent authority in collaboration with the CSIRT. The CSIRT shall provide additional technical support if the concerned entity so requests. Where the incident is suspected to be of criminal nature, the competent national authorities or the CSIRT shall also provide guidance on reporting the incident to law enforcement authorities.</p>	<p>5. The competent national authorities or The CSIRT shall provide, within 24 hours after receiving the initial notification referred to in point (a) of paragraph 4, a response to the notifying entity, including initial feedback on the incident and, upon <u>the</u> request of the entity, guidance <u>and actionable advice</u> on the implementation of possible mitigation measures. Where the CSIRT did not receive the notification referred to in paragraph 1, the guidance shall be provided by the competent authority in collaboration with the CSIRT. The CSIRT shall provide additional technical support if the concerned entity so requests. Where the incident is suspected to be of criminal nature, the competent national authorities or the CSIRT shall also provide guidance on reporting the incident to law enforcement authorities. <u>The CSIRT may share information on the incident with other important and essential entities, while ensuring the confidentiality of the</u></p>	<p>5. The competent national authorities or the CSIRT shall provide, <u>without undue delay</u> within 24 hours after receiving the initial notification referred to in point (a) of paragraph 4, a response to the notifying entity, including initial feedback on the incident and, upon request of the entity, guidance on the implementation of possible mitigation measures. Where the CSIRT did not receive the notification referred to in paragraph 1, the guidance shall be provided by the competent authority in collaboration with the CSIRT. The CSIRT shall provide additional technical support if the concerned entity so requests. Where the incident is suspected to be of criminal nature, the competent national authorities or the CSIRT shall also provide guidance on reporting the incident to law enforcement authorities.</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<u>information provided by the reporting entity.</u>		
Article 20(6)				
350	6. Where appropriate, and in particular where the incident referred to in paragraph 1 concerns two or more Member States, the competent authority or the CSIRT shall inform the other affected Member States and ENISA of the incident. In so doing, the competent authorities, CSIRTs and single points of contact shall, in accordance with Union law or national legislation that complies with Union law, preserve the entity's security and commercial interests as well as the confidentiality of the information provided.	6. Where appropriate, and in particular where the incident referred to in paragraph 1 concerns two or more Member States, the competent authority or the CSIRT shall inform the other affected Member States and ENISA of the incident <u>and provide relevant information.</u> In so doing, the competent authorities, CSIRTs and single points of contact shall, in accordance with Union law or national legislation that complies with Union law, preserve the entity's security and commercial interests as well as the confidentiality of the information provided.	6. Where appropriate, and in particular where the incident referred to in paragraph 1 concerns two or more Member States, the competent authority, <u>the CSIRT</u> or the CSIRT <u>Single Point of Contact</u> shall inform the other affected Member States and ENISA of the incident. <u>Such information shall include at least the elements provided for in paragraph (4) of this Article.</u> In so doing, the competent authorities, CSIRTs and single points of contact shall, in accordance with Union law or national legislation that complies with Union law, preserve the entity's security and commercial interests as well as the confidentiality of the information provided.	
Article 20(7)				
351	7. Where public awareness is necessary to prevent an incident or	7. Where public awareness is necessary to prevent an incident or	7. Where public awareness is necessary to prevent an incident or	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	to deal with an ongoing incident, or where disclosure of the incident is otherwise in the public interest, the competent authority or the CSIRT, and where appropriate the authorities or the CSIRTs of other Member States concerned may, after consulting the entity concerned, inform the public about the incident or require the entity to do so.	to deal with an ongoing incident, or where disclosure of the incident is otherwise in the public interest, the competent authority or the CSIRT, and where appropriate the authorities or the CSIRTs of other Member States concerned may, after consulting the entity concerned, inform the public about the incident or require the entity to do so.	to deal with an ongoing incident, or where disclosure of the incident is otherwise in the public interest, the competent authority or the CSIRT, and where appropriate the authorities or the CSIRTs of other Member States concerned may, after consulting the entity concerned, inform the public about the incident or require the entity to do so.	
Article 20(7a)				
351a		<u>7a. CSIRTs shall, without undue delay, provide the single point of contact and where relevant, the competent authorities, with the information on significant incidents notified in accordance with paragraph 1.</u>		
Article 20(8)				
352	8. At the request of the competent authority or the CSIRT, the single point of contact shall forward notifications received pursuant to paragraphs 1 and 2 to the single points of contact of other affected Member States.	8. At the request of the competent authority or the CSIRT, the single point of contact shall forward notifications received pursuant to paragraphs 1 and 2 <u>paragraph 1</u> to the single points of contact of other affected Member States, <u>while</u>	8. At the request of the competent authority or the CSIRT, the single point of contact shall forward notifications received pursuant to paragraphs 1 and 2 <u>paragraph 1</u> to the single points of contact of other affected Member States.	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<u>ensuring confidentiality and appropriate protection of the information provided by the reporting entity.</u>		
Article 20(9)				
353	9. The single point of contact shall submit to ENISA on a monthly basis a summary report including anonymised and aggregated data on incidents, significant cyber threats and near misses notified in accordance with paragraphs 1 and 2 and in accordance with Article 27. In order to contribute to the provision of comparable information, ENISA may issue technical guidance on the parameters of the information included in the summary report.	9. The single point of contact shall submit to ENISA on a monthly basis a summary report including anonymised and aggregated data on incidents, significant cyber threats and near misses notified in accordance with paragraphs 1 and 2 and in accordance <u>with paragraph 1 of this Article</u> and Article 27. In order to contribute to the provision of comparable information, ENISA may issue technical guidance on the parameters of the information included in the summary report.	9. The single point of contact shall submit to ENISA on a monthly basis <u>every six months</u> a summary report including anonymised and aggregated data on incidents, significant cyber threats and near misses notified in accordance with paragraphs <u>paragraph</u> 1 and 2 and in accordance with Article 27. In order to contribute to the provision of comparable information, ENISA may issue technical guidance on the parameters of the information included in the summary report. <u>ENISA shall inform every six months the Cooperation Group and the CSIRTs network about its findings on the notifications received.</u>	
Article 20(10)				
354	10. Competent authorities shall provide to the competent	10. Competent authorities shall provide to the competent	10. Competent authorities shall provide to the competent	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	authorities designated pursuant to Directive (EU) XXXX/XXXX [Resilience of Critical Entities Directive] information on incidents and cyber threats notified in accordance with paragraphs 1 and 2 by essential entities identified as critical entities, or as entities equivalent to critical entities, pursuant to Directive (EU) XXXX/XXXX [Resilience of Critical Entities Directive].	authorities designated pursuant to Directive (EU) XXXX/XXXX [Resilience of Critical Entities Directive] information on incidents and cyber threats notified in accordance with paragraphs 1 and 2 <u>paragraph 1 of this Article and Article 27</u> by essential entities identified as critical entities, or as entities equivalent to critical entities, pursuant to Directive (EU) XXXX/XXXX [Resilience of Critical Entities Directive].	authorities designated pursuant to Directive (EU) XXXX/XXXX [Resilience of Critical Entities Directive] information on incidents and cyber threats notified in accordance with paragraphs 1 and 2 by essential entities identified as critical entities, for as entities equivalent to critical entities, <u>l</u> pursuant to Directive (EU) XXXX/XXXX [Resilience of Critical Entities Directive].	
Article 20(11)				
355	11. The Commission, may adopt implementing acts further specifying the type of information, the format and the procedure of a notification submitted pursuant to paragraphs 1 and 2. The Commission may also adopt implementing acts to further specify the cases in which an incident shall be considered significant as referred to in paragraph 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(2).	11. The Commission, may adopt implementing acts further specifying the type of information, the format and the procedure of a notification submitted pursuant to paragraphs 1 and 2. The Commission may also adopt implementing acts to further specify the cases in which an incident shall be considered significant as referred to in <u>paragraph 1 of this Article and Article 27</u> . Those implementing acts shall be adopted in accordance with the examination	11. The Commission, may adopt implementing acts further specifying the type of information, the format and the procedure of a notification submitted pursuant to paragraphs 1 and 2. The Commission may also adopt implementing acts to further specify the cases in which an incident shall be considered significant as referred to in paragraph 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(2).	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		procedure referred to in Article 37(2).		
Article 20(11a)				
355a		<u>11a. The Commission is empowered to adopt delegated acts, in accordance with Article 36, to supplement this Directive by specifying the type of information to be submitted pursuant to paragraph 1 of this Article and by further specifying the parameters which are to be taken into account when determining the significance of an incident as referred to in paragraph 3 of this Article.</u>		
Article 21				
356	Article 21 Use of European cybersecurity certification schemes	Article 21 Use of European cybersecurity certification schemes	Article 21 Use of European cybersecurity certification schemes	
Article 21(1)				
357	1. In order to demonstrate compliance with certain requirements of Article 18, Member States may require	1. In order to demonstrate compliance with certain requirements of Article 18, Member States may	1. In order to demonstrate compliance with certain requirements of Article 18, Member States may require	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	essential and important entities to certify certain ICT products, ICT services and ICT processes under specific European cybersecurity certification schemes adopted pursuant to Article 49 of Regulation (EU) 2019/881. The products, services and processes subject to certification may be developed by an essential or important entity or procured from third parties.	require <u>Member States shall, following guidance from ENISA, the Commission and the Cooperation Group, encourage</u> essential and important entities to certify certain ICT products, ICT services and ICT processes, <u>either developed by the essential or important entity or procured from third parties, under</u> under specific European cybersecurity certification schemes adopted pursuant to Article 49 of Regulation (EU) 2019/881. The products, services and processes subject to <u>or, if not yet available, under similar internationally recognised</u> certification may be developed by an schemes. <u>Furthermore, Member States shall encourage</u> essential or and important entity or procured from third parties <u>entities to use qualified trust services pursuant to Regulation (EU) No 910/2014.</u>	essential and important entities to certify certain <u>use particular</u> ICT products, ICT services and ICT processes <u>processes certified</u> under specific European cybersecurity certification schemes adopted pursuant to Article 49 of Regulation (EU) 2019/881. The <u>ICT</u> products, services and processes subject to certification may be developed by an essential or important entity or procured from third parties.	
Article 21(2)				
358	2. The Commission shall be empowered to adopt delegated acts specifying which categories of	2. The Commission shall be <u>is</u> empowered to adopt delegated acts, <u>in accordance with Article 36, to</u>	2. The Commission shall be empowered to <u>may</u> adopt delegated <u>implementing</u> acts	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	essential entities shall be required to obtain a certificate and under which specific European cybersecurity certification schemes pursuant to paragraph 1. The delegated acts shall be adopted in accordance with Article 36.	<u>supplement this Directive by specifying which categories of essential and important entities shall beare required to obtain a certificate and under which specific European cybersecurity certification schemes pursuant to paragraph 1. TheArticle 49 of Regulation (EU) 2019/881. Such delegated acts shall be adopted in accordance with Article 36considered where insufficient levels of cybersecurity have been identified, shall be preceded by an impact assessment and shall provide for an implementation period.</u>	specifying which categories of essential or important entities shall be required to <u>use certain certified ICT products, services and processes or</u> obtain a certificate and under which specific European cybersecurity certification schemes adopted pursuant to paragraph 1. The Article 49 of Regulation (EU) 2019/881. Those implementing The delegated acts shall be adopted in accordance with <u>the examination procedure referred to in</u> Article 36 37(2). <u>When preparing such implementing acts, the Commission shall, in accordance with Article 56 of Regulation (EU) 2019/881:</u>	
Article 21(i)				
358a			<u>(i) take into account the impact of the measures on the manufacturers or providers of such ICT products, services or processes and on the users in terms of the cost of those measures and the societal or economic benefits stemming from the anticipated enhanced level of security for the targeted ICT</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>products, services or processes as well as their alternative availability on the market;</u>	
Article 21(ii)				
358b			<u>(ii) carry out an open, transparent and inclusive consultation process with all relevant stakeholders and Member States;</u>	
Article 21(iii)				
358c			<u>(iii) take into account any implementation deadlines, transitional measures and periods, in particular with regard to the possible impact of the measures on the manufacturers, or providers of ICT products, services or processes, or users thereof, particularly SMEs;</u>	
Article 21(iv)				
358d			<u>(iv) take into account the existence and implementation of relevant Member State laws.</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 21(3)				
359	3. The Commission may request ENISA to prepare a candidate scheme pursuant to Article 48(2) of Regulation (EU) 2019/881 in cases where no appropriate European cybersecurity certification scheme for the purposes of paragraph 2 is available.	3. The Commission may, <u>after consulting the Cooperation Group and the European Cybersecurity Certification Group</u> , request ENISA to prepare a candidate scheme pursuant to Article 48(2) of Regulation (EU) 2019/881 in cases where no appropriate European cybersecurity certification scheme for the purposes of paragraph 2 is available.	3. The Commission may request ENISA to prepare a candidate scheme <u>or to review an existing European cybersecurity certification scheme</u> pursuant to Article 48(2) of Regulation (EU) 2019/881 in cases where no appropriate European cybersecurity certification scheme for the purposes of paragraph 2 <u>of this Article</u> is available.	
Article 22				
360	Article 22 Standardisation	Article 22 Standardisation	Article 22 Standardisation	
Article 22(1)				
361	1. In order to promote the convergent implementation of Article 18(1) and (2), Member States shall, without imposing or discriminating in favour of the use of a particular type of technology, encourage the use of European or internationally accepted standards and specifications relevant to the	1. In order to promote the convergent implementation of Article 18(1) and (2), Member States shall, without imposing or discriminating in favour of the use of a particular type of technology, encourage the use of European or internationally accepted standards and specifications relevant to the	1. In order to promote the convergent implementation of Article 18(1) and (2), Member States shall, without imposing or discriminating in favour of the use of a particular type of technology, encourage the use of European or internationally accepted standards and specifications relevant to the	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	security of network and information systems.	security of network and information systems.	security of network and information systems.	
Article 22(2)				
362	2. ENISA, in collaboration with Member States, shall draw up advice and guidelines regarding the technical areas to be considered in relation to paragraph 1 as well as regarding already existing standards, including Member States' national standards, which would allow for those areas to be covered.	2. ENISA, in collaboration with Member States, <u>and, where appropriate, after consulting relevant stakeholders</u> , shall draw up advice and guidelines regarding the technical areas to be considered in relation to paragraph 1 as well as regarding already existing standards, including Member States' national standards, which would allow for those areas to be covered.	2. ENISA, in collaboration with Member States, shall draw up advice and guidelines regarding the technical areas to be considered in relation to paragraph 1 as well as regarding already existing standards, including Member States' national standards, which would allow for those areas to be covered.	
Article 22(2a)				
362a		<u>2a. The Commission, in collaboration with ENISA, shall support and promote the development and implementation of standards set by relevant Union and international standardisation bodies for the convergent implementation of Article 18 (1) and (2). The Commission shall support the update of the standards in the light of</u>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<u>technological developments.</u>		
Article 23				
363	Article 23 Databases of domain names and registration data	Article 23 Databases <u>Database structure</u> of domain names and registration data	Article 23 Databases of domain names and registration data	
Article 23(1)				
364	1. For the purpose of contributing to the security, stability and resilience of the DNS, Member States shall ensure that TLD registries and the entities providing domain name registration services for the TLD shall collect and maintain accurate and complete domain name registration data in a dedicated database facility with due diligence subject to Union data protection law as regards data which are personal data.	1. For the purpose of contributing to the security, stability and resilience of the DNS, Member States shall ensure that <u>require</u> TLD registries and the entities providing domain name registration services for the TLD <u>shall to</u> collect and maintain accurate, <u>verified</u> and complete domain name registration data in a dedicated database facility with due diligence subject to Union data protection law as regards data which are personal data <u>structure operated for that purpose.</u>	1. For the purpose of contributing to the security, stability and resilience of the DNS, Member States shall ensure that TLD <u>name</u> registries and the entities providing domain name registration services for the TLD shall collect and maintain accurate, and complete domain name registration data in a dedicated database facility with due diligence subject to Union <u>in accordance with Union</u> data protection law as regards data which are personal data.	
