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PROCIV 52	RELEX 519
ENV 364	ENER 143
JAI 525	HYBRID 34
SAN 227	TRANS 240
COSI 99	CYBER 132
CHIMIE 35	TELECOM 163
ENFOPOL 206	ESPACE 45
RECH 204	ATO 26
CT 71	CSC 169
DENLEG 31	ECOFIN 370
COTER 102	

WORKING DOCUMENT

From:	Presidency
To:	Working Party on Civil Protection (CER Directive)
No. prev. doc.:	WK 3341/2022, 7567/22, 7987/22
Subject:	Proposal for a Directive of the European Parliament and of the Council on the resilience of critical entities - 4-column table resulting from the technical meeting of 22 April 2022 (recitals and articles)

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (05.05.2022)

Delegations will find in Annex the four-column table concerning the above legislative proposal (regarding recitals and articles). The annotations on the 4th column are the result of the technical meeting of 22 April 2022 and prior technical meetings. This four-column table is prepared ahead of the political trilogue of 26 April 2022.

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

2020/0365(COD)

Outcome of the technical meeting of 22 April 2022

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2020/0365 (COD)	2020/0365 (COD)	2020/0365 (COD)	
Proposal Title				
2	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the resilience of critical entities	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the resilience of critical entities	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the resilience of critical entities	
Formula				
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	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 , <u>1. OJ C , , p. .</u>	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C , , p. .</u>	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C , , p. .</u>	
Citation 5				
8	Having regard to the opinion of the Committee of the Regions ¹ ,	Having regard to the opinion of the Committee of the Regions ¹ ,	Having regard to the opinion of the Committee of the Regions ¹ ,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<u>1. OJ C [...], [...], p. [...].</u>	<u>1. OJ C [...], [...], p. [...].</u>	<u>1. OJ C [...], [...], p. [...].</u>	
Citation 6				
9	Acting in accordance with the ordinary legislative procedure ¹ , <u>1. Position of the European Parliament [...]</u> and of the Council [...].	Acting in accordance with the ordinary legislative procedure ¹ , <u>1. Position of the European Parliament [...]</u> and of the Council [...].	Acting in accordance with the ordinary legislative procedure ¹ , <u>1. Position of the European Parliament [...]</u> and of the Council [...].	
Formula				
10	Whereas:	Whereas:	Whereas:	
Recital 0				
10a			(0) Critical entities, as providers of essential services, play an indispensable role in the maintenance of vital societal functions or economic activities in the internal market, in an increasingly interdependent Union economy. The smooth operation of each critical entity heavily depends on its level of preparedness and resilience, enabling it to continue or to rapidly resume performing its activity whenever disruptions	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			occur. It is therefore essential to set out a Union-wide framework aiming both at enhancing the resilience of critical entities in the internal market by laying down a minimal harmonised set of obligations and at assisting them through coherent, dedicated support and supervision measures.	
Recital 1				
11	(1) Council Directive 2008/114/EC ¹ provides for a procedure for designating European critical infrastructures in the energy and transport sectors, the disruption or destruction of which would have significant cross-border impact on at least two Member States. That Directive focused exclusively on the protection of such infrastructures. However, the evaluation of Directive 2008/114/EC conducted in 2019 ² found that due to the increasingly interconnected and cross-border nature of operations using critical infrastructure, protective measures relating to individual assets alone are insufficient to prevent all	(1) Council Directive 2008/114/EC ¹ provides for a procedure for designating European critical infrastructures in the energy and transport sectors, the disruption or destruction of which would have significant cross-border impact on at least two Member States. That Directive focused exclusively on the protection of such infrastructures. However, the evaluation of Directive 2008/114/EC conducted in 2019 ² found that due to the increasingly interconnected and cross-border nature of operations using critical infrastructure, protective measures relating to individual assets alone are insufficient to prevent all	(1) Council Directive 2008/114/EC ¹ provides for a procedure for designating European critical infrastructures in the energy and transport sectors, the disruption or destruction of which would have significant cross-border impact on at least two Member States. That Directive focused exclusively on the protection of such infrastructures. However, the evaluation of Directive 2008/114/EC conducted in 2019 ² found that due to the increasingly interconnected and cross-border nature of operations using critical infrastructure, protective measures relating to individual assets alone are insufficient to prevent all	

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	<p>disruptions from taking place. Therefore, it is necessary to shift the approach towards ensuring the resilience of critical entities, that is, their ability to mitigate, absorb, accommodate to and recover from incidents that have the potential to disrupt the operations of the critical entity.</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. SWD(2019) 308.</p>	<p>disruptions from taking place. Therefore, it is necessary to shift the approach towards ensuring the resilience of critical entities, that is, their ability to mitigate, absorb, <u>react</u>, accommodate to and recover from incidents that have the potential to disrupt the operations <u>of provision of essential services by</u> the critical entity, <u>the free movement of essential services and the functioning of the internal market</u>.</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. SWD(2019) 308.</p>	<p>disruptions from taking place. Therefore, it is necessary to shift the approach towards ensuring that risks are better accounted for, the role and duties of individual entities as providers of services essential to the functioning of the internal market are better defined and coherent, Union-wide rules are adopted to enhance the resilience of critical entities, that is, . As such, critical entities should be in a position to reinforce their ability to mitigate, absorb, accommodate to prevent, protect against, respond to, resist, mitigate, absorb, accommodate and recover from incidents that have the potential to disrupt the operations of the critical entity provision of essential services.</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. SWD(2019) 308.</p>	
Recital 2				
12	(2) Despite existing measures at	(2) Despite existing measures at	(2) Despite existing Currently,	

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	<p>Union¹ and national level aimed at supporting the protection of critical infrastructures in the Union, the entities operating those infrastructures are not adequately equipped to address current and anticipated future risks to their operations that may result in disruptions of the provision of services that are essential for the performance of vital societal functions or economic activities. This is due to a dynamic threat landscape with an evolving terrorist threat and growing interdependencies between infrastructures and sectors, as well as an increased physical risk due to natural disasters and climate change, which increases the frequency and scale of extreme weather events and brings long-term changes in average climate that can reduce the capacity and efficiency of certain infrastructure types if resilience or climate adaptation measures are not in place. Moreover, relevant sectors and types of entities are not recognised consistently as critical in all Member States.</p> <p><small>1. European Programme for Critical Infrastructure Protection (EPCIP).</small></p>	<p>Union¹ and national level aimed at supporting the protection of critical infrastructures in the Union, the entities operating those infrastructures are not <u>always</u> adequately equipped to address current and anticipated future risks to their operations that may result in disruptions of the provision of services that are essential for the performance of vital societal functions or economic activities. This is due to a dynamic threat landscape with an evolving <u>hybrid and</u> terrorist threat <u>threats</u> and growing interdependencies between infrastructures and sectors, as well as an increased physical risk due to natural disasters and climate change, which increases the frequency and scale of extreme weather events and brings long-term changes in average climate that can reduce the capacity, <u>efficiency and lifespan</u> and efficiency of certain infrastructure types if resilience or climate adaptation measures are not in place. Moreover, relevant sectors and types of entities are not recognised consistently as critical in all Member States. <u>At Union level there is no single recognised</u></p>	<p>while a number of measures at Union¹ and national level aimed aim at supporting the protection of critical infrastructures in the Union, the entities operating those infrastructures are not adequately equipped to address current and anticipated future could be legally better mandated and better equipped to address risks to their operations that may result in disruptions of the provision of services that are essential for the performance of vital societal functions or economic activities services. This is due to a dynamic threat landscape with, including an evolving terrorist threat, and growing interdependencies between infrastructures and sectors, as well as an increased physical risk due to natural disasters and climate change, which increases intensifies the frequency and scale of extreme weather events and brings long-term changes in average climate that can reduce the capacity and efficiency of certain infrastructure types if resilience or climate adaptation measures are not in place. Moreover, Moreover, the internal market is</p>	