Article 23(2)				
365	2. Member States shall ensure that the databases of domain name	2. Member States shall ensure that the databases <u>database structure</u> of	2. Member States shall ensure that the databases of domain name	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	registration data referred to in paragraph 1 contain relevant information to identify and contact the holders of the domain names and the points of contact administering the domain names under the TLDs.	domain name registration data referred to in paragraph 1 contain <u>contains</u> relevant information, <u>which shall include at least the registrants' name, their physical and email address as well as their telephone number,</u> to identify and contact the holders of the domain names and the points of contact administering the domain names under the TLDs.	registration data referred to in paragraph 1 contain relevant information to identify and contact the holders of the domain names and the points of contact administering the domain names under the TLDs, <u>including at least the following data:</u>	
Article 23(a)				
365a			<u>a. domain name</u>	
Article 23(b)				
365b			<u>b. date of registration</u>	
Article 23(2c)				
365c			<u>c. registrant data, including:</u>	
Article 23(2ci)				
365d			<u>(i) for individuals - name, surname and e-mail address;</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 23(2cii)				
365e			<u>(ii) for legal persons - name and e-mail address.</u>	
Article 23(3)				
366	3. Member States shall ensure that the TLD registries and the entities providing domain name registration services for the TLD have policies and procedures in place to ensure that the databases include accurate and complete information. Member States shall ensure that such policies and procedures are made publicly available.	3. Member States shall ensure that the TLD registries and the entities providing domain name registration services for the TLD have policies and procedures in place to ensure that the databases <u>include database structure includes</u> accurate, <u>verified</u> and complete information. Member States shall ensure that such policies and procedures are made publicly available.	3. Member States shall ensure that the TLD <u>name</u> registries and the entities providing domain name registration services for the TLD have policies and procedures in place to ensure that the databases include accurate and complete information. Member States shall ensure that such policies and procedures are made publicly available.	
Article 23(4)				
367	4. Member States shall ensure that the TLD registries and the entities providing domain name registration services for the TLD publish, without undue delay after the registration of a domain name, domain registration data which are not personal data.	4. Member States shall ensure that the TLD registries and the entities providing domain name registration services for the TLD <u>publish make publicly available</u> , without undue delay after the registration of a domain name, domain registration data which are	4. Member States shall ensure that the TLD <u>name</u> registries and the entities providing domain name registration services for the TLD publish, without undue delay after the registration of a domain name, domain registration data which are not personal data.	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		not personal data. <u>For legal persons as registrants, the domain registration data publicly available shall include at least the registrants' name, their physical and email address as well as their telephone number.</u>		
Article 23(5)				
368	5. Member States shall ensure that the TLD registries and the entities providing domain name registration services for the TLD provide access to specific domain name registration data upon lawful and duly justified requests of legitimate access seekers, in compliance with Union data protection law. Member States shall ensure that the TLD registries and the entities providing domain name registration services for the TLD reply without undue delay to all requests for access. Member States shall ensure that policies and procedures to disclose such data are made publicly available.	5. Member States shall ensure that <u>require</u> TLD registries and the entities providing domain name registration services for the TLD to provide access to specific domain name registration data, <u>including personal data, upon</u> upon lawful <u>and</u> duly justified requests of legitimate access seekers, in compliance with Union data protection law. Member States shall ensure that the <u>require</u> TLD registries and the entities providing domain name registration services for the TLD to reply without undue delay to all <u>and in any event within 72 hours upon the receipt of the</u> requests for access. Member States shall ensure that policies and procedures to disclose such data are made publicly available.	5. Member States shall ensure that the TLD <u>name</u> registries and the entities providing domain name registration services for the TLD provide access to specific domain name registration data upon lawful and duly justified requests of legitimate access seekers, in compliance with Union data protection law. Member States shall ensure that the TLD <u>name</u> registries and the entities providing domain name registration services for the TLD reply without undue delay <u>and in any case within 72 hours</u> to all requests for access. Member States shall ensure that policies and procedures to disclose such data are made publicly available.	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Section II				
369	Section II Jurisdiction and Registration	Section II Jurisdiction and Registration	Section II Jurisdiction and Registration	
Article 24				
370	Article 24 Jurisdiction and territoriality	Article 24 Jurisdiction and territoriality	Article 24 Jurisdiction and territoriality	
Article 24(1a)				
370a			<u><i>1a. Entities under this Directive shall be deemed to be under the jurisdiction of the Member State where they provide their services. Entities referred to in points 1 to 7 and 10 of Annex I, trust service providers and Internet Exchange Point providers referred to in point 8 of Annex I, and points 1 to 5 of Annex II shall be deemed under the jurisdiction of the Member State on the territory of which they are established.</i></u>	
Article 24(1)				
371				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	1. DNS service providers, TLD name registries, cloud computing service providers, data centre service providers and content delivery network providers referred to in point 8 of Annex I, as well as digital providers referred to in point 6 of Annex II shall be deemed to be under the jurisdiction of the Member State in which they have their main establishment in the Union.	1. DNS service providers, TLD name registries, cloud computing service providers, data centre service providers and content delivery network providers referred to in point 8 of Annex I, as well as digital providers referred to in point 6 of Annex II shall be deemed to be under the jurisdiction of the Member State in which they have their main establishment in the Union.	1. DNS service providers, TLD name registries <u>and entities providing domain name registration services for the TLD</u> , cloud computing service providers, data centre service providers and , content delivery network providers, <u>managed service providers, and managed security service providers</u> referred to in point 8 <u>and point 8a</u> of Annex I, as well as digital providers referred to in point 6 of Annex II shall be deemed to be under the jurisdiction of the Member State in which they have their main establishment in the Union.	
Article 24(2)				
372	2. For the purposes of this Directive, entities referred to in paragraph 1 shall be deemed to have their main establishment in the Union in the Member State where the decisions related to the cybersecurity risk management measures are taken. If such decisions are not taken in any establishment in the Union, the main establishment shall be	2. For the purposes of this Directive, entities referred to in paragraph 1 shall be deemed to have their main establishment in the Union in the Member State where the decisions related to the cybersecurity risk management measures are taken. If such decisions are not taken in any establishment in the Union, the main establishment shall be	2. For the purposes of this Directive, entities referred to in paragraph 1 shall be deemed to have their main establishment in the Union in the Member State where the decisions related to the cybersecurity risk management measures are <u>predominantly</u> taken. If <u>the place where such decisions are predominantly taken cannot be determined or</u> such decisions	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	deemed to be in the Member State where the entities have the establishment with the highest number of employees in the Union.	deemed to be in the Member State <u>either</u> where the entities have the establishment with the highest number of employees in the Union <u>or the establishment where cybersecurity operations are carried out.</u>	are not taken in any establishment in the Union, the main establishment shall be deemed to be in the Member State where the entities have the establishment with the highest number of employees in the Union. <u>Where the services are provided by a group of undertakings, the main establishment shall be deemed to be the main establishment of the group of undertakings.</u>	
Article 24(3)				
373	3. If an entity referred to in paragraph 1 is not established in the Union, but offers services within the Union, it shall designate a representative in the Union. The representative shall be established in one of those Member States where the services are offered. Such entity shall be deemed to be under the jurisdiction of the Member State where the representative is established. In the absence of a designated representative within the Union under this Article, any Member State in which the entity provides	3. If an entity referred to in paragraph 1 is not established in the Union, but offers services within the Union, it shall designate a representative in the Union. The representative shall be established in one of those Member States where the services are offered. Such entity shall be deemed to be under the jurisdiction of the Member State where the representative is established. In the absence of a designated representative within the Union under this Article, any Member State in which the entity provides	3. If an entity referred to in paragraph 1 is not established in the Union, but offers services within the Union, it shall designate a representative in the Union. The representative shall be established in one of those Member States where the services are offered. Such entity shall be deemed to be under the jurisdiction of the Member State where the representative is established. In the absence of a designated representative within the Union under this Article, any Member State in which the entity provides	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	services may take legal actions against the entity for non-compliance with the obligations under this Directive.	services may take legal actions against the entity for non-compliance with the obligations under this Directive.	services may take legal actions against the entity for non-compliance with the obligations under this Directive.	
Article 24(4)				
374	4. The designation of a representative by an entity referred to in paragraph 1 shall be without prejudice to legal actions, which could be initiated against the entity itself.	4. The designation of a representative by an entity referred to in paragraph 1 shall be without prejudice to legal actions, which could be initiated against the entity itself.	4. The designation of a representative by an entity referred to in paragraph 1 shall be without prejudice to legal actions, which could be initiated against the entity itself.	
Article 24(4a)				
374a			<u>4a. Member States that have received a request for mutual assistance in relation to the entities referred to in paragraph 1, may, within the limits of the request, take appropriate supervisory and enforcement measures in relation to the entity concerned that provides services or which has the network and information system on their territory.</u>	
Article 25				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
375	Article 25 Registry for essential and important entities	Article 25 Registry for essential and important entities <u>ENISA registry</u>	Article 25 Registry for essential and important entities	
Article 25(1), introductory part				
376	1. ENISA shall create and maintain a registry for essential and important entities referred to in Article 24(1). The entities shall submit the following information to ENISA by [12 months after entering into force of the Directive at the latest]:	1. ENISA shall create and maintain a <u>secure</u> registry for of essential and important entities referred to in Article 24(1). The entities, which shall submit <u>include</u> the following information to ENISA by [12 months after entering into force of the Directive at the latest] :	1. ENISA <u>Member States</u> shall create and maintain a registry for essential and important entities referred to in Article 24(1). The entities shall <u>ensure that the entities referred to in Article 24(1) having their main establishment on their territory, or, if not established in the Union, having their designated representative in the Union established on their territory are required to</u> submit the following information to ENISA by <u>the competent authorities</u> by [12 months after entering into force of the Directive at the latest]:	
Article 25(1), point (a)				
377	(a) the name of the entity;	(a) the name of the entity;	(a) the name of the entity;	
Article 25(1), point (aa)				
377a				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>(aa) the type of entity as per Annexes I and II to this Directive;</u>	
Article 25(1), point (b)				
378	(b) the address of its main establishment and its other legal establishments in the Union or, if not established in the Union, of its representative designated pursuant to Article 24(3);	(b) the address of its main establishment and its other legal establishments in the Union or, if not established in the Union, of its representative designated pursuant to Article 24(3);	(b) the address of its main establishment and its other legal establishments in the Union or, if not established in the Union, of its representative designated pursuant to Article 24(3);	
Article 25(1), point (c)				
379	(c) up-to-date contact details, including email addresses and telephone numbers of the entities.	(c) up-to-date contact details, including email addresses, <u>IP ranges, and telephone numbers and relevant sectors and subsectors</u> of the entities <u>referred to in Annexes I and II.</u>	(c) up-to-date contact details, including email addresses and telephone numbers of the entities- <u>and of their representatives;</u>	
Article 25(1), point (d)				
379a			<u>(d) Member States where the entity provides the service.</u> <u>Where applicable, this information shall be submitted through the national mechanism of self-notification referred to in</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			Article 2a.	
Article 25(1a)				
379b		1a. By ... [12 months after the date of entry into force of this Directive], the essential and important entities shall submit the information referred to in the first subparagraph to ENISA.		
Article 25(2)				
380	2. The entities referred to in paragraph 1 shall notify ENISA about any changes to the details they submitted under paragraph 1 without delay, and in any event, within three months from the date on which the change took effect.	2. The entities referred to in paragraph 1 shall notify ENISA about any changes to the details they submitted under paragraph 1 without delay, and in any event, within three months from the date on which the change took effect.	2. Member States shall ensure that the entities referred to in paragraph 1 shall also notify ENISA about any changes to the details they submitted under paragraph 1 without delay, and in any event, within three months from the date on which the change took effect.	
Article 25(3)				
381	3. Upon receipt of the information under paragraph 1, ENISA shall forward it to the single points of contact depending on the indicated location of each entity's main establishment or, if it is not	3. Upon receipt of the information under paragraph 1, ENISA shall forward it to the single points of contact depending on the indicated location of each entity's main establishment or, if it is not	3. Upon receipt of the information under paragraph 1, ENISA shall forward it to the The Member States' single points of contact depending on the indicated location of each entity's main	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	established in the Union, of its designated representative. Where an entity referred to in paragraph 1 has besides its main establishment in the Union further establishments in other Member States, ENISA shall also inform the single points of contact of those Member States.	established in the Union, of its designated representative. Where an entity referred to in paragraph 1 has besides its main establishment in the Union further establishments in other Member States, ENISA shall also inform the single points of contact of those Member States.	establishment or, if it is not established in the Union, of its designated representative. Where an entity shall forward the <u>information</u> referred to in paragraph 1 has besides its main establishment in the Union further establishments in other Member States; <u>paragraphs 1 and 2 to</u> ENISA shall also inform the single points of contact of those Member States.	
Article 25(3a)				
381a			<u>3a. Based on the information received according to paragraph 3 of this Article, ENISA shall create and maintain a registry for the entities referred to in paragraph 1. Upon request of Member States, ENISA shall enable access of relevant competent authorities to the registry, while ensuring the necessary guarantees to protect confidentiality of information where applicable.</u>	
Article 25(4)				
382	4. Where an entity fails to register	4. Where an entity fails to register	4. Where an entity fails to register	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	its activity or to provide the relevant information within the deadline set out in paragraph 1, any Member State where the entity provides services shall be competent to ensure that entity's compliance with the obligations laid down in this Directive.	its activity or to provide the relevant information within the deadline set out in paragraph 1, any Member State where the entity provides services shall be competent to ensure that entity's compliance with the obligations laid down in this Directive.	its activity or to provide the relevant information within the deadline set out in paragraph 1, any Member State where the entity provides services shall be competent to ensure that entity's compliance with the obligations laid down in this Directive.	
CHAPTER V				
383	CHAPTER V Information sharing	CHAPTER V Information sharing	CHAPTER V Information sharing	
Article 26				
384	Article 26 Cybersecurity information-sharing arrangements	Article 26 Cybersecurity information-sharing arrangements	Article 26 Cybersecurity information-sharing arrangements	
Article 26(1), introductory part				
385	1. Without prejudice to Regulation (EU) 2016/679, Member States shall ensure that essential and important entities may exchange relevant cybersecurity information among themselves including information relating to cyber threats, vulnerabilities, indicators	1. Without prejudice to Regulation (EU) 2016/679 , Member States shall ensure that essential and important entities <u>and other relevant entities not covered by the scope of this Directive</u> may exchange relevant cybersecurity information among themselves	1. Without prejudice to Regulation (EU) 2016/679 , Member States shall ensure that essential and important entities may exchange <u>on a voluntary basis</u> relevant cybersecurity information among themselves including information relating to cyber threats, <u>near</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	of compromise, tactics, techniques and procedures, cybersecurity alerts and configuration tools, where such information sharing:	including information relating to cyber threats, <u>near misses</u> , vulnerabilities, <u>techniques and procedures, metadata and content data</u> , indicators of compromise, <u>adversarial</u> tactics, techniques and procedures <u>modus operandi, actor specific information</u> , cybersecurity alerts, <u>industrial espionage tactics and recommended security tool configurations</u> and configuration tools , where such information sharing:	<u>misses</u> , vulnerabilities, indicators of compromise, tactics, techniques and procedures, cybersecurity alerts and configuration tools, where such information sharing:	
Article 26(1), point (a)				
386	(a) aims at preventing, detecting, responding to or mitigating incidents;	(a) aims at preventing, detecting, responding to or mitigating incidents;	(a) aims at preventing, detecting, responding to or mitigating incidents;	
Article 26(1), point (b)				
387	(b) enhances the level of cybersecurity, in particular through raising awareness in relation to cyber threats, limiting or impeding such threats 'ability to spread, supporting a range of defensive capabilities, vulnerability remediation and disclosure, threat detection techniques, mitigation	(b) enhances the level of cybersecurity, in particular through raising awareness in relation to cyber threats, limiting or impeding such threats 'ability to spread, supporting a range of defensive capabilities, vulnerability remediation and disclosure, threat detection, <u>containment and</u>	(b) enhances the level of cybersecurity, in particular through raising awareness in relation to cyber threats, limiting or impeding such threats 'ability to spread, supporting a range of defensive capabilities, vulnerability remediation and disclosure, threat detection techniques, mitigation	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	strategies, or response and recovery stages.	<u>prevention</u> techniques, mitigation strategies, or response and recovery stages <u>or promoting collaborative cyber threat research between public and private entities</u> .	strategies, or response and recovery stages.	