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		<p><u><i>list of critical infrastructure sectors. Instead, different legal acts cover different sectors.</i></u></p> <p>1. European Programme for Critical Infrastructure Protection (EPCIP).</p>	<p>characterised by fragmentation in respect of the identification of critical entities, as relevant sectors and types of entities are not recognised consistently as critical in all Member States-</p> <p>1. European Programme for Critical Infrastructure Protection (EPCIP).</p>	
Recital 2a				
12a		<p><u><i>(2a) Certain critical infrastructures have a pan-European dimension, such as the European Organisation for the Safety of Air Navigation, Eurocontrol, and the Union's Global Satellite Navigation System, Galileo.</i></u></p>		
Recital 3				
13	<p>(3) Those growing interdependencies are the result of an increasingly cross-border and interdependent network of service provision using key infrastructures across the Union in the sectors of energy, transport, banking, financial market infrastructure, digital infrastructure, drinking and</p>	<p>(3) Those growing interdependencies are the result of an increasingly cross-border and interdependent network of service provision using key infrastructures across the Union in the sectors of energy, transport, banking, financial market infrastructure, digital infrastructure, drinking and</p>	<p>(3) Those growing interdependencies are the result of an increasingly cross-border and interdependent network of service provision using key infrastructures across the Union in the sectors of energy, transport, banking, financial market infrastructure, digital infrastructure, drinking and</p>	

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	<p>waste water, health, certain aspects of public administration, as well as space in as far as the provision of certain services depending on ground-based infrastructures that are owned, managed and operated either by Member States or by private parties is concerned, therefore not covering infrastructures owned, managed or operated by or on behalf of the Union as part of its space programmes. These interdependencies mean that any disruption, even one initially confined to one entity or one sector, can have cascading effects more broadly, potentially resulting in far-reaching and long-lasting negative impacts in the delivery of services across the internal market. The COVID-19 pandemic has shown the vulnerability of our increasingly interdependent societies in the face of low-probability risks.</p>	<p>waste water, <u>food production, processing and delivery</u>, health, certain aspects of public administration, as well as space in as far as the provision of certain services depending on ground-based infrastructures that are owned, managed and operated either by Member States or by private parties is concerned, therefore not covering infrastructures owned, managed or operated by or on behalf of the Union as part of its space programmes. These interdependencies mean that any disruption <u>of essential services</u>, even one initially confined to one entity or one sector, can have cascading effects more broadly, potentially resulting in far-reaching and long-lasting negative impacts in the delivery of services across the internal market. The COVID-19 pandemic has shown the vulnerability of our increasingly interdependent societies in the face of low-probability risks.</p>	<p>waste water, health, as well as space. In terms of the energy sector and in particular the methods of electricity generation and transmission (in respect of supply of electricity), it is understood that where deemed appropriate, electricity generation may include electricity transmission parts of nuclear power plants, but exclude the specifically nuclear elements covered by relevant nuclear legislation including treaties and Community law. The certain aspects of public administration, as well as space sector is concerned, in as far as the provision of certain services depending on ground-based infrastructures that are owned, managed and operated either by Member States or by private parties is concerned, therefore not covering infrastructures owned, managed or operated by or on behalf of the Union as part of its space programmes. These interdependencies mean that any disruption, even one initially confined to one entity or one sector, can have cascading effects more broadly, potentially resulting</p>	

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			in far-reaching and long-lasting negative impacts in the delivery of services across the internal market. The COVID-19 pandemic has shown the vulnerability of our increasingly interdependent societies in the face of low-probability risks.	
Recital 4				
14	(4) The entities involved in the provision of essential services are increasingly subject to diverging requirements imposed under the laws of the Member States. The fact that some Member States have less stringent security requirements on these entities not only risks impacting negatively on the maintenance of vital societal functions or economic activities across the Union, it also leads to obstacles to the proper functioning of the internal market. Similar types of entities are considered as critical in some Member States but not in others, and those which are identified as critical are subject to divergent requirements in different Member States. This results in additional and unnecessary administrative burdens for	(4) The entities involved in the provision of essential services are increasingly subject to diverging requirements imposed under the laws of the Member States. The fact that some Member States have less stringent security requirements on these entities not only risks impacting <u>creates varying levels of resilience but also impacts</u> negatively on the maintenance of vital societal functions or economic activities across the Union, it also leads <u>and leads to unfair competition and</u> to obstacles to the proper functioning of the internal market. <u>Investors and companies can rely on and trust critical entities that are resilient, and reliability and trust are cornerstones of a well-functioning internal market.</u> Similar types of	(4) The entities involved in the provision of essential services are increasingly subject to diverging requirements imposed under the laws of the Member States. The fact that some Member States have less stringent security resilience-enhancing requirements on these entities not only risks impacting negatively on the maintenance of vital societal functions or economic activities across the Union, it also leads to obstacles to the proper functioning of the internal market. Similar types of entities are considered as critical in some Member States but not in others, and those which are identified as critical are subject to divergent requirements in different Member States. This results in additional and unnecessary administrative	

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	companies operating across borders, notably for companies active in Member States with more stringent requirements.	entities are considered as critical in some Member States but not in others, and those which are identified as critical are subject to divergent requirements in different Member States. This results in additional and unnecessary administrative burdens for companies operating across borders, notably for companies active in Member States with more stringent requirements. <u><i>A Union framework will therefore also have the effect of levelling the playing field for critical entities across the Union.</i></u>	burdens for companies operating across borders, notably for companies active in Member States with more stringent requirements. It also results in an uneven playing field and disincentives to operate across borders.	
Recital 5				
15	(5) It is therefore necessary to lay down harmonised minimum rules to ensure the provision of essential services in the internal market and enhance the resilience of critical entities.	(5) It is therefore necessary to lay down harmonised minimum rules to ensure the provision <u><i>and free movement</i></u> of essential services in the internal market, <u><i>to enhance the resilience of critical entities and to improve cross-border cooperation between competent authorities. It is essential that those rules be future-proof. To that end, the aim of this Directive is to make critical entities resilient, thereby improving their capacity to ensure the continuous provision of</i></u>	(5) It is therefore necessary to lay down harmonised minimum rules to ensure the provision of essential services in the internal market and enhance the resilience of critical entities.	

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		<u>essential services in the face of a diverse set of risks. By laying down minimum rules, this Directive enables Member States to adopt or maintain more stringent rules to ensure the provision of essential services in the internal market and enhance</u> and enhance the resilience of critical entities.		
Recital 6				
16	(6) In order to achieve that objective, Member States should identify critical entities that should be subject to specific requirements and oversight, but also particular support and guidance aimed at achieving a high level of resilience in the face of all relevant risks.	(6) In order to achieve that objective, Member States should identify critical entities that <u>provide essential services in the sectors and subsectors set out in the Annex to this Directive. Those critical entites</u> should be subject to specific requirements and oversight, but also particular support and guidance aimed at achieving a high level of resilience in the face of all relevant risks.	(6) In order to achieve that objective a high level of resilience , Member States should identify critical entities that should will be subject to specific requirements and oversight, but also particular support and guidance aimed at achieving a high level of resilience in the face of all relevant risks.	
Recital 7				
17	(7) Certain sectors of the economy such as energy and transport are already regulated or may be regulated in the future by sector-	(7) Certain sectors of the economy such as energy and transport are already regulated or may be regulated in the future by sector-	(7) Certain sectors of the economy such as energy and transport are already regulated or may be regulated in the future by sector-	

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	<p>specific acts of Union law that contain rules related to certain aspects of resilience of entities operating in those sectors. In order to address in a comprehensive manner the resilience of those entities that are critical for the proper functioning of the internal market, those sector-specific measures should be complemented by the ones provided for in this Directive, which creates an overarching framework that addresses critical entities' resilience in respect of all hazards, that is, natural and man-made, accidental and intentional.</p>	<p>specific acts of Union law that contain rules related to certain aspects of resilience of entities operating in those sectors. In order to address in a comprehensive manner the resilience of those entities that are critical for the proper functioning of the internal market, those sector-specific measures should be <u>regarded as <i>lex specialis</i> and should be</u> complemented by the ones provided for in this Directive, which creates an overarching framework that addresses critical entities' resilience in respect of all hazards, that is, natural and man-made, accidental and intentional.</p>	<p>specific acts of Union law that contain rules related to certain aspects of resilience of Where provisions of Union or national law require critical entities to assess risks relevant for the purposes of this Directive and to take measures to ensure their own resilience, those requirements should be adequately considered for the purposes of supervising critical entities' compliance with the provisions as set out in this Directive. On that basis, national competent authorities should be able to decide to exclude those critical entities operating in those sectors. In order to address in a comprehensive manner the resilience of from their supervisory objectives and plans under this Directive, in line with the risk based approach and with a view to alleviate the burden on those critical entities that are critical for the proper functioning of the internal market, those sector-specific. Member States should be empowered to decide the regime applicable to risk assessment and resilience measures should be complemented</p>	