Article 26(2)				
388	2. Member States shall ensure that the exchange of information takes place within trusted communities of essential and important entities. Such exchange shall be implemented through information sharing arrangements in respect of the potentially sensitive nature of the information shared and in compliance with the rules of Union law referred to in paragraph 1.	2. Member States shall ensure <u>facilitate</u> the exchange of information takes place within <u>by enabling the establishment of</u> trusted communities of essential and important entities <u>and their service providers or, where relevant, other suppliers</u> . Such exchange shall be implemented through information sharing arrangements in respect of the potentially sensitive nature of the information shared and in compliance with the rules of Union law referred to in paragraph 1.	2. Member States shall ensure that the exchange of information takes place within trusted communities of essential and important entities. Such exchange shall be implemented through information sharing arrangements in respect of the potentially sensitive nature of the information shared and in compliance with the rules of Union law referred to in paragraph 1.	
Article 26(3)				
389	3. Member States shall set out rules specifying the procedure, operational elements (including the use of dedicated ICT platforms), content and conditions of the	3. Member States shall set out rules specifying the procedure <u>facilitate the establishment of cybersecurity information-sharing</u>	3. Member States shall <u>may</u> set out rules specifying the procedure, operational elements (including the use of dedicated ICT platforms), content and conditions of the	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	information sharing arrangements referred to in paragraph 2. Such rules shall also lay down the details of the involvement of public authorities in such arrangements, as well as operational elements, including the use of dedicated IT platforms. Member States shall offer support to the application of such arrangements in accordance with their policies referred to in Article 5(2) (g).	<u>arrangements referred to in paragraph 2 by making</u> operational elements (including the use of dedicated ICT platforms); content and conditions of the information sharing arrangements referred to in paragraph 2. Such rules <u>and automation tools) and content available. Member States</u> shall also lay down the details of the involvement of public authorities in such arrangements; as well as operational elements, including the use of dedicated IT platforms <u>and may impose certain conditions on the information made available by competent authorities or CSIRTs</u> . Member States shall offer support to the application of such arrangements in accordance with their policies referred to in Article 5(2) (g).	information sharing arrangements referred to in paragraph 2. Such rules shall <u>may</u> also lay down the details of the involvement of public authorities in such arrangements, as well as operational elements, including the use of dedicated IT platforms. Member States shall offer support to the application of such arrangements in accordance with their policies referred to in Article 5(2) (g).	
Article 26(4)				
390	4. Essential and important entities shall notify the competent authorities of their participation in the information-sharing arrangements referred to in paragraph 2, upon entering into	4. Essential and important entities shall notify the competent authorities of their participation in the information-sharing arrangements referred to in paragraph 2, upon entering into	4. Essential and important entities shall notify the competent authorities of their participation in the information-sharing arrangements referred to in paragraph 2, upon entering into	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	such arrangements, or, as applicable, of their withdrawal from such arrangements, once the withdrawal takes effect.	such arrangements, or, as applicable, of their withdrawal from such arrangements, once the withdrawal takes effect.	such arrangements, or, as applicable, of their withdrawal from such arrangements, once the withdrawal takes effect.	
Article 26(5)				
391	5. In compliance with Union law, ENISA shall support the establishment of cybersecurity information-sharing arrangements referred to in paragraph 2 by providing best practices and guidance.	5. In compliance with Union law, ENISA shall support the establishment of cybersecurity information-sharing arrangements referred to in paragraph 2 by providing best practices and guidance.	5. In compliance with Union law, ENISA shall support the establishment of cybersecurity information-sharing arrangements referred to in paragraph 2 by providing best practices and guidance.	
Article 27				
392	Article 27 Voluntary notification of relevant information	Article 27 Voluntary notification of relevant information	Article 27 Voluntary notification of relevant information	
Article 27, (1)				
393	Member States shall ensure that, without prejudice to Article 3, entities falling outside the scope of this Directive may submit notifications, on a voluntary basis, of significant incidents, cyber threats or near misses. When	Member States shall ensure that, without prejudice to Article 3, entities falling outside the scope of this Directive may submit notifications <u>notifications may be submitted to the CIRTs</u> , on a voluntary basis, of significant	<u>1. Member States shall ensure that,</u> Without prejudice to Article 3, entities falling outside the scope of this Directive may submit notifications <u>20, Member States shall ensure that essential and important entities may notify,</u> on a	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	processing notifications, Member States shall act in accordance with the procedure laid down in Article 20. Member States may prioritise the processing of mandatory notifications over voluntary notifications. Voluntary reporting shall not result in the imposition of any additional obligations upon the reporting entity to which it would not have been subject had it not submitted the notification.	incidents, cyber threats or near misses. When processing notifications, Member States shall act in accordance with the procedure laid down in Article 20. Member States may prioritise the processing of mandatory notifications over voluntary notifications. Voluntary reporting shall not result in the imposition of any additional obligations upon the reporting entity to which it would not have been subject had it not submitted the notification. <u>by:</u>	voluntary basis, of significant incidents, cyber threats or near misses. When processing notifications, Member States shall act in accordance with the procedure laid down in Article 20. Member States may prioritise the processing of mandatory notifications over voluntary notifications. Voluntary reporting shall not result in the imposition of any additional obligations upon the reporting entity to which it would not have been subject had it not submitted the notification <u>to the competent authorities or the CSIRTs any relevant incidents, cyber threats or near misses.</u>	
Article 27, first paragraph, point (a)				
393a		<u>(a) essential and important entities with regard to cyber threats and near misses;</u>		
Article 27, first paragraph, point (b)				
393b		<u>(b) entities falling outside the scope of this Directive, with regard to significant incidents, cyber threats or near misses.</u>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 27, (2)				
393c			<p><u>2. Member States shall ensure that, without prejudice to Article 3, entities falling outside the scope of this Directive may submit notifications, on a voluntary basis, of significant incidents, cyber threats or near misses. When processing notifications, Member States shall act in accordance with the procedure laid down in Article 20. Member States may prioritise the processing of mandatory notifications over voluntary notifications. Without prejudice to the investigation, detection and prosecution of criminal offences, voluntary reporting shall not result in the imposition of any additional obligations upon the reporting entity to which it would not have been subject had it not submitted the notification.</u></p>	
Article 27, (3)				
393d			<p><u>3. Voluntary notifications shall only be processed where such processing does not constitute a</u></p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>disproportionate or undue burden on the Member State concerned.</u>	
Article 27 (1), subparagraph 1a				
393e		<u>When processing such notifications, Member States shall act in accordance with the procedure laid down in Article 20. Member States may prioritise the processing of mandatory notifications over voluntary notifications. Where necessary, CSIRTs shall provide the single point of contact and, where relevant, the competent authorities, with the information on notifications received pursuant this Article, while ensuring confidentiality and appropriate protections of the information provided by the reporting entity. Voluntary notification shall not result in the imposition of any additional obligations upon the reporting entity to which it would not have been subject had it not submitted the notification.</u>		
CHAPTER VI				
394				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	CHAPTER VI Supervision and enforcement	CHAPTER VI Supervision and enforcement	CHAPTER VI Supervision and enforcement	
Article 28				
395	Article 28 General aspects concerning supervision and enforcement	Article 28 General aspects concerning supervision and enforcement	Article 28 General aspects concerning supervision and enforcement	
Article 28(1)				
396	1. Member States shall ensure that competent authorities effectively monitor and take the measures necessary to ensure compliance with this Directive, in particular the obligations laid down in Articles 18 and 20.	1. Member States shall ensure that competent authorities effectively monitor and take the measures necessary to ensure compliance with this Directive, in particular the obligations laid down in Articles 18 and 20.	1. Member States shall ensure that competent authorities effectively monitor and take the measures necessary to ensure compliance with this Directive, in particular the obligations laid down in Articles 18, <u>20 and 23. Member States may allow competent authorities to prioritise supervision, which shall be based on a risk-based approach and 20.</u>	
Article 28(2)				
397	2. Competent authorities shall work in close cooperation with data protection authorities when addressing incidents resulting in personal data breaches.	2. Competent authorities shall work in close cooperation with data protection authorities when addressing incidents resulting in personal data breaches. <u>This shall</u>	2. Competent authorities shall work in close cooperation with data protection authorities, <u>competent authorities designated pursuant to Directive (EU)</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<i><u>be done in accordance with their competence and tasks pursuant to Regulation (EU) 2016/679.</u></i>	<i><u>XXXX/XXXX [Resilience of Critical Entities Directive], supervisory bodies designated pursuant to Regulation (EU) 910/2014 and other competent authorities designated under sector-specific Union legal acts when addressing cybersecurity incidents</u></i> <i>when addressing incidents resulting in personal data breaches.</i>	
Article 28(3)				
397a			<i><u>3. Without prejudice to national legislative and institutional frameworks, Member States shall ensure that, in the supervision of compliance of public administration entities with this Directive and the enforcement of potential sanctions for non-compliance, the competent authorities have the appropriate powers to conduct such tasks with operational independence vis-à-vis the entities supervised. Member States may decide on the imposition of appropriate, proportionate and effective measures of supervision and</u></i>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>enforcement in relation to these entities in accordance with the national frameworks and legal order.</u>	
Article 29				
398	Article 29 Supervision and enforcement for essential entities	Article 29 Supervision and enforcement for essential entities	Article 29 Supervision and enforcement for essential entities	
Article 29(1)				
399	1. Member States shall ensure that the measures of supervision or enforcement imposed on essential entities in respect of the obligations set out in this Directive are effective, proportionate and dissuasive, taking into account the circumstances of each individual case.	1. Member States shall ensure that the measures of supervision or enforcement imposed on essential entities in respect of the obligations set out in this Directive are effective, proportionate and dissuasive, taking into account the circumstances of each individual case.	1. Member States shall ensure that the measures of supervision or enforcement imposed on essential entities in respect of the obligations set out in this Directive are effective, proportionate and dissuasive, taking into account the circumstances of each individual case.	
Article 29(2)				
400	2. Member States shall ensure that competent authorities, where exercising their supervisory tasks in relation to essential entities, have the power to subject those	2. Member States shall ensure that competent authorities, where exercising their supervisory tasks in relation to essential entities, have the power to subject those	2. Member States shall ensure that competent authorities, where exercising their supervisory tasks in relation to essential entities, <u>follow a risk-based approach and</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	entities to:	entities to:	have the power to subject those entities <u>at least</u> to:	
Article 29(2), point (a)				
401	(a) on-site inspections and off-site supervision, including random checks;	(a) on-site inspections and off-site supervision, including random checks <u>conducted by trained professionals</u> ;	(a) on-site inspections and off-site supervision, including random checks;	
Article 29(2), point (aa)				
401a		<u>(aa) investigation of cases of non-compliance and the effects thereof on the security of the services;</u>		
Article 29(2), point (b)				
402	(b) regular audits;	(b) regular <u>annual and targeted security</u> audits <u>carried out by a qualified independent body or a competent authority</u> ;	(b) regular <u>security</u> audits;	
Article 29(2), point (c)				
403	(c) targeted security audits based on risk assessments or risk-related available information;	(c) targeted security <u>ad hoc</u> audits based on risk assessments or risk-related available information <u>in cases justified on the ground of a</u>	(c) targeted security audits based on risk assessments or risk-related available information;	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<u>significant incident or non-compliance by the essential entity;</u>		
Article 29(2), point (d)				
404	(d) security scans based on objective, non-discriminatory, fair and transparent risk assessment criteria;	(d) security scans based on objective, non-discriminatory, fair and transparent risk assessment criteria;	(d) security scans based on objective, non-discriminatory, fair and transparent risk assessment criteria, <u>where necessary for technical reasons, with the cooperation of the entity concerned;</u>	
Article 29(2), point (e)				
405	(e) requests of information necessary to assess the cybersecurity measures adopted by the entity, including documented cybersecurity policies, as well as compliance with the obligation to notify the ENISA pursuant to Article 25 (1) and (2);	(e) requests of information necessary to assess the cybersecurity measures adopted by the entity, including documented cybersecurity policies, as well as compliance with the obligation to notify the ENISA pursuant to Article 25 (1) and (2);	(e) requests of information necessary to assess the cybersecurity measures adopted by the entity, including documented cybersecurity policies, as well as compliance with the obligation to notify the ENISA pursuant to Article 25 (1) and (2);	
Article 29(2), point (f)				
406	(f) requests to access data, documents or any information necessary for the performance of their supervisory tasks;	(f) requests to access data, documents or any information necessary for the performance of their supervisory tasks;	(f) requests to access data, documents or any information necessary for the performance of their supervisory tasks;	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 29(2), point (g)				
407	(g) requests for evidence of implementation of cybersecurity policies, such as the results of security audits carried out by a qualified auditor and the respective underlying evidence.	(g) requests for evidence of implementation of cybersecurity policies, such as the results of security audits carried out by a qualified auditor and the respective underlying evidence.	(g) requests for evidence of implementation of cybersecurity policies, such as the results of security audits carried out by a qualified auditor and the respective underlying evidence.	
Article 29(2a)				
407a			<u>(2a) Where exercising their supervisory tasks provided for in paragraph 2 of this Article, competent authorities may establish supervisory methodologies allowing for a prioritisation of such tasks following a risk-based approach.</u>	
Article 29(2), subparagraph 1a & 1b				
407b		<u>The targeted security audits, referred to in the first subparagraph, point (b), shall be based on risk assessments conducted by the competent authority or the audited entity, or on other risk-related available</u>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<u>information.</u> <u>The results of any targeted security audit shall be made available to the competent authority. The costs of such targeted security audit carried out by a qualified independent body shall be paid by the entity concerned.</u>		
Article 29(2a)				
407c		<u>2a. Where exercising their powers under paragraph 2, points (a) to (d), the competent authorities shall minimise the impact on the business processes of the entity.</u>		
Article 29(3)				
408	3. Where exercising their powers under points (e) to (g) of paragraph 2, the competent authorities shall state the purpose of the request and specify the information requested.	3. Where exercising their powers under points (e) to (g) of paragraph 2, the competent authorities shall state the purpose of the request and specify the information requested.	3. Where exercising their powers under points (e) to (g) of paragraph 2, the competent authorities shall state the purpose of the request and specify the information requested.	
Article 29(4), introductory part				
409	4. Member States shall ensure that	4. Member States shall ensure that	4. Member States shall ensure that	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	competent authorities, where exercising their enforcement powers in relation to essential entities, have the power to:	competent authorities, where exercising their enforcement powers in relation to essential entities, have the power to:	competent authorities, where exercising their enforcement powers in relation to essential entities, have the power <u>at least</u> to:	
Article 29(4), point (a)				
410	(a) issue warnings on the entities' non-compliance with the obligations laid down in this Directive;	(a) issue warnings on the entities' non-compliance with the obligations laid down in this Directive;	(a) issue warnings on the entities' non-compliance with the obligations laid down in this Directive;	
Article 29(4), point (b)				
411	(b) issue binding instructions or an order requiring those entities to remedy the deficiencies identified or the infringements of the obligations laid down in this Directive;	(b) issue binding instructions, <u>including with regard to measures necessary to prevent or remedy an incident, as well as time-limits for the implementation of such measures and for reporting on their implementation</u> , or an order requiring those entities to remedy the deficiencies identified or the infringements of the obligations laid down in this Directive;	(b) issue binding instructions or an order requiring those entities to remedy the deficiencies identified or the infringements of the obligations laid down in this Directive;	
Article 29(4), point (c)				
412	(c) order those entities to cease conduct that is non-compliant with	(c) order those entities to cease conduct that is non-compliant with	(c) order those entities to cease conduct that is non-compliant with	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	the obligations laid down in this Directive and desist from repeating that conduct;	the obligations laid down in this Directive and desist from repeating that conduct;	the obligations laid down in this Directive and desist from repeating that conduct;	
Article 29(4), point (d)				
413	(d) order those entities to bring their risk management measures and/or reporting obligations in compliance with the obligations laid down in Articles 18 and 20 in a specified manner and within a specified period;	(d) order those entities to bring their risk management measures and/or reporting obligations in compliance with the obligations laid down in Articles 18 and 20 in a specified manner and within a specified period;	(d) order those entities to bring their risk management measures and/or reporting obligations in compliance with the obligations laid down in Articles 18 and 20 in a specified manner and within a specified period;	
Article 29(4), point (e)				
414	(e) order those entities to inform the natural or legal person(s) to whom they provide services or activities which are potentially affected by a significant cyber threat of any possible protective or remedial measures which can be taken by those natural or legal person(s) in response to that threat;	(e) order those entities to inform the natural or legal person(s) to whom they provide services or activities which are potentially affected by a significant cyber threat of any possible protective or remedial measures which can be taken by those natural or legal person(s) in response to that threat;	(e) order those entities to inform the natural or legal person(s) to whom they provide services or activities which are potentially affected by a significant cyber threat of <u>the nature of the threat, as well as</u> any possible protective or remedial measures which can be taken by those natural or legal person(s) in response to that threat;	
Article 29(4), point (f)				
415	(f) order those entities to	(f) order those entities to	(f) order those entities to	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	implement the recommendations provided as a result of a security audit within a reasonable deadline;	implement the recommendations provided as a result of a security audit within a reasonable deadline;	implement the recommendations provided as a result of a security audit within a reasonable deadline;	
Article 29(4), point (g)				
416	(g) designate a monitoring officer with well-defined tasks over a determined period of time to oversee the compliance with their obligations provided for by Articles 18 and 20;	(g) designate a monitoring officer with well-defined tasks over a determined period of time to oversee the compliance with their obligations provided for by Articles 18 and 20;	(g) designate a monitoring officer with well-defined tasks over a determined period of time to oversee the compliance with their obligations provided for by Articles 18 and 20;	
Article 29(4), point (h)				
417	(h) order those entities to make public aspects of non-compliance with the obligations laid down in this Directive in a specified manner;	(h) order those entities to make public aspects of non-compliance with the obligations laid down in this Directive in a specified manner;	(h) order those entities to make public aspects of non-compliance with the obligations laid down in this Directive in a specified manner, <u>when such public disclosure does not lead to a harmful exposure of the respective entity</u> ;	
Article 29(4), point (i)				
418	(i) make a public statement which identifies the legal and natural person(s) responsible for the infringement of an obligation laid	(i) make a public statement which identifies the legal and natural person(s) responsible for the infringement of an obligation laid	(i) make a public statement which identifies the legal and natural person(s) responsible for the infringement of an obligation laid	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	down in this Directive and the nature of that infringement;	down in this Directive and the nature of that infringement;	down in this Directive and the nature of that infringement;	
Article 29(4), point (j)				
419	(j) impose or request the imposition by the relevant bodies or courts according to national laws of an administrative fine pursuant to Article 31 in addition to, or instead of, the measures referred to in points (a) to (i) of this paragraph, depending on the circumstances of each individual case.	(j) impose or request the imposition by the relevant bodies or courts according to <u>in accordance with</u> national laws <u>law</u> of an administrative fine pursuant to Article 31 in addition to, or instead of , the measures referred to in points (a) to (i) of this paragraph, depending on the circumstances of each individual case.	(j) impose or request the imposition by the relevant bodies or courts according to national laws of an administrative fine pursuant to Article 31 in addition to, or instead of, the measures referred to in points (a) to (i) of this paragraph, depending on the circumstances of each individual case.	
Article 29(5), introductory part				
420	5. Where enforcement actions adopted pursuant to points (a) to (d) and (f) of paragraph (4) prove ineffective, Member States shall ensure that competent authorities have the power to establish a deadline within which the essential entity is requested to take the necessary action to remedy the deficiencies or comply with the requirements of those authorities. If the requested action is not taken	5. Where enforcement actions adopted pursuant to points (a) to (d) and (f) of paragraph (4) prove ineffective, Member States shall ensure that competent authorities have the power to establish a deadline within which the essential entity is requested to take the necessary action to remedy the deficiencies or comply with the requirements of those authorities. If the requested action is not taken	5. Where enforcement actions adopted pursuant to points (a) to (d) and (f) of paragraph (4) prove ineffective, Member States shall ensure that competent authorities have the power to establish a deadline within which the essential entity is requested to take the necessary action to remedy the deficiencies or comply with the requirements of those authorities. If the requested action is not taken	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	within the deadline set, Member States shall ensure that the competent authorities have the power to:	within the deadline set, Member States shall ensure that the competent authorities have the power to:	within the deadline set, Member States shall ensure that the competent authorities have the power to:	
Article 29(5), point (a)				
421	(a) suspend or request a certification or authorisation body to suspend a certification or authorisation concerning part or all the services or activities provided by an essential entity;	(a) <u>temporarily</u> suspend or request a certification or authorisation body to <u>temporarily</u> suspend a certification or authorisation concerning part or all the <u>relevant</u> services or activities provided by an essential entity;	(a) suspend or request a certification or authorisation body <u>or courts according to national laws</u> to suspend a certification or authorisation concerning part or all the services or activities provided by an essential entity;	
Article 29(5), point (b)				
422	(b) impose or request the imposition by the relevant bodies or courts according to national laws of a temporary ban against any person discharging managerial responsibilities at chief executive officer or legal representative level in that essential entity, and of any other natural person held responsible for the breach, from exercising managerial functions in that entity.	(b) impose or as ultima ratio, request the imposition by the relevant bodies or courts according to <u>in accordance with</u> national laws <u>law</u> of a temporary ban against any person discharging managerial responsibilities at chief executive officer or legal representative level in that essential entity, and of any other natural person held responsible for the breach, from exercising managerial functions in that entity.	(b) impose or request the imposition by the relevant bodies or courts according to national laws of a temporary ban against any person discharging managerial responsibilities at chief executive officer or legal representative level in that essential entity, and of any other natural person held responsible for the breach, from exercising managerial functions in that entity.	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 29(6), first paragraph				
423	These sanctions shall be applied only until the entity takes the necessary action to remedy the deficiencies or comply with the requirements of the competent authority for which such sanctions were applied.	These sanctions <u>Temporary suspensions or bans pursuant to this paragraph</u> shall be applied only until the entity <u>concerned</u> takes the necessary action to remedy the deficiencies or comply with the requirements of the competent authority for which such sanctions were applied. <u>The imposition of such temporary suspensions or bans shall be subject to appropriate procedural safeguards in accordance with the general principles of Union law and the Charter, including effective judicial protection, due process, presumption of innocence and right of defence.</u>	These sanctions shall be applied only until the entity takes the necessary action to remedy the deficiencies or comply with the requirements of the competent authority for which such sanctions were applied. <u>The sanctions provided in this paragraph are not applicable to public administration entities subject to this Directive.</u>	
Article 29(6)				
424	6. Member States shall ensure that any natural person responsible for or acting as a representative of an essential entity on the basis of the power to represent it, the authority to take decisions on its behalf or the authority to exercise control of it has the powers to ensure its	6. Member States shall ensure that any natural person responsible for or acting as a representative of an essential entity on the basis of the power to represent it, the authority to take decisions on its behalf or the authority to exercise control of it has the powers to ensure its	6. Member States shall ensure that any natural person responsible for or acting as a representative of an essential entity on the basis of the power to represent it, the authority to take decisions on its behalf or the authority to exercise control of it has the powers to ensure its	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	compliance with the obligations laid down in this Directive. Member States shall ensure that those natural persons may be held liable for breach of their duties to ensure compliance with the obligations laid down in this Directive.	compliance with the obligations laid down in this Directive. Member States shall ensure that those natural persons may be held liable for breach of their duties to ensure compliance with the obligations laid down in this Directive.	compliance with the obligations laid down in this Directive. Member States shall ensure that those natural persons may be held liable for breach of their duties to ensure compliance with the obligations laid down in this Directive. <u>As regards public administration entities, this provision shall be without prejudice to the Member States' laws as regards the liability of public servants and elected and appointed officials.</u>	
Article 29(7), introductory part				
425	7. Where taking any of the enforcement actions or applying any sanctions pursuant to paragraphs 4 and 5, the competent authorities shall comply with the rights of the defence and take account of the circumstances of each individual case and, as a minimum, take due account of:	7. Where taking any of the enforcement actions or applying any sanctions pursuant to paragraphs 4 and 5, the competent authorities shall comply with the rights of the defence and take account of the circumstances of each individual case and, as a minimum, take due account of:	7. Where taking any of the enforcement actions or applying any sanctions pursuant to paragraphs 4 and 5, the competent authorities shall comply with the rights of the defence and take account of the circumstances of each individual case and, as a minimum, take due account of:	
Article 29(7), point (a)				
426	(a) the seriousness of the infringement and the importance of	(a) the seriousness of the infringement and the importance of	(a) the seriousness of the infringement and the importance of	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	the provisions breached. Among the infringements that should be considered as serious: repeated violations, failure to notify or remedy incidents with a significant disruptive effect, failure to remedy deficiencies following binding instructions from competent authorities obstruction of audits or monitoring activities ordered by the competent authority following the finding of an infringement, providing false or grossly inaccurate information in relation to risk management requirements or reporting obligations set out in Articles 18 and 20.	the provisions breached. Among the infringements that should be considered as serious: repeated violations, failure to notify or remedy incidents with a significant disruptive effect, failure to remedy deficiencies following binding instructions from competent authorities obstruction of audits or monitoring activities ordered by the competent authority following the finding of an infringement, providing false or grossly inaccurate information in relation to risk management requirements or reporting obligations set out in Articles 18 and 20.	the provisions breached. Among the infringements that should be considered as serious: repeated violations, failure to notify or remedy incidents with a significant disruptive effect, failure to remedy deficiencies following binding instructions from competent authorities obstruction of audits or monitoring activities ordered by the competent authority following the finding of an infringement, providing false or grossly inaccurate information in relation to risk management requirements or reporting obligations set out in Articles 18 and 20.	
Article 29(7), point (b)				
427	(b) the duration of the infringement, including the element of repeated infringements;	(b) the duration of the infringement, including the element of repeated infringements;	(b) the duration of the infringement, including the element of repeated infringements;	
Article 29(7), point (c)				
428	(c) the actual damage caused or losses incurred or potential damage or losses that could have been triggered, insofar as they can be determined. Where evaluating this	(c) the actual damage caused or losses incurred or potential damage or losses that could have been triggered, insofar as they can be determined. Where evaluating	(c) the actual damage caused or losses incurred or potential damage or losses that could have been triggered, insofar as they can be determined. Where evaluating this	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	aspect, account shall be taken, amongst others, of actual or potential financial or economic losses, effects on other services, number of users affected or potentially affected;	this aspect, account shall be taken, amongst others, of actual or potential, <u>including</u> financial or economic losses, effects on other services; <u>and the</u> number of users affected or potentially affected; ;	aspect, account shall be taken, amongst others, of actual or potential financial or economic losses, effects on other services, number of users affected or potentially affected;	
Article 29(7), point (ca)				
428a		<u>(ca) any relevant previous infringements by the entity concerned;</u>		
Article 29(7), point (d)				
429	(d) the intentional or negligent character of the infringement;	(d) the intentional or negligent character of the infringement;	(d) the intentional or negligent character of the infringement;	
Article 29(7), point (e)				
430	(e) measures taken by the entity to prevent or mitigate the damage and/or losses;	(e) measures taken by the entity to prevent or mitigate the damage and/or losses;	(e) measures taken by the entity to prevent or mitigate the damage and/or losses;	
Article 29(7), point (f)				
431	(f) adherence to approved codes of conduct or approved certification mechanisms;	(f) adherence to approved codes of conduct or approved certification mechanisms;	(f) adherence to approved codes of conduct or approved certification mechanisms;	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 29(7), point (g)				
432	(g) the level of cooperation of the natural or legal person(s) held responsible with the competent authorities.	(g) the level of cooperation of the natural or legal person(s) held responsible with the competent authorities.	(g) the level of cooperation of the natural or legal person(s) held responsible with the competent authorities.	
Article 29(8)				
433	8. The competent authorities shall set out a detailed reasoning for their enforcement decisions. Before taking such decisions, the competent authorities shall notify the entities concerned of their preliminary findings and allow a reasonable time for those entities to submit observations.	8. The competent authorities shall set out a detailed reasoning for their enforcement decisions. Before taking such decisions, the competent authorities shall notify the entities concerned of their preliminary findings and allow a reasonable time for those entities to submit observations.	8. The competent authorities shall set out a detailed reasoning for their enforcement decisions. Before taking such decisions, the competent authorities shall notify the entities concerned of their preliminary findings and allow a reasonable time for those entities to submit observations, <u>unless in case of imminent danger</u> .	