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			<p>by the ones provided for in if they are at least equivalent to those of this Directive, which creates an overarching framework that addresses critical entities' resilience in respect of all hazards, that is, natural and man-made, accidental and intentional.</p> <p>Member States should nevertheless include all the sectors listed in the Annex in their strategy for reinforcing the resilience of critical entities, the risk assessment and the support measures pursuant to Chapter II and be able to identify critical entities in those sectors where the applicable conditions have been met.</p>	
Recital 8				
18	<p>(8) Given the importance of cybersecurity for the resilience of critical entities and in the interest of consistency, a coherent approach between this Directive and Directive (EU) XX/YY of the European Parliament and of the Council¹ [Proposed Directive on measures for a high common level of cybersecurity across the Union; (hereafter "NIS 2 Directive")] is</p>	<p>(8) Given the importance of cybersecurity for the resilience of critical entities and in the interest of consistency, a coherent approach between this Directive and Directive (EU) XX/YY of the European Parliament and of the Council¹ [Proposed Directive on measures for a high common level of cybersecurity across the Union; (hereafter "NIS 2 Directive")] is</p>	<p>(8) Given the importance of cybersecurity for the resilience of critical entities and in the interest of consistency, a coherent approach between this Directive and Directive (EU) XX/YY of the European Parliament and of the Council¹ [Proposed Directive on measures for a high common level of cybersecurity across the Union; (hereafter "NIS 2 Directive")] is</p>	

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	<p>necessary wherever possible. In view of the higher frequency and particular characteristics of cyber risks, the NIS 2 Directive imposes comprehensive requirements on a large set of entities to ensure their cybersecurity. Given that cybersecurity is addressed sufficiently in the NIS 2 Directive, the matters covered by it should be excluded from the scope of this Directive, without prejudice to the particular regime for entities in the digital infrastructure sector.</p> <p>1. [Reference to NIS 2 Directive, once adopted.]</p>	<p>necessary wherever possible. In view of the higher frequency and particular characteristics of cyber risks, the NIS 2 Directive imposes comprehensive requirements on a large set of entities to ensure their cybersecurity. Given that cybersecurity is addressed sufficiently in the NIS 2 Directive, the matters covered by it should be excluded from the scope of this Directive, without prejudice to the particular regime for entities in the digital infrastructure sector. <u>As a result, the competent authorities designated under the NIS 2 Directive will be responsible for the supervision of entities identified as critical entities or entities equivalent to critical entities under this Directive as regards matters that fall under the scope of that Directive.</u></p> <p>1. [Reference to NIS 2 Directive, once adopted.]</p>	<p>necessary wherever possible. In view of the higher frequency and particular characteristics of cyber risks, the NIS 2 Directive imposes comprehensive requirements on a large set of entities to ensure their cybersecurity. Given that cybersecurity is addressed sufficiently in the NIS 2 Directive, the matters covered by it should be excluded from the scope of this Directive, without prejudice to the particular regime for entities in the digital infrastructure sector.</p> <p>1. [Reference to NIS 2 Directive, once adopted.]</p>	
Recital 9				
19	<p>(9) Where provisions of other acts of Union law require critical entities to assess relevant risks, take measures to ensure their</p>	<p>(9) Where provisions of other acts of Union law require critical entities to assess relevant risks, take measures to ensure their</p>	<p>(9) Where provisions of other acts of Union law require critical entities to assess relevant risks, take measures to ensure their</p>	

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	<p>resilience or notify incidents, and those requirements are at least equivalent to the corresponding obligations laid down in this Directive, the relevant provisions of this Directive should not apply, so as to avoid duplication and unnecessary burdens. In that case, the relevant provisions of such other acts should apply. Where the relevant provisions of this Directive do not apply, its provisions on supervision and enforcement should not be applicable either. Member States should nevertheless include all the sectors listed in the Annex in their strategy for reinforcing the resilience of critical entities, the risk assessment and the support measures pursuant to Chapter II and be able to identify critical entities in those sectors where the applicable conditions have been met, taking into account the particular regime for entities in the banking, financial market infrastructure and digital infrastructure sector.</p>	<p>resilience or notify incidents, and those requirements are at least equivalent to the corresponding obligations laid down in this Directive, the relevant provisions of this Directive should not apply, so as to avoid duplication and unnecessary burdens. In that case, the relevant provisions of such other acts should apply. Where the relevant provisions of this Directive do not apply, its provisions on supervision and enforcement should not be applicable either. Member States should nevertheless include all the sectors listed in the Annex in their strategy for reinforcing the resilience of critical entities, the risk assessment and the support measures pursuant to Chapter II and be able to identify critical entities in those sectors where the applicable conditions have been met, taking into account the particular regime for entities in the banking, financial market infrastructure and digital infrastructure sector.</p>	<p>resilience or notify incidents, and those requirements are at least equivalent to the corresponding obligations laid down in this Directive, the relevant provisions of this Directive should not apply, so as to avoid duplication and unnecessary burdens. In that case, the relevant provisions of such other acts should apply. Where the relevant provisions of this Directive do not apply, its provisions on supervision and enforcement should not be applicable either.</p> <p>In order not to jeopardize the security of Member States should nevertheless include all the sectors listed in the Annex in their strategy for reinforcing the resilience or the security and commercial interests of critical entities, the risk assessment and the support measures pursuant to Chapter II and be able to identify critical entities in those sectors where the applicable conditions have been met, taking into account the particular regime for entities in the banking, financial market infrastructure and digital infrastructure sector access to,</p>	

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			exchange and handling of sensitive information shall be done carefully and with particular attention to the transmission channels and storage capacities that will be used by the relevant stakeholders.	
Recital 9a				
19a			(9a) This Directive should not be deemed to affect the competences of Member States and of their authorities in terms of administrative autonomy, organisation and functioning of the judiciary, parliaments or central banks, or affect their responsibility to safeguard national interest, particularly concerning public security, defence and national security. Moreover, this Directive should not apply to any entity, either public or private, that mainly carries out activities in the areas of defence, national security, public security or law enforcement. It should also not apply to the activities of entities conducted in these areas. Member States should perform	

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			<p>an individual assessment of entities that meet the criteria for being identified as a critical entity but also mainly carry out activities in the areas of national security, defence, public security or law enforcement. Upon that assessment of these specific activities, entities would be granted the benefit of the regime established by this Directive or fall outside of its scope. No Member State is to be obliged to supply information the disclosure of which would be contrary to the essential interests of its public security. National or Union rules for protecting classified information, non-disclosure agreements, and informal non-disclosure agreements are of relevance.</p>	
Recital 10				
20	<p>(10) In view of ensuring a comprehensive approach to the resilience of critical entities, each Member State should have a strategy setting out objectives and policy measures to be implemented. To achieve this, Member States should ensure that</p>	<p>(10) In view of ensuring a comprehensive approach to the resilience of critical entities, each Member State should have a strategy setting out objectives and policy measures to be implemented. To achieve this, <u>and taking into account the hybrid</u></p>	<p>(10) In view of ensuring a comprehensive approach to the resilience of critical entities, each Member State should have in place a strategy setting out objectives and policy measures to be implemented. That strategy should be designed to seamlessly</p>	

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	their cybersecurity strategies provide for a policy framework for enhanced coordination between the competent authority under this Directive and the NIS 2 Directive in the context of information sharing on incidents and cyber threats and the exercise of supervisory tasks.	<u>nature of many threats and the Union's strategy on resilience prepared by the Critical Entities Resilience Group, established by this Directive,</u> Member States should ensure that their cybersecurity strategies provide for a policy framework for enhanced coordination between the competent authority <u>authorities of Member States</u> under this Directive and the <u>under</u> NIS 2 Directive in the context of, <u>including</u> information sharing on incidents and cyber threats and the exercise of supervisory tasks.	integrate existing policies, building wherever possible upon relevant existing national and sectoral strategies, plans or similar documents. To achieve this, Member States should ensure that their cybersecurity strategies provide for a policy framework for enhanced coordination between the competent authority under this Directive and the NIS 2 Directive in the context of information sharing on cybersecurity risks, cyber threats and incidents and cybernon-cyber risks, threats and incidents and the exercise of supervisory tasks.	
Recital 11				
21	(11) The actions of Member States to identify and help ensure the resilience of critical entities should follow a risk-based approach that targets efforts to the entities most relevant for the performance of vital societal functions or economic activities. In order to ensure such a targeted approach, each Member State should carry out, within a harmonised framework, an assessment of all relevant natural and man-made risks that may	(11) The actions of Member States to identify and help ensure the resilience of critical entities should follow a risk-based approach that targets efforts to the entities most relevant for the performance of vital societal functions or economic activities. In order to ensure such a targeted approach, each Member State should carry out, within a harmonised framework, an assessment of all relevant natural and man-made risks, <u>including</u>	(11) The actions of Member States to identify and help ensure the resilience of critical entities should follow a risk-based approach that targets efforts to the entities most relevant for the performance of vital societal functions or economic activities. In order to ensure such a targeted approach, each Member State should carry out, within a harmonised framework, an assessment of all relevant natural and man-made risks that may	