Article 29(9)				
434	9. Member States shall ensure that their competent authorities inform the relevant competent authorities of the Member State concerned designated pursuant to Directive (EU) XXXX/XXXX [Resilience of Critical Entities Directive] when	9. Member States shall ensure that their competent authorities inform the relevant competent authorities of the Member State concerned <u>all relevant Member States</u> designated pursuant to Directive (EU) XXXX/XXXX [Resilience of	9. Member States shall ensure that their competent authorities <u>under this Directive</u> inform the relevant competent authorities of the <u>within that same</u> Member State concerned designated pursuant to Directive (EU) XXXX/XXXX	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	exercising their supervisory and enforcement powers aimed at ensuring compliance of an essential entity identified as critical, or as an entity equivalent to a critical entity, under Directive (EU) XXXX/XXXX [Resilience of Critical Entities Directive] with the obligations pursuant to this Directive. Upon request of competent authorities under Directive (EU) XXXX/XXXX [Resilience of Critical Entities Directive], competent authorities may exercise their supervisory and enforcement powers on an essential entity identified as critical or equivalent.	Critical Entities Directive] when exercising their supervisory and enforcement powers aimed at ensuring compliance of an essential entity identified as critical, or as an entity equivalent to a critical entity, under Directive (EU) XXXX/XXXX [Resilience of Critical Entities Directive] with the obligations pursuant to this Directive. Upon request of competent authorities under Directive (EU) XXXX/XXXX [Resilience of Critical Entities Directive], competent authorities may exercise their supervisory and enforcement powers on an essential entity identified as critical or equivalent.	[Resilience of Critical Entities Directive] when exercising their supervisory and enforcement powers aimed at ensuring compliance of an essential entity identified as critical, <u>for</u> as an entity equivalent to a critical entity , under Directive (EU) XXXX/XXXX [Resilience of Critical Entities Directive] with the obligations pursuant to this Directive. Upon request of <u>Where appropriate,</u> competent authorities under Directive (EU) XXXX/XXXX [Resilience of Critical Entities Directive]; <u>may request</u> competent authorities may <u>under this Directive to</u> exercise their supervisory and enforcement powers on <u>in relation to</u> an essential entity <u>under the scope of this Directive that is also</u> identified as critical <u>for</u> equivalent , <u>under Directive (EU) XXXX/XXXX [Resilience of Critical Entities Directive].</u>	
Article 29(10)				
434a			<u>10. Member States shall ensure that their competent authorities</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>under this Directive inform the Oversight Forum pursuant to Article 29 (1) of Regulation (EU) XXXX/XXXX [DORA] when exercising their supervisory and enforcement powers aimed at ensuring compliance of an essential entity designated as critical ICT third-party service provider pursuant to Article 28 of Regulation (EU) XXXX/XXXX [DORA] with the obligations pursuant to this Directive.</u>	
Article 29(9a)				
434b		<u>9a. Member States shall ensure that their competent authorities cooperate with the relevant competent authorities of the Member State concerned designated pursuant to Regulation (EU) XXXX/XXXX [DORA].</u>		
Article 29(10a)				
434c			<u>10a. Member States shall ensure that their competent authorities under this Directive inform the relevant competent authorities designated pursuant to Regulation</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>(EU) 910/2014 when exercising their supervisory and enforcement powers aimed at ensuring compliance of an entity designated as trust service providers pursuant to Regulation (EU) 910/2014, with the obligations pursuant to this Directive.</u>	
Article 30				
435	Article 30 Supervision and enforcement for important entities	Article 30 Supervision and enforcement for important entities	Article 30 Supervision and enforcement for important entities	
Article 30(1)				
436	1. When provided with evidence or indication that an important entity is not in compliance with the obligations laid down in this Directive, and in particular in Articles 18 and 20, Member States shall ensure that the competent authorities take action, where necessary, through ex post supervisory measures.	1. When provided with evidence or indication that an important entity is not in compliance with the obligations laid down in this Directive, and in particular in Articles 18 and 20, Member States shall ensure that the competent authorities take action, where necessary, through ex post supervisory measures. <u>Member States shall ensure that those measures are effective, proportionate and dissuasive, taking into account the</u>	1. When provided with evidence or indication <u>or information</u> that an important entity is <u>allegedly</u> not in compliance with the obligations laid down in this Directive, and in particular in Articles 18 and 20, Member States shall ensure that the competent authorities take action, where necessary, through ex post <u>post</u> supervisory measures.	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<u><i>circumstances of each individual case.</i></u>		
Article 30(2), introductory part				
437	2. Member States shall ensure that the competent authorities, where exercising their supervisory tasks in relation to important entities, have the power to subject those entities to:	2. Member States shall ensure that the competent authorities, where exercising their supervisory tasks in relation to important entities, have the power to subject those entities to:	2. Member States shall ensure that the competent authorities, where exercising their supervisory tasks in relation to important entities, <u><i>follow a risk-based approach and</i></u> have the power to subject those entities <u><i>at least</i></u> to:	
Article 30(2), point (a)				
438	(a) on-site inspections and off-site ex post supervision;	(a) on-site inspections and off-site ex post supervision <u><i>conducted by trained professionals;</i></u>	(a) on-site inspections and off-site ex post supervision;	
Article 30(2), point (aa)				
438a		<u><i>(aa) investigation of cases of non-compliance and the effects thereof on the security of the services;</i></u>		
Article 30(2), point (b)				
439	(b) targeted security audits based on risk assessments or risk-related	(b) targeted security audits <i>based on risk assessments or risk-related</i>	(b) targeted security audits based on risk assessments or risk-related	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	available information;	available information <u>carried out by a qualified independent body or a competent authority;</u>	available information;	
Article 30(2), point (c)				
440	(c) security scans based on objective, fair and transparent risk assessment criteria;	(c) security scans based on objective, <u>non-discriminatory</u> , fair and transparent risk assessment criteria;	(c) security scans based on objective, <u>non-discriminatory</u> , fair and transparent risk assessment criteria, <u>where necessary for technical reasons, with the cooperation of the entity concerned;</u>	
Article 30(2), point (d)				
441	(d) requests for any information necessary to assess ex-post the cybersecurity measures, including documented cybersecurity policies, as well as compliance with the obligation to notify ENISA pursuant to Article 25(1) and (2);	(d) requests for any information necessary to assess ex-post the cybersecurity measures, including documented cybersecurity policies, as well as compliance with the obligation to notify ENISA pursuant to Article 25(1) and (2);	(d) requests for any information necessary to assess ex-post the cybersecurity measures, including documented cybersecurity policies, as well as compliance with the obligation to notify ENISA pursuant to Article 25(1) and (2);	
Article 30(2), point (e)				
442	(e) requests to access data, documents and/or information necessary for the performance of the supervisory tasks.	(e) requests to access data, documents and/or information necessary for the performance of the supervisory tasks.	(e) requests to access data, documents and/or information necessary for the performance of the supervisory tasks.	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 30(2), point (ea)				
442a			<u>(ea) requests for evidence of implementation of cybersecurity policies, such as the results of security audits carried out by a qualified auditor and the respective underlying evidence.</u>	
Article 30(2a)				
442b			<u>(2a) Where exercising their supervisory tasks provided for in paragraph 2 of this Article, competent authorities may establish supervisory methodologies allowing for a prioritisation of such tasks following a risk-based approach.</u>	
Article 30(2), subparagraphs 1a & 1b				
442c		<u>The targeted security audits, referred to in the first subparagraph, point (b), shall be based on risk assessments conducted by the competent authority or the audited entity, or on other risk-related available</u>		

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<u>information.</u> <u>The results of any targeted security audit shall be made available to the competent authority. The costs of such targeted security audit carried out by a qualified independent body shall be paid by the entity concerned.</u>		
Article 30(3)				
443	3. Where exercising their powers pursuant to points (d) or (e) of paragraph 2, the competent authorities shall state the purpose of the request and specify the information requested.	3. Where exercising their powers pursuant to points (d) or (e) of paragraph 2, the competent authorities shall state the purpose of the request and specify the information requested.	3. Where exercising their powers pursuant to points (d) or (e) <u>to (ea)</u> of paragraph 2, the competent authorities shall state the purpose of the request and specify the information requested.	
Article 30(4), introductory part				
444	4. Member States shall ensure that the competent authorities, where exercising their enforcement powers in relation to important entities, have the power to:	4. Member States shall ensure that the competent authorities, where exercising their enforcement powers in relation to important entities, have the power to:	4. Member States shall ensure that the competent authorities, where exercising their enforcement powers in relation to important entities, have the power <u>at least</u> to:	
Article 30(4), point (a)				
445				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	(a) issue warnings on the entities' non-compliance with the obligations laid down in this Directive;	(a) issue warnings on the entities' non-compliance with the obligations laid down in this Directive;	(a) issue warnings on the entities' non-compliance with the obligations laid down in this Directive;	
Article 30(4), point (b)				
446	(b) issue binding instructions or an order requiring those entities to remedy the deficiencies identified or the infringement of the obligations laid down in this Directive;	(b) issue binding instructions or an order requiring those entities to remedy the deficiencies identified or the infringement of the obligations laid down in this Directive;	(b) issue binding instructions or an order requiring those entities to remedy the deficiencies identified or the infringement of the obligations laid down in this Directive;	
Article 30(4), point (c)				
447	(c) order those entities to cease conduct that is in non-compliant with the obligations laid down in this Directive and desist from repeating that conduct;	(c) order those entities to cease conduct that is in non-compliant with the obligations laid down in this Directive and desist from repeating that conduct;	(c) order those entities to cease conduct that is in non-compliant with the obligations laid down in this Directive and desist from repeating that conduct;	
Article 30(4), point (d)				
448	(d) order those entities to bring their risk management measures or the reporting obligations in compliance with the obligations laid down in Articles 18 and 20 in a specified manner and within a	(d) order those entities to bring their risk management measures or the reporting obligations in compliance with the obligations laid down in Articles 18 and 20 in a specified manner and within a	(d) order those entities to bring their risk management measures or the reporting obligations in compliance with the obligations laid down in Articles 18 and 20 in a specified manner and within a	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	specified period;	specified period;	specified period;	
Article 30(4), point (e)				
449	(e) order those entities to inform the natural or legal person(s) to whom they provide services or activities which are potentially affected by a significant cyber threat of any possible protective or remedial measures which can be taken by those natural or legal person(s) in response to that threat;	(e) order those entities to inform the natural or legal person(s) to whom they provide services or activities which are potentially affected by a significant cyber threat of any possible protective or remedial measures which can be taken by those natural or legal person(s) in response to that threat;	(e) order those entities to inform the natural or legal person(s) to whom they provide services or activities which are potentially affected by a significant cyber threat of <u>the nature of the threat, as well as</u> any possible protective or remedial measures which can be taken by those natural or legal person(s) in response to that threat;	
Article 30(4), point (f)				
450	(f) order those entities to implement the recommendations provided as a result of a security audit within a reasonable deadline;	(f) order those entities to implement the recommendations provided as a result of a security audit within a reasonable deadline;	(f) order those entities to implement the recommendations provided as a result of a security audit within a reasonable deadline;	
Article 30(4), point (g)				
451	(g) order those entities to make public aspects of non-compliance with their obligations laid down in this Directive in a specified manner;	(g) order those entities to make public aspects of non-compliance with their obligations laid down in this Directive in a specified manner;	(g) order those entities to make public aspects of non-compliance with their obligations laid down in this Directive in a specified manner, <u>when such public disclosure does not lead to a</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>harmful exposure of the respective entity</u> ;	
Article 30(4), point (h)				
452	(h) make a public statement which identifies the legal and natural person(s) responsible for the infringement of an obligation laid down in this Directive and the nature of that infringement;	(h) make a public statement which identifies the legal and natural person(s) responsible for the infringement of an obligation laid down in this Directive and the nature of that infringement;	(h) make a public statement which identifies the legal and natural person(s) responsible for the infringement of an obligation laid down in this Directive and the nature of that infringement;	
Article 30(4), point (i)				
453	(i) impose or request the imposition by the relevant bodies or courts according to national laws of an administrative fine pursuant to Article 31 in addition to, or instead of, the measures referred to in points (a) to (h) of this paragraph, depending on the circumstances of each individual case.	(i) impose or request the imposition by the relevant bodies or courts according to <u>in accordance with</u> national laws <u>law</u> of an administrative fine pursuant to Article 31 in addition to, or <u>instead of</u> , the measures referred to in points (a) to (h) of this paragraph, depending on the circumstances of each individual case.	(i) impose or request the imposition by the relevant bodies or courts according to national laws of an administrative fine pursuant to Article 31 in addition to, or instead of, the measures referred to in points (a) to (h) of this paragraph, depending on the circumstances of each individual case.	
Article 30(5)				
454	5. Article 29 (6) to (8) shall also apply to the supervisory and	5. Article 29 (6) to (8) shall also apply to the supervisory and	5. Article 29 (6) to (8) shall also apply to the supervisory and	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	enforcement measures provided for in this Article for the important entities listed in Annex II.	enforcement measures provided for in this Article for the important entities listed in Annex II.	enforcement measures provided for in this Article for the important entities listed in Annex II.	
Article 31				
455	Article 31 General conditions for imposing administrative fines on essential and important entities	Article 31 General conditions for imposing administrative fines on essential and important entities	Article 31 General conditions for imposing administrative fines on essential and important entities	
Article 31(1)				
456	1. Member States shall ensure that the imposition of administrative fines on essential and important entities pursuant to this Article in respect of infringements of the obligations laid down in this Directive are, in each individual case, effective, proportionate and dissuasive.	1. Member States shall ensure that the imposition of administrative fines on essential and important entities pursuant to this Article in respect of infringements of the obligations laid down in this Directive are, in each individual case, effective, proportionate and dissuasive.	1. Member States shall ensure that the imposition of administrative fines on essential and important entities pursuant to this Article in respect of infringements of the obligations laid down in this Directive are, in each individual case, effective, proportionate and dissuasive.	
Article 31(2)				
457	2. Administrative fines shall, depending on the circumstances of each individual case, be imposed in addition to, or instead of, measures referred to in points (a) to (i) of	2. Administrative fines shall, depending on the circumstances of each individual case, be imposed in addition to, or instead of, measures referred to in points (a) to (i) of	2. Administrative fines shall, depending on the circumstances of each individual case, be imposed in addition to, or instead of, measures referred to in points (a) to (i) of	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	Article 29(4), Article 29(5) and points (a) to (h) of Article 30(4).	Article 29(4), Article 29(5) and points (a) to (h) of Article 30(4).	Article 29(4), Article 29(5) and points (a) to (h) of Article 30(4).	
Article 31(3)				
458	3. Where deciding whether to impose an administrative fine and deciding on its amount in each individual case due regard shall be given, as a minimum, to the elements provided for in Article 29(7).	3. Where deciding whether to impose an administrative fine and deciding on its amount in each individual case due regard shall be given, as a minimum, to the elements provided for in Article 29(7).	3. Where deciding whether to impose an administrative fine and deciding on its amount in each individual case due regard shall be given, as a minimum, to the elements provided for in Article 29(7).	
Article 31(4)				
459	4. Member States shall ensure that infringements of the obligations laid down in Article 18 or Article 20 shall, in accordance with paragraphs 2 and 3 of this Article, be subject to administrative fines of a maximum of at least 10 000 000 EUR or up to 2% of the total worldwide annual turnover of the undertaking to which the essential or important entity belongs in the preceding financial year, whichever is higher.	4. Member States shall ensure that infringements of the obligations laid down in Article 18 or Article 20 shall, in accordance with paragraphs 2 and 3 of this Article, be subject to administrative fines of a maximum of at least 10 000 000 EUR or up to 2% of the total worldwide annual turnover of the undertaking to which the essential or important entity belongs in the preceding financial year, whichever is higher.	4. Member States shall ensure that infringements <u>by the essential entities</u> of the obligations laid down in Article 18 or Article 20 shall, in accordance with paragraphs 2 and 3 of this Article, be subject to administrative fines of a maximum of at least 10 000 000 <u>4 000 000</u> EUR or, <u>in the case of a legal person,</u> up to 2% of the total worldwide annual turnover of the undertaking to which the essential or important entity belongs in the preceding financial year, whichever is higher.	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 31(4a)				
459a			<u>4a. Member States shall ensure that infringements by the important entities of the obligations laid down in Article 18 or Article 20 shall, in accordance with paragraphs 2 and 3 of this Article, be subject to administrative fines of a maximum of at least 2 000 000 EUR or, in the case of a legal person, 1% of the total worldwide annual turnover of the undertaking to which the important entity belongs in the preceding financial year, whichever is higher.</u>	
Article 31(5)				
460	5. Member States may provide for the power to impose periodic penalty payments in order to compel an essential or important entity to cease an infringement in accordance with a prior decision of the competent authority.	5. Member States may provide for the power to impose periodic penalty payments in order to compel an essential or important entity to cease an infringement in accordance with a prior decision of the competent authority.	5. Member States may provide for the power to impose periodic penalty payments in order to compel an essential or important entity to cease an infringement in accordance with a prior decision of the competent authority.	
Article 31(6)				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
461	6. Without prejudice to the powers of competent authorities pursuant to Articles 29 and 30, each Member State may lay down the rules on whether and to what extent administrative fines may be imposed on public administration entities referred to in Article 4(23) subject to the obligations provided for by this Directive.	6. Without prejudice to the powers of competent authorities pursuant to Articles 29 and 30, each Member State may lay down the rules on whether and to what extent administrative fines may be imposed on public administration entities referred to in Article 4(23) subject to the obligations provided for by this Directive.	6. Without prejudice to the powers of competent authorities pursuant to Articles 29 and 30, each Member State may lay down the rules on whether and to what extent administrative fines may be imposed on public administration entities referred to in Article 4(23) subject to the obligations provided for by this Directive.	