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	<p>affect the provision of essential services, including accidents, natural disasters, public health emergencies such as pandemics, and antagonistic threats, including terrorist offences. When carrying out those risk assessments, Member States should take into account other general or sector-specific risk assessment carried out pursuant to other acts of Union law and should consider the dependencies between sectors, including from other Member States and third countries. The outcomes of the risk assessment should be used in the process of identification of critical entities and to assist those entities in meeting the resilience requirements of this Directive.</p>	<p><u><i>cross-sectoral and cross-border risks</i></u>, that may affect the provision of essential services, including accidents, <u><i>hybrid threats</i></u>, natural disasters, public health emergencies such as pandemics, and antagonistic threats, including terrorist offences, <u><i>criminal infiltration and sabotage</i></u>. When carrying out those risk assessments, Member States should take into account other general or sector-specific risk assessment carried out pursuant to other acts of Union law and should consider the dependencies between sectors, including from other Member States and third countries. <u><i>Member States should not consider as a risk any regular business risk to operations arising from market conditions or any risk arising from democratic decision-making.</i></u> The outcomes of the risk assessment should be used in the process of identification of critical entities and to assist those entities in meeting the resilience requirements of this Directive. <u><i>At their request the Commission should also be able to provide entities based in third countries with advisory expertise.</i></u></p>	<p>affect the provision of essential services, including accidents, natural disasters, public health emergencies such as pandemics, and hybrid threats or other antagonistic threats, including terrorist offences. When carrying out those risk assessments, Member States should take into account other general or sector-specific risk assessment carried out pursuant to other acts of Union law and should consider the dependencies between sectors, including from other Member States and third countries. The outcomes of the risk assessment should be used in the process of identification of critical entities and to assist those entities in meeting the their resilience requirements of this Directive..</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 12				
22	<p>(12) In order to ensure that all relevant entities are subject to those requirements and to reduce divergences in this respect, it is important to lay down harmonised rules allowing for a consistent identification of critical entities across the Union, while also allowing Member States to reflect national specificities. Therefore, criteria to identify critical entities should be laid down. In the interest of effectiveness, efficiency, consistency and legal certainty, appropriate rules should also be set on notification and cooperation relating to, as well as the legal consequences of, such identification. In order to enable the Commission to assess the correct application of this Directive, Member States should submit to the Commission, in a manner that is as detailed and specific as possible, relevant information and, in any event, the list of essential services, the number of critical entities identified for each sector and subsector referred to in the Annex</p>	<p>(12) In order to ensure that all relevant entities are subject to those requirements and to reduce divergences in this respect, it is important to lay down harmonised <u>minimum</u> rules allowing for a consistent identification of critical entities across the Union, while also allowing Member States to reflect national specificities. Therefore, <u>common</u> criteria <u>and methodologies</u> to identify critical entities should be laid down <u>in a transparent manner</u>. In the interest of effectiveness, efficiency, consistency and legal certainty, appropriate rules should also be set on notification and cooperation relating to, as well as the legal consequences of, such identification. In order to enable the Commission to assess the correct application of this Directive, Member States should submit to the Commission, in a manner that is as detailed and specific as possible, relevant information and, in any event, the list of essential services, the number of critical entities</p>	<p>(12) In order to ensure that all relevant entities are subject to those requirements and to reduce divergences in this respect, it is important to lay down harmonised rules allowing for a consistent identification of critical entities across the Union, while also allowing Member States to reflect national specificities exercise their decision making powers, adequately reflecting the role and importance of these entities as providers of services on their territory . Therefore, criteria to identify critical entities should be laid down. In the interest of effectiveness, efficiency, consistency and legal certainty, appropriate rules should also be set out on notification and cooperation relating to, as well as the legal consequences of, such identification. In order to enable the Commission to assess the correct application of this Directive, Member States should submit to the Commission, in a manner that is as detailed and specific as possible, relevant</p>	

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	and the essential service or services that each entity provides and any thresholds applied.	identified for each sector and subsector referred to in the Annex and the essential service or services that each entity provides and any thresholds applied.	information and, in any event, the list of essential services, the number of critical entities identified for each sector and subsector referred to in the Annex and, if used, thresholds , which can be presented as such or in aggregated form, meaning that the information can be averaged by geographic area, by year, sector, sub-sector, or by other means, and can include information on the range of the indicators provided and the essential service or services that each entity provides and any thresholds applied.	
Recital 13				
23	(13) Criteria should also be established to determine the significance of a disruptive effect produced by such incidents. Those criteria should build on the criteria provided in Directive (EU) 2016/1148 of the European Parliament and of the Council ¹ in order to capitalise on the efforts carried out by Member States to identify those operators and the experience gained in this regard. _____	(13) Criteria should also be established to determine the significance of a disruptive effect produced by such incidents. Those criteria should build on the criteria provided in Directive (EU) 2016/1148 of the European Parliament and of the Council ¹ in order to capitalise on the efforts carried out by Member States to identify those operators and the experience gained in this regard. _____	(13) Criteria should also be established by the Member States to determine the significance of a disruptive effect produced by such incidents taking into account the criteria of Article 6(1) . Those criteria should build on the criteria provided in Directive (EU) 2016/1148 of the European Parliament and of the Council ¹ in order to capitalise on the efforts carried out by Member States to identify those operators and the	

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>applicable either to those entities. However, in order to reinforce the resilience of the internal market as a whole and maintain the coherence and comprehensive character of the Member States' competent authorities efforts and oversight, the dedicated strategies for reinforcing the resilience of critical entities, the risk assessments and the support measures as set out in Chapter II of this Directive should also be applicable in those specific sectors. Moreover, Member States should still identify which entities in those sectors qualify as critical entities, taking into account the particular regime for entities in the banking, financial market infrastructure and digital infrastructure sectors.</p>	
Recital 13b				
23b			<p>(13b) Moreover, with the same aim of avoiding duplication and unnecessary burdens on critical entities, this Directive should establish a generally applicable equivalence regime. Thus, in a set of clearly identified areas,</p>	

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			measures that are equivalent to the measures pursuant to this directive and already taken by critical entities belonging to any sector in order to comply with their obligations under sector-specific acts of Union law can be recognised as equivalent by Member States. Accordingly, Member States should be able to exempt critical entities, in respect of recognised equivalent measures, from taking the specific measures required under this Directive.	
Recital 13a				
23c		<u>(13a) In accordance with applicable Union and national law, including Regulation (EU) 2019/452 of the European Parliament and of the Council¹, which establishes a framework for the screening of foreign direct investments in the Union, the potential threat posed by foreign ownership of critical infrastructure within the Union is to be acknowledged because services, the economy and the free movement and safety of Union citizens depend on the proper</u>		

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>considering the importance of the services provided by entities in the digital infrastructure sector for the provision of other essential services, Member States should identify, based on the criteria and using the procedure provided for in this Directive mutatis mutandis, entities pertaining to the digital infrastructure sector that should be treated as equivalent to critical entities for the purposes of Chapter II only, including the provision on Member States' support in enhancing the resilience of these entities. Consequently, such entities should not be subject to the obligations laid down in Chapters III to VI. Since the obligations for critical entities laid down in Chapter II to provide certain information to the competent authorities relate to the application of Chapters III and IV, those entities should not be subject to those obligations either.</p>	<p>considering the importance of the services provided by entities in the digital infrastructure sector for the provision of other essential services, Member States should identify, based on the criteria and using the procedure provided for in this Directive mutatis mutandis, entities pertaining to the digital infrastructure sector that should be treated as equivalent to critical entities for the purposes of Chapter II only, including the provision on Member States' support in enhancing the resilience of these entities. Consequently, such entities should not be subject to the obligations laid down in Chapters III to VI. Since the obligations for critical entities laid down in Chapter II to provide certain information to the competent authorities relate to the application of Chapters III and IV, those entities should not be subject to those obligations either.</p>	<p>such systems as part of their cybersecurity risk management and reporting obligationsthose providers use in the provision of their services as well as to notify significant incidents and cyber threats. Since those matters are covered by the NIS 2 Directive, the obligations of this Directive do not apply to such entities. However, considering the importance of the services provided by entities in the digital infrastructure sector for the provision of other essential services, Member States should identify,threats to the security of network and information systems can have different origins, therefore [NIS2 Directive] applies an "all-hazard" approach that includes the protection of network and information systems and their physical environment. The entities pertaining to the digital infrastructure sector are in essence based on the criteria and using the procedure provided for in this Directive mutatis mutandis, network and information systems and therefore the obligations imposed on those entities pertaining to the</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>digital infrastructure sector that should be treated as equivalent to critical entities for the purposes of Chapter II only, including the provision on Member States' support in enhancing the resilience of these entities. Consequently, suchby [the NIS2 Directive] address in a comprehensive manner the physical security of such systems as part of their cybersecurity risk management and reporting obligations. However, considering the importance of the services provided by entities should not be subject to the obligations laid down in Chapters III to VI. Since the obligations for critical entities laid down in Chapter II to provide certain information to the competent authorities relate to the application of Chapters III and IV, those in the digital infrastructure sector to critical entities belonging to all other relevant economic sectors, Member States should identify, based on the criteria and using the procedure provided for in this Directive mutatis mutandis, entities should not be subject to those obligations eitherpertaining to the digital</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			infrastructure sector as critical entities.	
Recital 15				
25	(15) The EU financial services acquis establishes comprehensive requirements on financial entities to manage all risks they face, including operational risks and ensure business continuity. This includes Regulation (EU) No 648/2012 of the European Parliament and of the Council ¹ , Directive 2014/65/EU of the European Parliament and of the Council ² and Regulation (EU) No 600/2014 of the European Parliament and of the Council ³ as well as Regulation (EU) No 575/2013 of the European Parliament and of the Council ⁴ and Directive 2013/36/EU of the European Parliament and of the Council ⁵ . The Commission has recently proposed to complement this framework with Regulation XX/YYYY of the European Parliament and of the Council [proposed Regulation on digital operational resilience for the financial sector (hereafter "DORA Regulation") ⁶], which lays down	(15) The EU financial services acquis establishes comprehensive requirements on financial entities to manage all risks they face, including operational risks and ensure business continuity. This includes Regulation (EU) No 648/2012 of the European Parliament and of the Council ¹ , Directive 2014/65/EU of the European Parliament and of the Council ² and Regulation (EU) No 600/2014 of the European Parliament and of the Council ³ as well as Regulation (EU) No 575/2013 of the European Parliament and of the Council ⁴ and Directive 2013/36/EU of the European Parliament and of the Council ⁵ . The Commission has recently proposed to complement this framework with Regulation XX/YYYY of the European Parliament and of the Council [proposed Regulation on digital operational resilience for the financial sector (hereafter "DORA Regulation") ⁶], which lays down	(15) The EU financial services acquis establishes comprehensive requirements on financial entities to manage all risks they face, including operational risks and ensure business continuity. This includes Regulation (EU) No 648/2012 of the European Parliament and of the Council ¹ , Directive 2014/65/EU of the European Parliament and of the Council ² and Regulation (EU) No 600/2014 of the European Parliament and of the Council ³ as well as Regulation (EU) No 575/2013 of the European Parliament and of the Council ⁴ and Directive 2013/36/EU of the European Parliament and of the Council ⁵ . The Commission has recently proposed to complement this framework with legal framework will be complemented with Regulation XX/YYYY of the European Parliament and of the Council [proposed Regulation on digital operational resilience for the	

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	<p>requirements for financial firms to manage ICT risks, including the protection of physical ICT infrastructures. Since the resilience of entities listed in points 3 and 4 of the Annex is comprehensively covered by the EU financial services acquis, those entities should also be treated as equivalent to critical entities for the purposes of Chapter II of this Directive only. To ensure a consistent application of the operational risk and digital resilience rules in the financial sector, Member States' support to enhancing the overall resilience of financial entities equivalent to critical entities should be ensured by the authorities designated pursuant to Article 41 of [DORA Regulation], and subject to the procedures set out in that legislation in a fully harmonised manner.</p> <p>1. Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1). 2. Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173,</p>	<p>requirements for financial firms to manage ICT risks, including the protection of physical ICT infrastructures. Since the resilience of entities listed in points 3 and 4 of the Annex is comprehensively covered by the EU financial services acquis, those entities should also be treated as equivalent to critical entities for the purposes of Chapter II of this Directive only <u>and, consequently, such entities should not be subject to the obligations laid down in Chapters III to VI of this Directive.</u> To ensure a consistent application of the operational risk and digital resilience rules in the financial sector, Member States' support to enhancing the overall resilience of financial entities equivalent to critical entities should be ensured by the authorities designated pursuant to Article 41 of [DORA Regulation], and subject to the procedures set out in that legislation in a fully harmonised manner.</p> <p>1. Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1). 2. Directive 2014/65/EU of the European</p>	<p>financial sector (hereafter "DORA Regulation")^{6]}, which lays down requirements for financial firms to manage ICT risks, including the protection of physical ICT infrastructures.</p> <p>Since the resilience of entities listed in points 3 and 4 of the Annex is comprehensively covered by the EU financial services acquis, those entities should also, similar to entities in the digital infrastructure sector, be identified as be treated as equivalent to critical entities exclusively for the purposes of Articles 1-9 Chapter II of this Directive only. To ensure a consistent application of the operational risk and digital resilience rules in the financial sector, Member States' support to enhancing the overall resilience of financial entities equivalent to critical entities should could be ensured by the authorities designated pursuant to Article 41 of [DORA Regulation] or those designated pursuant to this Directive, and subject to the procedures set out in the applicable that legislation in a</p>	