Article 31(6a)				
461a			<u>6a. Where the legal system of the Member State does not provide for administrative fines, Member States shall ensure that this Article may be applied in such a manner that the fine is initiated by the competent authority and imposed by competent national courts, while ensuring that those legal remedies are effective and have an equivalent effect to the administrative fines imposed by the competent authorities. In any event, the fines imposed shall be effective, proportionate and dissuasive. Those Member States shall notify to the Commission the</u>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			<u>provisions of their laws which they adopt pursuant to this paragraph by [...] and, without delay, any subsequent amendment law or amendment affecting them.</u>	
Article 32				
462	Article 32 Infringements entailing a personal data breach	Article 32 Infringements entailing a personal data breach	Article 32 Infringements entailing a personal data breach	
Article 32(1)				
463	1. Where the competent authorities have indications that the infringement by an essential or important entity of the obligations laid down in Articles 18 and 20 entails a personal data breach, as defined by Article 4(12) of Regulation (EU) 2016/679 which shall be notified pursuant to Article 33 of that Regulation, they shall inform the supervisory authorities competent pursuant to Articles 55 and 56 of that Regulation within a reasonable period of time.	1. Where the competent authorities have indications that the infringement by an essential or important entity of the obligations laid down in Articles 18 and 20 entails a personal data breach, as defined by <u>in</u> Article 4, <u>point</u> (12) of Regulation (EU) 2016/679 which shall be notified pursuant to Article 33 of that Regulation, they shall inform the supervisory authorities competent pursuant to Articles 55 and 56 of that Regulation <u>without undue delay and in any event</u> within a reasonable period of time <u>72 hours of becoming aware of a data</u>	1. Where, <u>in the course of supervision or enforcement</u> , the competent authorities have indications <u>become aware</u> that the infringement by an essential or important entity of the obligations laid down in Articles 18 and 20 entails <u>of this Directive may entail</u> a personal data breach, as defined by Article 4(12) of Regulation (EU) 2016/679 which shall be notified pursuant to Article 33 of that Regulation, they shall, <u>without undue delay</u> , inform the supervisory authorities competent pursuant to Articles 55 and 56 of that Regulation within a	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		<u>breach</u> .	reasonable period of time .	
Article 32(2)				
464	2. Where the supervisory authorities competent in accordance with Articles 55 and 56 of Regulation (EU) 2016/679 decide to exercise their powers pursuant to Article 58(i) of that Regulation and impose an administrative fine, the competent authorities shall not impose an administrative fine for the same infringement under Article 31 of this Directive. The competent authorities may, however, apply the enforcement actions or exercise the sanctioning powers provided for in points (a) to (i) of Article 29 (4), Article 29 (5), and points (a) to (h) of Article 30 (4) of this Directive.	2. Where the supervisory authorities competent in accordance with Articles 55 and 56 of Regulation (EU) 2016/679 decide to exercise their powers pursuant to Article 58(i) of that Regulation and impose an administrative fine, the competent authorities shall not impose an administrative fine for the same infringement under Article 31 of this Directive. The competent authorities may, however, apply the enforcement actions or exercise the sanctioning powers provided for in points (a) to (i) of Article 29 (4), Article 29 (5), and points (a) to (h) of Article 30 (4) of this Directive.	2. Where the supervisory authorities competent in accordance with Articles 55 and 56 of Regulation (EU) 2016/679 decide to exercise their powers pursuant to Article 58(i) <u>58(2)(i)</u> of that Regulation and impose an administrative fine, the competent authorities <u>referred to in Article 8 of this Directive</u> shall not impose an administrative fine for <u>an infringement by</u> the same infringement under <u>deed of</u> Article 31 of this Directive. The competent authorities may, however, apply the enforcement actions or exercise the sanctioning powers provided for in points (a) to (i) of Article 29 (4), Article 29 (5), and points (a) to (h) of Article 30 (4) of this Directive.	
Article 32(3)				
465	3. Where the supervisory authority competent pursuant to Regulation (EU) 2016/679 is established in	3. Where the supervisory authority competent pursuant to Regulation (EU) 2016/679 is established in	3. Where the supervisory authority competent pursuant to Regulation (EU) 2016/679 is established in	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	another Member State than the competent authority, the competent authority may inform the supervisory authority established in the same Member State.	another Member State than the competent authority, the competent authority may <i>shall</i> inform the supervisory authority established in the same Member State.	another Member State than the competent authority, the competent authority may inform the supervisory authority established in the same Member State.	
Article 33				
466	Article 33 Penalties	Article 33 Penalties	Article 33 Penalties	
Article 33(1)				
467	1. Member States shall lay down rules on penalties applicable to the infringements of national provisions adopted pursuant to this Directive, and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.	1. Member States shall lay down rules on penalties applicable to the infringements of national provisions adopted pursuant to this Directive, and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.	1. Member States shall lay down rules on penalties applicable to the infringements of national provisions adopted pursuant to this Directive, and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.	
Article 33(2)				
468	2. Member States shall, by [two] years following the entry into force of this Directive, notify the Commission of those rules and of	2. Member States shall, by [two] years following the entry into force of this Directive, notify the Commission of those rules and of	2. Member States shall, by [two] years following the entry into force of this Directive, notify the Commission of those rules and of	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	those measures and shall notify it, without undue delay of any subsequent amendment affecting them.	those measures and shall notify it, without undue delay of any subsequent amendment affecting them.	those measures and shall notify it, without undue delay of any subsequent amendment affecting them.	
Article 34				
469	Article 34 Mutual assistance	Article 34 Mutual assistance	Article 34 Mutual assistance	
Article 34(1), introductory part				
470	1. Where an essential or important entity is providing services in more than one Member State, or has its main establishment or a representative in a Member State, but its network and information systems are located in one or more other Member States, the competent authority of the Member State of the main establishment or other establishment or of the representative, and the competent authorities of those other Member States shall cooperate with and assist each other as necessary. That cooperation shall entail, at least, that:	1. Where an essential or important entity is providing services in more than one Member State, or has its main establishment or a representative in a Member State, but its network and information systems are located in one or more other Member States, the competent authority of the Member State of the main establishment or other establishment or of the representative, and the competent authorities of those other Member States shall cooperate with and assist each other as necessary. That cooperation shall entail, at least, that:	1. Where an essential or important entity is providing services in more than one Member State, or <u>is providing services in one or more</u> has its main establishment or a representative in a Member State <u>States</u> , but its network and information systems are located in one or more other Member States, the competent authority <u>authorities</u> of the Member State of the main establishment or other establishment or of the representative, and the competent authorities of those other Member States <u>concerned</u> shall cooperate with and assist each other as necessary. That cooperation shall entail, at least, that:	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 34(1), point (a)				
471	(a) the competent authorities applying supervisory or enforcement measures in a Member State shall, via the single point of contact, inform and consult the competent authorities in the other Member States concerned on the supervisory and enforcement measures taken and their follow-up, in accordance with Articles 29 and 30;	(a) the competent authorities applying supervisory or enforcement measures in a Member State shall, via the single point of contact, inform and consult the competent authorities in the other Member States concerned on the supervisory and enforcement measures taken and their follow-up, in accordance with Articles 29 and 30;	(a) the competent authorities applying supervisory or enforcement measures in a Member State shall, via the single point of contact, inform and consult the competent authorities in the other Member States concerned on the supervisory and enforcement measures taken and their follow-up, in accordance with Articles 29 and 30;	
Article 34(1), point (b)				
472	(b) a competent authority may request another competent authority to take the supervisory or enforcement measures referred to in Articles 29 and 30;	(b) a competent authority may request another competent authority to take the supervisory or enforcement measures referred to in Articles 29 and 30;	(b) a competent authority may request another competent authority to take the supervisory or enforcement measures referred to in Articles 29 and 30;	
Article 34(1), point (c)				
473	(c) a competent authority shall, upon receipt of a justified request from another competent authority, provide the other competent authority with assistance so that the	(c) a competent authority shall, upon receipt of a justified request from another competent authority, provide the other competent authority with assistance so that the	(c) a competent authority shall, upon receipt of a justified request from another competent authority, provide the other competent authority with assistance so that	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>supervision or enforcement actions referred to in Articles 29 and 30 can be implemented in an effective, efficient and consistent manner. Such mutual assistance may cover information requests and supervisory measures, including requests to carry out on-site inspections or off-site supervision or targeted security audits. A competent authority to which a request for assistance is addressed may not refuse that request unless, after an exchange with the other authorities concerned, ENISA and the Commission, it is established that either the authority is not competent to provide the requested assistance or the requested assistance is not proportionate to the supervisory tasks of the competent authority carried out in accordance with Article 29 or Article 30.</p>	<p>supervision or enforcement actions referred to in Articles 29 and 30 can be implemented in an effective, efficient and consistent manner. Such mutual assistance may cover information requests and supervisory measures, including requests to carry out on-site inspections or off-site supervision or targeted security audits. A competent authority to which a request for assistance is addressed may not refuse that request unless, after an exchange with the other authorities concerned, ENISA and the Commission, it is established that either the authority is not competent to provide the requested assistance or the requested assistance is not proportionate to the supervisory tasks of the competent authority carried out in accordance with Article 29 or Article 30.</p>	<p>the supervision or enforcement actions referred to in Articles 29 and 30 can <u>proportionate to the resources at its own disposal so that the supervision or enforcement actions</u> can be implemented in an effective, efficient and consistent manner. Such mutual assistance may cover information requests and supervisory measures, including requests to carry out on-site inspections or off-site supervision or targeted security audits. A competent authority to which a request for assistance is addressed may not refuse that request unless, after an exchange with the other authorities concerned, ENISA and the Commission, it is established that either the authority is not competent to provide the requested assistance or <u>does not have the necessary resources or</u> the requested assistance is not proportionate to the supervisory tasks of the competent authority carried out <u>or the request concerns information or entails activities which are in conflict with that Member State's national security or public security or</u></p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			defence in accordance with Article 29 or Article 30.	
Article 34(2)				
474	2. Where appropriate and with common agreement, competent authorities from different Member States may carry out the joint supervisory actions referred to in Articles 29 and 30.	2. Where appropriate and with common agreement, competent authorities from different Member States may carry out the joint supervisory actions referred to in Articles 29 and 30.	2. Where appropriate and with common agreement, competent authorities from different Member States may carry out the joint supervisory actions referred to in Articles 29 and 30.	
CHAPTER VII				
475	CHAPTER VII Transitional and final provisions	CHAPTER VII Transitional and final provisions	CHAPTER VII Transitional and final provisions	
Article 35				
476	Article 35 Review	Article 35 Review	Article 35 Review	
Article 35, first paragraph				
477	The Commission shall periodically review the functioning of this Directive, and report to the European Parliament and to the Council. The report shall in	<u>By... /42 months after the date of entry into force of this Directive/ and every 36 months thereafter,</u> the Commission shall periodically review the functioning of this	The Commission shall periodically review the functioning of this Directive, and report to the European Parliament and to the Council. The report shall in	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	particular assess the relevance of sectors, subsectors, size and type of entities referred to in Annexes I and II for the functioning of the economy and society in relation to cybersecurity. For this purpose and with a view to further advancing the strategic and operational cooperation, the Commission shall take into account the reports of the Cooperation Group and the CSIRTs network on the experience gained at a strategic and operational level. The first report shall be submitted by... 54 months after the date of entry into force of this Directive.	Directive, and report to the European Parliament and to the Council. The report shall in particular assess the relevance of <u>the</u> sectors, subsectors, size and type of entities referred to in Annexes I and II for the functioning of the economy and society in relation to cybersecurity. For this purpose <u>To that end</u> and with a view to further advancing the strategic and operational cooperation, the Commission shall take into account the reports of the Cooperation Group and the CSIRTs network on the experience gained at a strategic and operational level. The first <u>The</u> report shall be submitted by... <u>submitted by...</u> 54 months after the date of entry into force of this Directive <u>accompanied, where necessary, by a legislative proposal.</u>	particular assess the relevance of sectors, subsectors, size and type of entities referred to in Annexes I and II for the functioning of the economy and society in relation to cybersecurity. For this <u>the</u> purpose and with a view to further advancing the strategic and operational cooperation <u>of the review,</u> , the Commission shall take into account the reports of the Cooperation Group and the CSIRTs network on the experience gained at a strategic and operational level. The first report shall be submitted by... 54 <u>54</u> months after the date of entry into force of this Directive . <u>.</u>	
Article 36				
478	Article 36 Exercise of the delegation	Article 36 Exercise of the delegation	Article 36	
Article 36(1)				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
479	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 36(2)				
480	2. The power to adopt delegated acts referred to in Articles 18(6) and 21(2) shall be conferred on the Commission for a period of five years from [...]	2. The power to adopt delegated acts referred to in Articles 18(6), 20(11a) and 21(2) shall be conferred on the Commission for a period of five years from [...]	2. The power to adopt delegated acts referred to in Articles 18(6) and 21(2) shall be conferred on the Commission for a period of five years from [...]	
Article 36(3)				
481	3. The delegation of power referred to in Articles 18(6) and 21(2) 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 Articles 18(6), 20(11a) and 21(2) 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	3. The delegation of power referred to in Articles 18(6) and 21(2) 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.	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
		already in force.		
Article 36(4)				
482	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with principles laid down in the Inter-institutional 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 principles laid down in the Inter-institutional 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 principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making.	
Article 36(5)				
483	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 36(6)				
484	6. A delegated act adopted pursuant to Articles 18(6) and 21(2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the	6. A delegated act adopted pursuant to Articles 18(6), 20(11a) and 21(2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the	6. A delegated act adopted pursuant to Articles 18(6) and 21(2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	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.	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.	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 37				
485	Article 37 Committee procedure	Article 37 Committee procedure	Article 37 Committee procedure	
Article 37(1)				
486	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 37(2)				
487	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.	
Article 37(3)				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
488	3. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a committee member so requests.	3. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a committee member so requests.	3. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a committee member so requests.	
Article 38				
489	Article 38 Transposition	Article 38 Transposition	Article 38 Transposition	
Article 38(1)				
490	1. Member States shall adopt and publish, by ... □ 18 months after the date of entry into force of this Directive□, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall immediately inform the Commission thereof. They shall apply those measures from ... [one day after the date referred to in the first subparagraph].	1. Member States shall adopt and publish, by ... □ 18 months after the date of entry into force of this Directive□, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall immediately inform the Commission thereof. They shall apply those measures from ... [one day after the date referred to in the first subparagraph].	1. Member States shall adopt and publish, by ... □ 18 By ... [24 months after the date of entry into force of this Directive□], Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive. They shall immediately inform the Commission thereof. They shall apply those measures from ... [one day after the date referred to in the first subparagraph].	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Article 38(2)				
491	2. When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.	2. When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.	2. When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.	
Article 39				
492	Article 39 Amendment of Regulation (EU) No 910/2014	Article 39 Amendment of Regulation (EU) No 910/2014	Article 39 Amendment of Regulation (EU) No 910/2014	
Article 39, first paragraph				
493	Article 19 of Regulation (EU) No 910/2014 is deleted.	Article 19 of Regulation (EU) No 910/2014 is deleted.	Article 19 of Regulation (EU) No 910/2014, <u>Article 19</u> -is deleted <u>with effect from... / date of the transposition deadline of this Directive</u> .	
Article 40				
494	Article 40 Amendment of Directive (EU)	Article 40 Amendment of Directive (EU)	Article 40 Amendment of Directive (EU)	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	2018/1972	2018/1972	2018/1972	
Article 40, first paragraph				
495	Articles 40 and 41 of Directive (EU) 2018/1972 are deleted.	Articles 40 and 41 of Directive (EU) 2018/1972 are deleted.	<u>In Directive (EU) 2018/1972, Articles 40 and 41 <i>are deleted with effect from... [date of the transposition deadline of this Directive]</i> of Directive (EU) 2018/1972 are deleted.</u>	
Article 41				
496	Article 41 Repeal	Article 41 Repeal	Article 41 Repeal	
Article 41, first paragraph				
497	Directive (EU) 2016/1148 is repealed with effect from.. [date of transposition deadline of the Directive].	Directive (EU) 2016/1148 is repealed with effect from.. [date of transposition deadline of the Directive].	Directive (EU) 2016/1148 is repealed with effect from.. [date of transposition deadline of the Directive].	
Article 41, second paragraph				
498	References to Directive (EU) 2016/1148 shall be construed as references to this Directive and read in accordance with the	References to Directive (EU) 2016/1148 shall be construed as references to this Directive and read in accordance with the	References to Directive (EU) 2016/1148 shall be construed as references to this Directive and read in accordance with the	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	correlation table set out in Annex III.	correlation table set out in Annex III.	correlation table set out in Annex III.	