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	<p>12.6.2014, p. 349).</p> <p>3. Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84).</p> <p>4. Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).</p> <p>5. Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).</p> <p>6. Proposal for a Regulation of the European Parliament and of the Council on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014 and (EU) No 909/2014, COM(2020) 595.</p>	<p>Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).</p> <p>3. Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84).</p> <p>4. Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).</p> <p>5. Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).</p> <p>6. Proposal for a Regulation of the European Parliament and of the Council on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014 and (EU) No 909/2014, COM(2020) 595.</p>	<p>fully harmonised coherent manner.</p> <p>1. Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1).</p> <p>2. Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).</p> <p>3. Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84).</p> <p>4. Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).</p> <p>5. Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).</p> <p>6. Proposal for a Regulation of the European Parliament and of the Council on digital operational resilience for the financial sector and amending Regulations (EC) No 1060/2009, (EU) No 648/2012, (EU) No 600/2014 and (EU) No 909/2014, COM(2020) 595.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 16				
26	<p>(16) Member States should designate authorities competent to supervise the application of and, where necessary, enforce the rules of this Directive and ensure that those authorities are adequately empowered and resourced. In view of the differences in national governance structures and in order to safeguard already existing sectoral arrangements or Union supervisory and regulatory bodies, and to avoid duplication, Member States should be able to designate more than one competent authority. In that case, they should however clearly delineate the respective tasks of the authorities concerned and ensure that they cooperate smoothly and effectively. All competent authorities should also cooperate more generally with other relevant authorities, both at national and Union level.</p>	<p>(16) Member States should designate authorities competent to supervise the application of and, where necessary, enforce the rules of this Directive and ensure that those authorities are adequately empowered and resourced. In view of the differences in national governance structures and in order to safeguard already existing sectoral arrangements or Union supervisory and regulatory bodies, and to avoid duplication, Member States should be able to designate more than one competent authority. In that case, they should however clearly delineate the respective tasks of the authorities concerned and ensure that they cooperate smoothly and effectively, <u>including with competent authorities of other Member States</u>. All competent authorities should also cooperate more generally with other relevant authorities, both at national and Union level, <u>including with competent authorities of other Member States</u>.</p>	<p>(16) Member States should designate authorities competent to supervise the application of and, where necessary, enforce the rules of this Directive and ensure that those authorities are adequately empowered and resourced. In view of the differences in national governance structures and in order to safeguard already existing sectoral arrangements or Union supervisory and regulatory bodies, and to avoid duplication, Member States should be able to designate more than one competent authority. In that case, they should however clearly delineate the respective tasks of the authorities concerned and ensure that they cooperate smoothly and effectively. All competent authorities should also cooperate more generally with other relevant authorities, both at national and Union level.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 17				
27	(17) In order to facilitate cross-border cooperation and communication and to enable the effective implementation of this Directive, each Member State should, without prejudice to sector-specific Union legal requirements, designate, within one of the authorities it designated as competent authority under this Directive, a single point of contact responsible for coordinating issues related to the resilience of critical entities and cross-border cooperation at Union level in this regard.	(17) In order to facilitate cross-border cooperation and communication and to enable the effective implementation of this Directive, each Member State should, without prejudice to sector-specific Union legal requirements, designate, within one of the authorities it designated as competent authority under this Directive, a single point of contact responsible for coordinating issues related to the resilience of critical entities and cross-border cooperation at Union level in this regard. <u><i>Each single point of contact should liaise and coordinate all communication, with the competent authorities of its Member State, with the single points of contact of other Member States and with the Critical Entities Resilience Group. The single points of contact should use efficient, secure and standardised reporting channels.</i></u>	(17) In order to facilitate cross-border cooperation and communication and to enable the effective implementation of this Directive, each Member State should, without prejudice to sector-specific Union legal requirements, designate, within one of the authorities it designated as competent authority under this Directive, a one national single point of contact responsible for coordinating issues related to the resilience of critical entities and cross-border cooperation at Union level in this regard.	
Recital 18				
28	(18) Given that under the NIS 2	(18) Given that under the NIS 2	(18) Given that under the NIS 2	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Directive entities identified as critical entities, as well as identified entities in the digital infrastructure sector that are to be treated as equivalent under the present Directive are subject to the cybersecurity requirements of the NIS 2 Directive, the competent authorities designated under the two Directives should cooperate, particularly in relation to cybersecurity risks and incidents affecting those entities.	Directive Entities identified as critical entities, <u>under this Directive</u> as well as identified entities in the digital infrastructure sector that are to be treated as equivalent under the present Directive are subject to the cybersecurity requirements of the NIS 2 Directive. The competent authorities designated under the two Directives should <u>therefore cooperate in an effective and consistent manner</u> , particularly in relation to cybersecurity risks and incidents affecting those entities. <u>It is important that Member States take measures to avoid double reporting and checks and to ensure that the strategies and requirements provided for in this Directive and the NIS 2 Directive are complementary and that critical entities are not subject to an administrative burden beyond that which is necessary to achieve the objectives of this Directive.</u>	The competent authorities designated under this Directive entities identified as critical entities, as well as identified entities in the digital infrastructure sector that are to be treated as equivalent under the present Directive are subject to the cybersecurity requirements of the NIS 2 Directive, the and those designated under [NIS 2 Directive] should cooperate and exchange information nationally, in relation to cybersecurity risks, cyber threats and incidents and non-cyber risks, threats and incidents affecting critical entities as well as on relevant measures taken by competent authorities designated under [the NIS 2 Directive] and this Directive the two Directives should cooperate, particularly in relation to cybersecurity risks and incidents affecting those entities.	
Recital 19				
29	(19) Member States should support critical entities in strengthening their resilience, in compliance with their obligations	(19) Member States should support critical entities in strengthening their resilience, in <u>particular those that qualify as</u>	(19) Member States should support critical entities in strengthening their resilience, in compliance with their obligations	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>under this Directive, without prejudice to the entities' own legal responsibility to ensure such compliance. Member States could in particular develop guidance materials and methodologies, support the organisation of exercises to test their resilience and provide training to personnel of critical entities. Moreover, given the interdependencies between entities and sectors, Member States should establish information sharing tools to support voluntary information sharing between critical entities, without prejudice to the application of competition rules laid down in the Treaty on the Functioning of the European Union.</p>	<p><u>small or medium-sized enterprises (SMEs), in</u> compliance with their obligations under this Directive, without prejudice to the entities' own legal responsibility to ensure such compliance. Member States could<u>should</u> in particular develop guidance materials and methodologies, support the organisation of exercises to test their resilience and provide training to personnel of critical entities. <u>Where necessary and justified by public interest objectives, Member States should be able to provide financial resources to critical entities, without prejudice to applicable rules on State aid.</u> Moreover, given the interdependencies between entities and sectors, Member States should establish information sharing tools to support voluntary information sharing <u>and good practices</u> between critical entities, without prejudice to the application of competition rules laid down in the Treaty on the Functioning of the European Union.</p>	<p>under this Directive, without prejudice to the entities' own legal responsibility to ensure such compliance. Member States could in particular develop guidance materials and methodologies, support the organisation of exercises to test their resilience and provide advice and training to personnel of critical entities. Moreover, given the interdependencies between entities and sectors, Member States should establish information sharing tools to support facilitate voluntary information sharing between critical entities, without prejudice to the application of competition rules laid down in the Treaty on the Functioning of the European Union.</p>	
Recital 19a				
29a			(19a) With the aim of enhancing	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>the resilience of critical entities identified by Member States and to reduce the administrative burden for those entities, the designated competent authorities of Member States should engage in consultations whenever appropriate for the consistent application of the Directive. Those consultations should be entered into at the request of any interested competent authority, and should focus on ensuring a convergent approach regarding inter-linked critical entities that use critical infrastructure which is physically connected between two or more Member States, that belong to the same groups or corporate structures, or that have been identified in one Member State and provide essential services to or in other Member States.</p>	
Recital 19a				
29b		<p><u>(19a) When implementing this Directive, it is important that Member States take all the necessary actions to prevent any excessive administrative burdens, particularly on SMEs, and avoid</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>duplications or unnecessary obligations. It is crucial that Member States assist with and facilitate the provision of adequate support to SMEs, when requested, by taking the technical and organisational measures required under this Directive.</i></u>		
Recital 20				
30	(20) In order to be able to ensure their resilience, critical entities should have a comprehensive understanding of all relevant risks to which they are exposed and analyse those risks. To that aim, they should carry out risks assessments, whenever necessary in view of their particular circumstances and the evolution of those risks, yet in any event every four years. The risk assessments by critical entities should be based on the risk assessment carried out by Member States.	(20) In order to be able to ensure their resilience, critical entities should have a comprehensive understanding of all relevant risks to which they are exposed and analyse those risks. To that aim, they should carry out risks assessments, whenever necessary in view of their particular circumstances and the evolution of those risks, yet in any event every four years. The risk assessments by critical entities should be based on the risk assessment carried out by Member States <u><i>and should be in line with common criteria and methodologies.</i></u>	(20) In order to be able to ensure their resilience, Critical entities should have a comprehensive understanding of all relevant risks to which they are exposed and a duty to analyse those risks. To that aim, they should carry out risks assessments, whenever necessary in view of their particular circumstances and the evolution of those risks, yet in any event every four years. The risk assessments by critical entities should be based on the risk assessment carried out by Member States. If critical entities have already conducted an assessment of these risks and dependencies as set out in Article 10 under other acts of Union or national law, Member States may recognise equivalence, in whole or in part, of these	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			existing risk assessments.	
Recital 21				
31	(21) Critical entities should take organisational and technical measures that are appropriate and proportionate to the risks they face so as to prevent, resist, mitigate, absorb, accommodate to and recover from an incident. Although critical entities should take measures on all points specified in this Directive, the details and extent of the measures should reflect the different risks that each entity has identified as part of its risk assessment and the specificities of such entity in an appropriate and proportionate way.	(21) Critical entities should take organisational and technical measures that are appropriate and proportionate to the risks they face so as to prevent, resist, mitigate, absorb, accommodate to and recover from an incident. Although critical entities should take measures on all points specified in this Directive, the details and extent of the measures should reflect the different risks that each entity has identified as part of its risk assessment and the specificities of such entity in an appropriate and proportionate way.	(21) Critical entities should take organisational, security and technical measures that are appropriate and proportionate to the risks they face so as to prevent, protect against, respond to , resist, mitigate, absorb, accommodate to and recover from an incident. Although While critical entities should take measures on all points specified in this Directive in accordance with Article 11, the details and extent of the measures should reflect the different risks that each entity has identified as part of its risk assessment and the specificities of such entity in an appropriate and proportionate way. To promote a coherent Union-wide approach, the Commission should, after consultation of the Critical Entities Resilience Group, adopt non-binding guidelines to further specify those technical, security and organisational measures. In the performance of its duties under this Directive, each critical entity should designate a liaison officer	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			or equivalent as point of contact with the national competent authorities.	
Recital 22				
32	(22) In the interest of effectiveness and accountability, critical entities should describe those measures, with a level of detail to sufficiently achieve those aims, having regard to the risks identified, in a resilience plan or in a document or documents that are equivalent to a resilience plan, and apply that plan in practice. Such equivalent document or documents may be drawn up in accordance with requirements and standards developed in the context of international agreements on physical protection to which Member States are parties, including the Convention on the physical protection of nuclear material and nuclear facilities, as appropriate.	(22) In the interest of effectiveness and accountability, critical entities should describe those measures, with a level of detail to sufficiently achieve those aims, having regard to the risks identified, in a resilience plan or in a document or documents that are equivalent to a resilience plan, and apply that plan in practice. Such equivalent document or documents may be drawn up in accordance with requirements and standards developed in the context of international agreements on physical protection to which Member States are parties, including the Convention on the physical protection of nuclear material and nuclear facilities, as appropriate.	(22) In the interest of effectiveness and accountability, critical entities should describe the measures they take those measures , with a level of detail to sufficiently achieve those aims, having regard to the risks identified, in a resilience plan or in a document or documents that are equivalent to a resilience plan, and apply that plan in practice. Such equivalent document or documents may be drawn up in accordance with national law or with requirements and standards developed in the context of international agreements on physical protection to which Member States are parties, including the Convention on the physical protection of nuclear material and nuclear facilities, as appropriate.	
Recital 23				
33	(23) Regulation (EC) No 300/2008	(23) Regulation (EC) No 300/2008	(23) Regulation (EC) No 300/2008	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>of the European Parliament and of the Council¹, Regulation (EC) No 725/2004 of the European Parliament and of the Council² and Directive 2005/65/EC of the European Parliament and of the Council³ establish requirements applicable to entities in the aviation and maritime transport sectors to prevent incidents caused by unlawful acts and to resist and mitigate the consequences of such incidents. While the measures required in this Directive are broader in terms of risks addressed and types of measures to be taken, critical entities in those sectors should reflect in their resilience plan or equivalent documents the measures taken pursuant to those other Union acts. Moreover, when implementing resilience measures under this Directive, critical entities may consider referring to non-binding guidelines and good practices documents developed under sectorial workstreams, such as the EU Rail Passenger Security Platform⁴.</p> <p><small>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</small></p>	<p>of the European Parliament and of the Council¹, Regulation (EC) No 725/2004 of the European Parliament and of the Council² and Directive 2005/65/EC of the European Parliament and of the Council³ establish requirements applicable to entities in the aviation and maritime transport sectors to prevent incidents caused by unlawful acts and to resist and mitigate the consequences of such incidents. While the measures required in this Directive are broader in terms of risks addressed and types of measures to be taken, critical entities in those sectors should reflect in their resilience plan or equivalent documents the measures taken pursuant to those other Union acts. Moreover,</p> <p><u><i>critical entities ar also to take into consideration Directive 2008/96/EC of the European Parliament and of the Council⁴, which introduces a network-wide road assessment to map the risks of accidents and a targeted road safety inspection to identify hazardous conditions, defects and problems that increase the risk of accidents and injuries, based on a site visit of an existing road or</i></u></p>	<p>of the European Parliament and of the Council¹, Regulation (EC) No 725/2004 of the European Parliament and of the Council² and Directive 2005/65/EC of the European Parliament and of the Council³ establish requirements applicable to</p> <p>Other acts of national or Union law may require critical entities in the aviation and maritime transport sectors to prevent incidents caused by unlawful acts and to resist and mitigate the consequences of such incidents. While to establish resilience measures equivalent to those under Article 11. Member States may choose to recognise equivalence, in whole or in part, between these measures required in this Directive are broader in terms of risks addressed and types of measures to be taken, and those referred to in Article 11, or to ensure that critical entities indscribe those sectors should reflect in their measures in the resilience plan or equivalent documents the measures taken pursuant to those other Union acts. Moreover, when implementing resilience measures under this</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>repealing Regulation (EC) No 2320/2002 (OJ L 97/72, 9.4.2008, p. 72).</p> <p>2. Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security (OJ L 129, 29.4.2004, p. 6.).</p> <p>3. Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security (OJ L 310, 25.11.2005, p. 28).</p> <p>4. Commission Decision of 29 June 2018 setting up the EU Rail Passenger Security Platform C/2018/4014.</p>	<p><u>section of road. Ensuring the protection and resilience of critical entities is of the utmost importance for the railway sector and</u>, when implementing resilience measures under this Directive, critical entities may consider referring <u>are encouraged to refer</u> to non-binding guidelines and good practices documents developed under sectorial workstreams, such as the EU Rail Passenger Security Platform^{4,5}.</p> <p>1. Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (OJ L 97/72, 9.4.2008, p. 72).</p> <p>2. Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security (OJ L 129, 29.4.2004, p. 6.).</p> <p>3. Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security (OJ L 310, 25.11.2005, p. 28).</p> <p>4. Commission Decision of 29 June 2018 setting up the EU Rail Passenger Security Platform C/2018/4014 <u>Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management (OJ L 319, 29.11.2008, p. 59).</u></p> <p><u>5. Commission Decision of 29 June 2018 setting up the EU Rail Passenger Security</u></p>	<p>Directive, critical entities may consider referring to non-binding guidelines and good practices documents developed under sectorial workstreams, such as the EU Rail Passenger Security Platform⁴ document or documents.</p> <p>1. Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (OJ L 97/72, 9.4.2008, p. 72).</p> <p>2. Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security (OJ L 129, 29.4.2004, p. 6.).</p> <p>3. Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security (OJ L 310, 25.11.2005, p. 28).</p> <p>4. Commission Decision of 29 June 2018 setting up the EU Rail Passenger Security Platform C/2018/4014.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Platform C/2018/4014.</u>		
Recital 24				
34	<p>(24) The risk of employees of critical entities misusing for instance their access rights within the entity's organisation to harm and cause damage is of increasing concern. That risk is exacerbated by the growing phenomenon of radicalisation leading to violent extremism and terrorism. It is therefore necessary to enable critical entities to request background checks on persons falling within specific categories of its personnel and to ensure that those requests are assessed expeditiously by the relevant authorities, in accordance with the applicable rules of Union and national law, including on the protection of personal data.</p>	<p>(24) The risk of employees of critical entities misusing for instance their access rights within the entity's organisation to harm and cause damage is of increasing concern. That risk is exacerbated by the growing phenomenon of radicalisation leading to violent extremism and terrorism. It is therefore necessary to enable critical entities to request background checks on persons falling within specific categories of its personnel and to ensure that those requests are assessed expeditiously by the relevant authorities, in accordance with the applicable rules of Union and national law, including on the protection of personal data, <u>in particular Regulation (EU) 2016/679.</u></p>	<p>(24) The risk of employees or contractors of critical entities misusing for instance their access rights within the entity's organisation to harm and cause damage is of increasing concern. That risk is exacerbated by the growing phenomenon of radicalisation leading to violent extremism and terrorism may substantiate a need to make provision for a specific procedure for performing background checks for persons designated to undertake sensitive roles or access certain spaces within the critical entities. It is therefore necessary to enable Member States, where appropriate, to allow critical entities to request background checks on persons falling within specific clearly defined categories of its personnel persons and to ensure that those requests are assessed expeditiously by the in accordance with criteria set out in national legislation and procedures. Such background</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>checks should, where relevant authorities, in accordance with the applicable rules of Union and national law, including on the protection of personal data and applicable, draw upon information obtained from the European Criminal Records Information System (ECRIS)¹ and can also, where relevant and applicable, draw upon the Second Generation Schengen Information System (SIS II)², intelligence as well as any other objective information available that may be necessary to determine to suitability of the person concerned to work in the position in relation to which the critical entity has requested a background check.</p> <p><small>1. Council Framework Decision 2009/315/JHA and Regulation (EU) 2019/816 of the European Parliament and of the Council of 22 May 2019, OJ L 135, p.1</small></p> <p><small>2. Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing</small></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU, OJ L 312, p.56	
Recital 25				