Article 42				
499	Article 42 Entry into force	Article 42 Entry into force	Article 42 Entry into force	
Article 42, first paragraph				
500	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 42, first paragraph a				
500a		<u>However, Articles 39 and 40 shall apply from ... [18 months after the date of entry into force of this Directive].</u>		
Article 43				
501	Article 43 Addressees	Article 43 Addressees	Article 43 Addressees	
Article 43, first paragraph				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
502	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				
503	Done at Brussels,	Done at Brussels,	Done at Brussels,	
Formula				
504	For the European Parliament	For the European Parliament	For the European Parliament	
Formula				
505	The President	The President	The President	
Formula				
506	For the Council	For the Council	For the Council	
Formula				
507	The President	The President	The President	
Annex I.				
507a	ESSENTIAL ENTITIES	ESSENTIAL ENTITIES	ESSENTIAL ENTITIES	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Formula				
507b	SECTORS, SUBSECTORS AND TYPES OF ENTITIES	SECTORS, SUBSECTORS AND TYPES OF ENTITIES	SECTORS, SUBSECTORS AND TYPES OF ENTITIES	
Formula				
507r	Sector	Sector	Sector	
Formula				
507s	Subsector	Subsector	Subsector	
Formula				
507t	Type of entity	Type of entity	Type of entity	
Formula				
507u	1. Energy	1. Energy	1. Energy	
Formula				
507c	(a) Electricity — Electricity undertakings referred to in point (57) of Article 2 of Directive (EU) 2019/944, which	(a) Electricity — Electricity undertakings referred to in point (57) of Article 2 of Directive (EU) 2019/944, which	(a) Electricity — Electricity undertakings referred to in point (57) of Article 2 of Directive (EU) 2019/944, which	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>carry out the function of ‘supply’ referred to in point (12) of Article 2 of that Directive (¹)</p> <p>— Distribution system operators referred to in point (29) of Article 2 of Directive (EU) 2019/944</p> <p>— Transmission system operators referred to in point (35) of Article 2 of Directive (EU) 2019/944</p> <p>— Producers referred to in point (38) of Article 2 of Directive (EU) 2019/944</p> <p>— Nominated electricity market operators referred to in point 8 of Article 2 of Regulation (EU) 2019/943 (²)</p> <p>— 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</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>2. Regulation (EU) 2019/943 of the European Parliament and of the Council on the internal market for electricity (OJ L</p>	<p>carry out the function of ‘supply’ referred to in point (12) of Article 2 of that Directive (¹)</p> <p>— Distribution system operators referred to in point (29) of Article 2 of Directive (EU) 2019/944</p> <p>— Transmission system operators referred to in point (35) of Article 2 of Directive (EU) 2019/944</p> <p>— Producers referred to in point (38) of Article 2 of Directive (EU) 2019/944</p> <p>— Nominated electricity market operators referred to in point 8 of Article 2 of Regulation (EU) 2019/943 (²)</p> <p>— 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</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>2. Regulation (EU) 2019/943 of the European Parliament and of the Council on the internal market for electricity (OJ L</p>	<p>carry out the function of ‘supply’ referred to in point (12) of Article 2 of that Directive (¹)</p> <p>— Distribution system operators referred to in point (29) of Article 2 of Directive (EU) 2019/944</p> <p>— Transmission system operators referred to in point (35) of Article 2 of Directive (EU) 2019/944</p> <p>— Producers referred to in point (38) of Article 2 of Directive (EU) 2019/944</p> <p>— Nominated electricity market operators referred to in point 8 of Article 2 of Regulation (EU) 2019/943 (²)</p> <p>— 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</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>2. Regulation (EU) 2019/943 of the European Parliament and of the Council on the internal market for electricity (OJ L</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	158, 14.6.2019, p. 54).	158, 14.6.2019, p. 54).	158, 14.6.2019, p. 54).	
Formula				
507d	<p>(b) District heating and cooling — District heating or district cooling referred to in point (19) of Article 2 of the Directive (EU) 2018/2001 ⁽¹⁾ on the promotion of the use of energy from renewable sources</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, 21.12.2018, p. 82).</p>	<p>(b) District heating and cooling — District heating or district cooling referred to in point (19) of Article 2 of the Directive (EU) 2018/2001 ⁽¹⁾ on the promotion of the use of energy from renewable sources</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, 21.12.2018, p. 82).</p>	<p>(b) District heating and cooling — District heating or district cooling referred to in point (19) of Article 2 of the Directive (EU) 2018/2001 ⁽¹⁾ on the promotion of the use of energy from renewable sources</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, 21.12.2018, p. 82).</p>	
Formula				
507v	<p>(c) Oil — Operators of oil transmission pipelines — Operators of oil production, refining and treatment facilities, storage and transmission — Central oil stockholding entities referred to in point (f) of Article 2 of Council Directive 2009/119/EC ⁽¹⁾</p> <p>1. Council Directive 2009/119/EC of 14</p>	<p>(c) Oil — Operators of oil transmission pipelines — Operators of oil production, refining and treatment facilities, storage and transmission — Central oil stockholding entities referred to in point (f) of Article 2 of Council Directive 2009/119/EC ⁽¹⁾</p> <p>1. Council Directive 2009/119/EC of 14</p>	<p>(c) Oil — Operators of oil transmission pipelines — Operators of oil production, refining and treatment facilities, storage and transmission — Central oil stockholding entities referred to in point (f) of Article 2 of Council Directive 2009/119/EC ⁽¹⁾</p> <p>1. Council Directive 2009/119/EC of 14</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	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).	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).	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).	
Formula				
507w	<p>(d) Gas</p> <ul style="list-style-type: none"> — Supply undertakings referred to in point (8) of Article 2 of Directive (EU) 2009/73/EC ⁽¹⁾ — Distribution system operators referred to in point (6) of Article 2 of Directive 2009/73/EC — Transmission system operators referred to point (4) of Article 2 of Directive 2009/73/EC — Storage system operators referred to in point (10) of Article 2 of Directive 2009/73/EC — LNG system operators referred to in point (12) of Article 2 of Directive 2009/73/EC — Natural gas undertakings as defined in point (1) of Article 2 of Directive 2009/73/EC — Operators of natural gas refining and treatment facilities <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</p>	<p>(d) Gas</p> <ul style="list-style-type: none"> — Supply undertakings referred to in point (8) of Article 2 of Directive (EU) 2009/73/EC ⁽¹⁾ — Distribution system operators referred to in point (6) of Article 2 of Directive 2009/73/EC — Transmission system operators referred to point (4) of Article 2 of Directive 2009/73/EC — Storage system operators referred to in point (10) of Article 2 of Directive 2009/73/EC — LNG system operators referred to in point (12) of Article 2 of Directive 2009/73/EC — Natural gas undertakings as defined in point (1) of Article 2 of Directive 2009/73/EC — Operators of natural gas refining and treatment facilities <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</p>	<p>(d) Gas</p> <ul style="list-style-type: none"> — Supply undertakings referred to in point (8) of Article 2 of Directive (EU) 2009/73/EC ⁽¹⁾ — Distribution system operators referred to in point (6) of Article 2 of Directive 2009/73/EC — Transmission system operators referred to point (4) of Article 2 of Directive 2009/73/EC — Storage system operators referred to in point (10) of Article 2 of Directive 2009/73/EC — LNG system operators referred to in point (12) of Article 2 of Directive 2009/73/EC — Natural gas undertakings as defined in point (1) of Article 2 of Directive 2009/73/EC — Operators of natural gas refining and treatment facilities <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</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94).	Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94).	Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94).	
Formula				
507x	(e) Hydrogen Operators of hydrogen production, storage and transmission	(e) Hydrogen Operators of hydrogen production, storage and transmission	(e) Hydrogen Operators of hydrogen production, storage and transmission	
Formula				
507e	2. Transport	2. Transport	2. Transport	
Formula				
507y	(a) Air — Air carriers referred to in point (4) of Article 3 of Regulation (EC) No 300/2008 ⁽¹⁾ — Airport managing bodies referred to in point (2) of Article 2 of Directive 2009/12/EC ⁽²⁾ , airports referred to in point (1) of Article 2 of that Directive, including the core airports listed in Section 2 of Annex II to Regulation (EU) No 1315/2013 ⁽³⁾ , and entities operating ancillary installations contained within airports	(a) Air — Air carriers referred to in point (4) of Article 3 of Regulation (EC) No 300/2008 ⁽¹⁾ — Airport managing bodies referred to in point (2) of Article 2 of Directive 2009/12/EC ⁽²⁾ , airports referred to in point (1) of Article 2 of that Directive, including the core airports listed in Section 2 of Annex II to Regulation (EU) No 1315/2013 ⁽³⁾ , and entities operating ancillary installations contained within airports	(a) Air — Air carriers referred to in point (4) of Article 3 of Regulation (EC) No 300/2008 ⁽¹⁾ <u>used for commercial purposes</u> — Airport managing bodies referred to in point (2) of Article 2 of Directive 2009/12/EC ⁽²⁾ , airports referred to in point (1) of Article 2 of that Directive, including the core airports listed in Section 2 of Annex II to Regulation (EU) No 1315/2013 ⁽³⁾ , and entities operating ancillary installations contained within	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>— Traffic management control operators providing air traffic control (ATC) services referred to in point (1) of Article 2 of Regulation (EC) No 549/2004 ⁽⁴⁾</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). 2. 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). 3. 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). 4. 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>— Traffic management control operators providing air traffic control (ATC) services referred to in point (1) of Article 2 of Regulation (EC) No 549/2004 ⁽⁴⁾</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). 2. 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). 3. 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). 4. 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>airports</p> <p>— Traffic management control operators providing air traffic control (ATC) services referred to in point (1) of Article 2 of Regulation (EC) No 549/2004 ⁽⁴⁾</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). 2. 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). 3. 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). 4. 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>	
Formula				
507f	<p>(b) Rail</p> <p>— Infrastructure managers referred to in point (2) of Article 3 of</p>	<p>(b) Rail</p> <p>— Infrastructure managers referred to in point (2) of Article 3 of</p>	<p>(b) Rail</p> <p>— Infrastructure managers referred to in point (2) of Article 3 of</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>Directive 2012/34/EU⁽¹⁾ — Railway undertakings referred to in point (1) of Article 3 of Directive 2012/34/EU, including operators of service facilities referred to in point (12) of Article 3 of Directive 2012/34/EU</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>Directive 2012/34/EU⁽¹⁾ — Railway undertakings referred to in point (1) of Article 3 of Directive 2012/34/EU, including operators of service facilities referred to in point (12) of Article 3 of Directive 2012/34/EU</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>Directive 2012/34/EU⁽¹⁾ — Railway undertakings referred to in point (1) of Article 3 of Directive 2012/34/EU, including operators of service facilities referred to in point (12) of Article 3 of Directive 2012/34/EU</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>	
Formula				
507z	<p>(c) Water — Inland, sea and coastal passenger and freight water transport companies, referred to for maritime transport in Annex I to Regulation (EC) No 725/2004 ⁽¹⁾, not including the individual vessels operated by those companies — Managing bodies of ports referred to in point (1) of Article 3 of Directive 2005/65/EC ⁽²⁾, 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>(c) Water — Inland, sea and coastal passenger and freight water transport companies, referred to for maritime transport in Annex I to Regulation (EC) No 725/2004 ⁽¹⁾, not including the individual vessels operated by those companies — Managing bodies of ports referred to in point (1) of Article 3 of Directive 2005/65/EC ⁽²⁾, 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>(c) Water — Inland, sea and coastal passenger and freight water transport companies, referred to for maritime transport in Annex I to Regulation (EC) No 725/2004 ⁽¹⁾, not including the individual vessels operated by those companies — Managing bodies of ports referred to in point (1) of Article 3 of Directive 2005/65/EC ⁽²⁾, 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>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>— Operators of vessel traffic services referred to in point (o) of Article 3 of Directive 2002/59/EC ⁽³⁾</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). 2. 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). 3. 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)</p>	<p>— Operators of vessel traffic services referred to in point (o) of Article 3 of Directive 2002/59/EC ⁽³⁾</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). 2. 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). 3. 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)</p>	<p>— Operators of vessel traffic services referred to in point (o) of Article 3 of Directive 2002/59/EC ⁽³⁾</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). 2. 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). 3. 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)</p>	
Formula				
507g	<p>(d) Road — Road authorities referred to in point (12) of Article 2 of Commission Delegated Regulation (EU) 2015/962 ⁽¹⁾ responsible for traffic management control — Operators of Intelligent Transport Systems referred to in point (1) of Article 4 of Directive 2010/40/EU ⁽²⁾</p> <p>1. Commission Delegated Regulation (EU)</p>	<p>(d) Road — Road authorities referred to in point (12) of Article 2 of Commission Delegated Regulation (EU) 2015/962 ⁽¹⁾ responsible for traffic management control — <u>Operators of smart charging services for electric vehicles</u> — Operators of Intelligent Transport Systems referred to in point (1) of Article 4 of Directive</p>	<p>(d) Road — Road authorities referred to in point (12) of Article 2 of Commission Delegated Regulation (EU) 2015/962 ⁽¹⁾ responsible for traffic management control, <u>excluding public entities for whom traffic-management or operators of intelligent transport systems is only a non-essential part of their general activity</u> — Operators of Intelligent</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>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>2. 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>2010/40/EU ⁽²⁾</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>2. 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>Transport Systems referred to in point (1) of Article 4 of Directive 2010/40/EU ⁽²⁾</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>2. 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>	
Formula				
507aa	3. Banking	3. Banking	3. Banking	
Formula				
507ab	<p>Credit institutions referred to in point (1) of Article 4 of Regulation (EU) No 575/2013 ⁽¹⁾</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</p>	<p>Credit institutions referred to in point (1) of Article 4 of Regulation (EU) No 575/2013 ⁽¹⁾</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</p>	<p>Credit institutions referred to in point (1) of Article 4 of Regulation (EU) No 575/2013 ⁽¹⁾, <u><i>except those referred to in point (8) of Article 2(5) of Directive 2013/36/EU which are exempted in accordance with Article 2(4) of Regulation XX [DORA]</i></u></p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	648/2012 (OJ L 176, 27.6.2013, p. 1).	648/2012 (OJ L 176, 27.6.2013, p. 1).	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).	
Formula				
507h	4. Financial market infrastructures	4. Financial market infrastructures	4. Financial market infrastructures	
Formula				
507i	<p>— Operators of trading venues referred to in point (24) of Article 4 of Directive 2014/65/EU ⁽¹⁾</p> <p>— Central counterparties (CCPs) referred to in point (1) of Article 2 of Regulation (EU) No 648/2012 ⁽²⁾</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>2. 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>— Operators of trading venues referred to in point (24) of Article 4 of Directive 2014/65/EU ⁽¹⁾</p> <p>— Central counterparties (CCPs) referred to in point (1) of Article 2 of Regulation (EU) No 648/2012 ⁽²⁾</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>2. 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>— Operators of trading venues referred to in point (24) of Article 4 of Directive 2014/65/EU ⁽¹⁾</p> <p>— Central counterparties (CCPs) referred to in point (1) of Article 2 of Regulation (EU) No 648/2012 ⁽²⁾</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>2. 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>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Formula				
507ac	5. Health	5. Health	5. Health	
Formula				
507j	<p>— Healthcare providers referred to in point (g) of Article 3 of Directive 2011/24/EU ⁽¹⁾</p> <p>— EU reference laboratories referred to in Article 15 of Regulation XXXX/XXXX on serious cross-border threats to health ⁽²⁾</p> <p>— Entities carrying out research and development activities of medicinal products referred to in Article 1 point 2 of Directive 2001/83/EC ⁽³⁾</p> <p>— Entities manufacturing basic pharmaceutical products and pharmaceutical preparations referred to in section C division 21 of NACE Rev. 2</p> <p>— Entities manufacturing medical devices considered as critical during a public health emergency (‘the public health emergency critical devices list’) referred to in Article 20 of Regulation XXXX⁴</p> <p><small>1. Directive 2011/24/EU of the European</small></p>	<p>— Healthcare providers referred to in point (g) of Article 3 of Directive 2011/24/EU ⁽¹⁾</p> <p>— EU reference laboratories referred to in Article 15 of Regulation XXXX/XXXX on serious cross-border threats to health ⁽²⁾</p> <p>— Entities carrying out research and development activities of medicinal products referred to in Article 1 point 2 of Directive 2001/83/EC ⁽³⁾</p> <p>— Entities manufacturing basic pharmaceutical products and pharmaceutical preparations referred to in section C division 21 of NACE Rev. 2</p> <p>— Entities manufacturing medical devices considered as critical during a public health emergency (‘the public health emergency critical devices list’) referred to in Article 20 of Regulation XXXX⁴</p> <p><small>1. Directive 2011/24/EU of the European</small></p>	<p>— Healthcare providers referred to in point (g) of Article 3 of Directive 2011/24/EU ⁽¹⁾</p> <p>— EU reference laboratories referred to in Article 15 of Regulation XXXX/XXXX on serious cross-border threats to health ⁽²⁾</p> <p>— Entities carrying out research and development activities of medicinal products referred to in Article 1 point 2 of Directive 2001/83/EC ⁽³⁾</p> <p>— Entities manufacturing basic pharmaceutical products and pharmaceutical preparations referred to in section C division 21 of NACE Rev. 2</p> <p>— Entities manufacturing medical devices considered as critical during a public health emergency (‘the public health emergency critical devices list’) referred to in Article 20 of Regulation XXXX⁴</p> <p><small>1. Directive 2011/24/EU of the European</small></p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88, 4.4.2011, p. 45).</p> <p>2. [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>3. 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>4. [Regulation of the European Parliament and of the Council on a reinforced role for the European Medicines Agency in crisis preparedness and management for medicinal products and medical devices, reference to be updated once the proposal COM(2020)725 final is adopted]</p>	<p>Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88, 4.4.2011, p. 45).</p> <p>2. [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>3. 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>4. [Regulation of the European Parliament and of the Council on a reinforced role for the European Medicines Agency in crisis preparedness and management for medicinal products and medical devices, reference to be updated once the proposal COM(2020)725 final is adopted]</p>	<p>Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88, 4.4.2011, p. 45).</p> <p>2. [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>3. 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>4. [Regulation of the European Parliament and of the Council on a reinforced role for the European Medicines Agency in crisis preparedness and management for medicinal products and medical devices, reference to be updated once the proposal COM(2020)725 final is adopted]</p>	
Formula				
507k	6. Drinking water	6. Drinking water	6. Drinking water	
Formula				
507l	Suppliers and distributors of water intended for human consumption referred to in point (1)(a) of Article 2 of Council Directive 98/83/EC ⁽¹⁾ but excluding distributors for whom distribution of water for	Suppliers and distributors of water intended for human consumption referred to in point (1)(a) of Article 2 of Council Directive 98/83/EC ⁽¹⁾ but excluding distributors for whom distribution of water for	Suppliers and distributors of water intended for human consumption referred to in point (1)(a) of Article 2 of Council Directive 98/83/EC ⁽¹⁾ but excluding distributors for whom	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>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>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>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>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>distribution of water for human consumption is only <u>non-essential</u> part of their general activity of distributing other commodities and goods which are not considered essential or important services</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>	
Formula				
507m	7. Waste water	7. Waste water	7. Waste water	
Formula				
507n	<p>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⁾</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>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⁾</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>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⁾ <u>but excluding undertakings for whom collecting, disposing or treating of urban, domestic and industrial waste water is only a non-essential part of their general activity.</u></p> <p>1. Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			treatment (OJ L 135, 30.5.1991, p.40).	
<i>Formula</i>				
507ae	8. Digital infrastructure	8. Digital infrastructure	8. Digital infrastructure	
<i>Formula</i>				
507o	<ul style="list-style-type: none"> — Internet Exchange Point providers — DNS service providers — TLD name registries — Cloud computing service providers — Data centre service providers — Content delivery network providers — Trust service providers referred to in point (19) of Article 3 of Regulation (EU) No 910/2014⁽¹⁾ — Providers of public electronic communications networks referred to in point (8) of Article 2 of Directive (EU) 2018/1972⁽²⁾ or providers of electronic communications services referred to in point (4) of Article 2 of Directive (EU) 2018/1972 where their services are publicly available <p>¹. Regulation (EU) No 910/2014 of the</p>	<ul style="list-style-type: none"> — Internet Exchange Point providers — DNS service providers — TLD name registries — Cloud computing service providers — Data centre service providers — Content delivery network providers — Trust service providers referred to in point (19) of Article 3 of Regulation (EU) No 910/2014⁽¹⁾ — Providers of public electronic communications networks referred to in point (8) of Article 2 of Directive (EU) 2018/1972⁽²⁾ or providers of electronic communications services referred to in point (4) of Article 2 of Directive (EU) 2018/1972 where their services are publicly available <p>¹. Regulation (EU) No 910/2014 of the</p>	<ul style="list-style-type: none"> — Internet Exchange Point providers — DNS service providers, <u>excluding operators of root name servers</u> — TLD name registries — Cloud computing service providers — Data centre service providers — Content delivery network providers — Trust service providers referred to in point (19) of Article 3 of Regulation (EU) No 910/2014⁽¹⁾ — Providers of public electronic communications networks referred to in point (8) of Article 2 of Directive (EU) 2018/1972⁽²⁾ or providers of electronic communications services referred to in point (4) of Article 2 of Directive (EU) 2018/1972 where their services are publicly available 	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	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). 2. Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communication Code (OJ L 321, 17.12.2018, p. 36).	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). 2. Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communication Code (OJ L 321, 17.12.2018, p. 36).	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). 2. Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communication Code (OJ L 321, 17.12.2018, p. 36).	
Formula				
507p			<u>8.a ICT-service management (B2B)</u>	
Formula				
507q			<u>— Managed service providers (MSP)</u> <u>— Managed Security service providers (MSSP)</u>	
Formula				
507ag	9. Public administration	9. Public administration	9. Public administration <u>entities</u>	
Formula				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
507ah	<p>— Public administration entities of central governments</p> <p>— Public administration entities of NUTS level 1 regions listed in Annex I of Regulation (EC) No 1059/2003 ⁽¹⁾</p> <p>— Public administration entities of NUTS level 2 regions listed in Annex I of Regulation (EC) No 1059/2003</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>— Public administration entities of central governments</p> <p>— Public administration entities of NUTS level 1 regions listed in Annex I of Regulation (EC) No 1059/2003 ⁽¹⁾</p> <p>— Public administration entities of NUTS level 2 regions listed in Annex I of Regulation (EC) No 1059/2003</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>— Public administration entities of central governments</p> <p>— Public administration entities of NUTS level 1 regions listed in Annex I of Regulation (EC) No 1059/2003 ⁽¹⁾</p> <p>— Public administration entities of NUTS level 2 regions listed in Annex I of Regulation (EC) No 1059/2003 <u>as defined by a Member State in accordance with national law</u></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>	
Formula				
507ai	10. Space	10. Space	10. Space	
Formula				
507aj	Operators of ground-based infrastructure, owned, managed and operated by Member States or by private parties, that support the provision of space-based services,	Operators of ground-based infrastructure, owned, managed and operated by Member States or by private parties, that support the provision of space-based services,	Operators of ground-based infrastructure, owned, managed and operated by Member States or by private parties, that support the provision of space-based services,	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	excluding providers of public electronic communications networks referred to in point (8) of Article 2 of Directive (EU) 2018/1972	excluding providers of public electronic communications networks referred to in point (8) of Article 2 of Directive (EU) 2018/1972	excluding providers of public electronic communications networks referred to in point (8) of Article 2 of Directive (EU) 2018/1972	
Annex 2				
507ak	IMPORTANT ENTITIES:	IMPORTANT ENTITIES:	IMPORTANT ENTITIES:	
Formula				
507al	SECTORS, SUBSECTORS AND TYPES OF ENTITIES	SECTORS, SUBSECTORS AND TYPES OF ENTITIES	SECTORS, SUBSECTORS AND TYPES OF ENTITIES	
Formula				
507am	Sector	Sector	Sector	
Formula				
507an	Subsector	Subsector	Subsector	
Formula				
507ao	Type of entity	Type of entity	Type of entity	
Formula				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
507ap	1. Postal and courier services	1. Postal and courier services	1. Postal and courier services	
Formula				
507aq	<p>Postal service providers referred to in point (1) of Article 2 of Directive 97/67/EC ⁽¹⁾and providers of courier services</p> <p>1. Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of the quality of service (OJ L 15, 21.1.98, p.14).</p>	<p>Postal service providers referred to in point (1) of Article 2 of Directive 97/67/EC ⁽¹⁾and providers of courier services</p> <p>1. Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of the quality of service (OJ L 15, 21.1.98, p.14).</p>	<p>Postal service providers referred to in point (1) of Article 2 of Directive 97/67/EC ⁽¹⁾and, <u>including</u> providers of courier services</p> <p>1. Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of the quality of service (OJ L 15, 21.1.98, p.14), <u>as amended by Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008 amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services (OJ L 52, 27.2.2008, p. 3).</u></p>	
Formula				
507ar	2. Waste management	2. Waste management	2. Waste management	
Formula				
507as				

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	<p>Undertakings carrying out waste management referred to in point (9) of Article 3 of Directive 2008/98/EC ⁽¹⁾ but excluding undertakings for whom waste management is not their principal economic activity</p> <p>1. Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3)</p>	<p>Undertakings carrying out waste management referred to in point (9) of Article 3 of Directive 2008/98/EC ⁽¹⁾ but excluding undertakings for whom waste management is not their principal economic activity</p> <p>1. Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3)</p>	<p>Undertakings carrying out waste management referred to in point (9) of Article 3 of Directive 2008/98/EC ⁽¹⁾ but excluding undertakings for whom waste management is not their principal economic activity</p> <p>1. Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3)</p>	
Formula				
507at	3. Manufacture, production and distribution of chemicals	3. Manufacture, production and distribution of chemicals	3. Manufacture, production and distribution of chemicals	
Formula				
507au	<p>Undertakings carrying out the manufacture, production and distribution of substances and articles referred to in points (4), (9) and (14) of Article 3 of Regulation (EC) No 1907/2006 ⁽¹⁾</p> <p>1. Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning registration, evaluation, authorisation and restriction of</p>	<p>Undertakings carrying out the manufacture, production and distribution of substances and articles referred to in points (4), (9) and (14) of Article 3 of Regulation (EC) No 1907/2006 ⁽¹⁾</p> <p>1. Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning registration, evaluation, authorisation and restriction of</p>	<p>Undertakings carrying out the manufacture, production and distribution of substances and articles mixtures referred to in points (4) (9) and (14) of Article 3 of Regulation (EC) No 1907/2006 ⁽¹⁾ <u>and undertakings carrying out the production of articles referred to in point (3) of Article 3 of that Regulation from</u></p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	chemicals (REACH), establishing a European Chemicals Agency amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).	chemicals (REACH), establishing a European Chemicals Agency amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).	<u>substances or mixtures.</u> 1. Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning registration, evaluation, authorisation and restriction of chemicals (REACH), establishing a European Chemicals Agency amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).	
Formula				
507av	4. Food production, processing and distribution	4. Food production, processing and distribution	4. Food production, processing and distribution	
Formula				
507aw	Food businesses referred to in point (2) of Article 3 of Regulation (EC) No 178/2002 ⁽¹⁾ 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).	Food businesses referred to in point (2) of Article 3 of Regulation (EC) No 178/2002 ⁽¹⁾ 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).	Food businesses referred to in point (2) of Article 3 of Regulation (EC) No 178/2002 ⁽¹⁾ <u>which are engaged in wholesale distribution and industrial production and processing</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	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
			Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p.1).	
Formula				
507ax	5. Manufacturing	5. Manufacturing	5. Manufacturing	
Formula				
507ay	<p>(a) Manufacture of medical devices and in vitro diagnostic medical devices</p> <p>Entities manufacturing medical devices referred to in Article 2 point 1 of Regulation (EU) 2017/745⁽¹⁾, and entities manufacturing in vitro diagnostic medical devices referred to in Article 2 point 2 of Regulation (EU) 2017/746⁽²⁾ with exception of entities manufacturing medical devices mentioned in Annex 1, point 5.</p> <p>1. Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p.1)</p>	<p>(a) Manufacture of medical devices and in vitro diagnostic medical devices</p> <p>Entities manufacturing medical devices referred to in Article 2 point 1 of Regulation (EU) 2017/745⁽¹⁾, and entities manufacturing in vitro diagnostic medical devices referred to in Article 2 point 2 of Regulation (EU) 2017/746⁽²⁾ with exception of entities manufacturing medical devices mentioned in Annex 1, point 5.</p> <p>1. Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p.1)</p>	<p>(a) Manufacture of medical devices and in vitro diagnostic medical devices</p> <p>Entities manufacturing medical devices referred to in Article 2 point 1 of Regulation (EU) 2017/745⁽¹⁾, and entities manufacturing in vitro diagnostic medical devices referred to in Article 2 point 2 of Regulation (EU) 2017/746⁽²⁾ with exception of entities manufacturing medical devices mentioned in Annex 1, point 5.</p> <p>1. Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p.1)</p>	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	2. Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p.176)	2. Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p.176)	2. Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p.176)	
Formula				
507az	(b) Manufacture of computer, electronic and optical products Undertakings carrying out any of the economic activities referred to in section C division 26 of NACE Rev. 2	(b) Manufacture of computer, electronic and optical products Undertakings carrying out any of the economic activities referred to in section C division 26 of NACE Rev. 2	(b) Manufacture of computer, electronic and optical products Undertakings carrying out any of the economic activities referred to in section C division 26 of NACE Rev. 2	
Formula				
507ba	(c) Manufacture of electrical equipment Undertakings carrying out any of the economic activities referred to in section C division 27 of NACE Rev. 2	(c) Manufacture of electrical equipment Undertakings carrying out any of the economic activities referred to in section C division 27 of NACE Rev. 2	(c) Manufacture of electrical equipment Undertakings carrying out any of the economic activities referred to in section C division 27 of NACE Rev. 2	
Formula				
507bb	(d) Manufacture of machinery and equipment n.e.c.	(d) Manufacture of machinery and equipment n.e.c.	(d) Manufacture of machinery and equipment n.e.c.	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
	Undertakings carrying out any of the economic activities referred to in section C division 28 of NACE Rev. 2	Undertakings carrying out any of the economic activities referred to in section C division 28 of NACE Rev. 2	Undertakings carrying out any of the economic activities referred to in section C division 28 of NACE Rev. 2	
Formula				
507bc	(e) Manufacture of motor vehicles, trailers and semi-trailers Undertakings carrying out any of the economic activities referred to in section C division 29 of NACE Rev. 2	(e) Manufacture of motor vehicles, trailers and semi-trailers Undertakings carrying out any of the economic activities referred to in section C division 29 of NACE Rev. 2	(e) Manufacture of motor vehicles, trailers and semi-trailers Undertakings carrying out any of the economic activities referred to in section C division 29 of NACE Rev. 2	
Formula				
507bd	(f) Manufacture of other transport equipment Undertakings carrying out any of the economic activities referred to in section C division 30 of NACE Rev. 2	(f) Manufacture of other transport equipment Undertakings carrying out any of the economic activities referred to in section C division 30 of NACE Rev. 2	(f) Manufacture of other transport equipment Undertakings carrying out any of the economic activities referred to in section C division 30 of NACE Rev. 2	
Formula				
507be	6. Digital providers	6. Digital providers	6. Digital providers	

	Commission Proposal + Annexes	EP Mandate	Council Mandate	Draft Agreement
Formula				
507bf	<ul style="list-style-type: none"> — Providers of online marketplaces — Providers of online search engines — Providers of social networking services platform 	<ul style="list-style-type: none"> — Providers of online marketplaces — Providers of online search engines — Providers of social networking services platform 	<ul style="list-style-type: none"> — Providers of online marketplaces — Providers of online search engines — Providers of social networking services platform 	
Formula				
507bg		<u>6a. Education and research</u>		
Formula				
507bh		<u>— Higher education institutions and research institutions</u>		