35	<p>(25) Critical entities should notify, as soon as reasonably possible under the given circumstances, Member States' competent authorities of incidents that significantly disrupt or have the potential to significantly disrupt their operations. The notification should allow the competent authorities to respond to the incidents rapidly and adequately and to have a comprehensive overview of the overall risks that critical entities face. For that purpose, a procedure should be established for the notification of certain incidents and parameters should be provided for to determine when the actual or potential disruption is significant and the incidents should thus be notified. Given the potential cross-border impacts of such disruptions, a procedure should be established for Member States to inform other affected Member States via single</p>	<p>(25) Critical entities should notify, as soon as reasonably possible under the given circumstances <u>and, in any event, no later than 24 hours after becoming aware of the incident in question</u>, Member States' competent authorities of incidents<u>any incident</u> that significantly disrupt or have<u>disrupts or has</u> the potential to significantly disrupt their operations. The <u>competent authority should inform the public of such an incident where it determines that it would be in the public interest to do so. The competent authority should ensure that the critical entity concerned inform users of its services that might be affected by such an incident of the incident and, where relevant, of any possible safety measures or remedies.</u> The notification should allow the competent authorities to respond to the incidents rapidly</p>	<p>(25) Critical entities should notify, as soon as reasonably possible under the given circumstances, Member States' competent authorities of incidents that significantly disrupt or have the potential to significantly disrupt the provision of essential services their operations. The notification should allow the competent authorities to respond to the incidents rapidly and adequately and to have a comprehensive overview of the overall risks that critical entities face. For that purpose, a procedure should be established for the notification of certain incidents and parameters should be provided for to determine when the actual or potential disruption is significant and the incidents should thus be notified. Given the potential cross-border impacts of such disruptions, a procedure should be established for Member States to inform other</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	points of contacts.	and adequately and to have a comprehensive overview of the overall risks that critical entities face. For that purpose, a procedure should be established for the notification of certain incidents and parameters should be provided for to determine when the actual or potential disruption is significant and the incidents should thus be notified. Given the potential cross-border impacts of such disruptions, a procedure should be established for Member States to inform other affected Member States via single points of contacts, <u>without undue delay. Information on incidents should be treated in a way that respects confidentiality and the security and commercial interests of the critical entity concerned.</u>	affected Member States via single points of contacts.	
Recital 26				
36	(26) While critical entities generally operate as part of an increasingly interconnected network of service provision and infrastructures and often provide essential services in more than one Member State, some of those entities are of particular significance for the Union because	(26) While critical entities generally operate as part of an increasingly interconnected network of service provision and infrastructures and often provide essential services in more than one Member State, some of those entities are of particular significance for the Union <u>and the</u>	(26) While critical entities generally operate as part of an increasingly interconnected network of service provision and infrastructures and often provide essential services in more than one Member State, some of those entities are of particular significance for the Union because	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	they provide essential services to a large number of Member States, and therefore require specific oversight at Union level. Rules on the specific oversight in respect of such critical entities of particular European significance should therefore be established. Those rules are without prejudice to the rules on supervision and enforcement set out in this Directive.	<u>internal market</u> because they provide essential services to a large number of <u>several</u> Member States, and therefore require specific oversight at Union level. Rules on the specific oversight in respect of such critical entities of particular European significance should therefore be established. Those rules are without prejudice to the rules on supervision and enforcement set out in this Directive.	they provide essential services to a large number of or in more than one third of Member States, and therefore require could benefit from specific oversight support at Union level. Rules on advisory missions the specific oversight in respect of such critical entities of particular European significance should therefore be established. Those rules are without prejudice to the rules on supervision and enforcement set out in this Directive.	
Recital 27				
37	(27) Where any Member State considers that additional information is necessary to be able to advise a critical entity in meeting its obligations under Chapter III or to assess the compliance of a critical entity of particular European significance with those obligations, in agreement with the Member State where the infrastructure of that entity is located, the Commission should organise an advisory mission to assess the measures put in place by that entity. In order to ensure that such advisory missions	(27) Where any Member State considers that additional information is necessary to be able to advise a critical entity in meeting its obligations under Chapter III or to assess the compliance of a critical entity of particular European significance with those obligations, in agreement with the Member State where the infrastructure of that entity is located, the Commission should organise an advisory mission to assess the measures put in place by that entity. In order to ensure that such advisory missions	(27) Where any Upon the reasoned request of one or more Member State considers that States to or in which the essential service is provided or of the Commission, where additional information is necessary to be able to advise a critical entity in meeting its obligations under Chapter III or to assess the compliance of a critical entity of particular European significance with those obligations, in agreement with the Member State where the infrastructure of that entity is located, the Commission	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	are carried out properly, complementary rules should be established, notably on their organisation and conduct, the follow-up to be given and the obligations for the critical entities of particular European significance concerned. The advisory missions should, without prejudice to the need for the Member State where the advisory mission is conducted and the entity concerned to comply with the rules of this Directive, be conducted subject to the detailed rules of the law of that Member State, for instance on the precise conditions to be fulfilled to obtain access to relevant premises or documents and on judicial redress. Specific expertise required for such missions could, where relevant, be requested through the Emergency Response Coordination Centre.	are carried out properly, complementary rules should be established, notably on their organisation and conduct, the follow-up to be given and the obligations for the critical entities of particular European significance concerned. The advisory missions should, without prejudice to the need for the Member State where the advisory mission is conducted and the entity concerned to comply with the rules of this Directive, be conducted subject to the detailed rules of the law of that Member State, for instance on the precise conditions to be fulfilled to obtain access to relevant premises or documents and on judicial redress. Specific expertise required for such missions could, where relevant, be requested through the Emergency Response Coordination Centre.	should be enabled to organise an advisory mission to assess the measures put in place by that entity. In order to ensure that such advisory missions are carried out properly, complementary rules should be established, notably on their organisation and conduct, the follow-up to be given and the obligations for the critical entities of particular European significance concerned. The advisory missions should, without prejudice to the need for the Member State where the advisory mission is conducted and the entity concerned to comply with the rules of this Directive, be conducted subject to the detailed rules of the law of that Member State, for instance on the precise conditions to be fulfilled to obtain access to relevant premises or documents and on judicial redress. Specific expertise required for such missions could, where relevant, be requested through the Emergency Response Coordination Centre.	
Recital 27a				
37a		<u>(27a) Standardisation should remain primarily a market-driven process. However, there might still</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i><u>be situations where it is appropriate to require compliance with specified standards at Union level. The Commission and the Member States should support and promote the development and implementation of standards and specifications relevant to the resilience of critical entities as set by the European Standardisation Organisations for the undertaking of technical and organisational measures aimed at ensuring critical entities' resilience. Member States should also encourage the use of internationally accepted standards and specifications relevant to resilience measures applicable to critical entities.</u></i>		
Recital 28				
38	(28) In order to support the Commission and facilitate strategic cooperation and the exchange of information, including best practices, on issues relating to this Directive, a Critical Entities Resilience Group, which is a Commission expert group, should be established. Member States should endeavour to ensure	(28) In order to support the Commission and facilitate strategic cooperation and the exchange of information, including best practices, on issues relating to this Directive, a Critical Entities Resilience Group, which is a Commission expert group, should be established. Member States should endeavour to ensure	(28) In order to support the Commission and facilitate cooperation among Member States strategic cooperation and the exchange of information, including best practices, on issues relating to this Directive, a Critical Entities Resilience Group, which is as a Commission expert group, should be established. Member	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	effective and efficient cooperation of the designated representatives of their competent authorities in the Critical Entities Resilience Group. The group should begin to perform its tasks from six months after the entry into force of this Directive, so as to provide additional means for appropriate cooperation during the transposition period of this Directive.	effective and efficient cooperation of the designated representatives of their competent authorities in the Critical Entities Resilience Group. The group should begin to perform its tasks from six months after the entry into force of this Directive, so as to provide additional means for appropriate cooperation during the transposition period of this Directive.	States should endeavour to ensure effective and efficient cooperation of the designated representatives of their competent authorities in the Critical Entities Resilience Group, including by designating members holding the appropriate security clearance. The group should begin to perform its tasks from six months after the entry into force of this Directive, so as to provide additional means for appropriate cooperation during the transposition period of this Directive. The group should interact with relevant other sector specific expert working groups.	
Recital 29				
39	(29) In order to achieve the objectives of this Directive, and without prejudice to the legal responsibility of Member States and critical entities to ensure compliance with their respective obligations set out therein, the Commission should, where it considers it appropriate, undertake certain supporting activities aimed at facilitating compliance with those obligations. When providing	(29) In order to achieve the objectives of this Directive, and without prejudice to the legal responsibility of Member States and critical entities to ensure compliance with their respective obligations set out therein, the Commission should, where it considers it appropriate, undertake certain supporting activities aimed at facilitating compliance with those obligations. When providing	(29) In order to achieve the objectives of this Directive, and without prejudice to the legal responsibility of Member States and critical entities to ensure compliance with their respective obligations set out therein, the Commission should, where it considers it appropriate, undertake certain supporting activities aimed at facilitating compliance with those obligations. When providing	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	support to Member States and critical entities in the implementation of obligations under this Directive, the Commission should build on existing structures and tools, such as those under the Union Civil Protection mechanism and the European Reference Network for Critical Infrastructure Protection.	support to Member States and critical entities in the implementation of obligations under this Directive, the Commission should build on existing structures and tools, such as those under the Union Civil Protection mechanism and the European Reference Network for Critical Infrastructure Protection.	support to Member States and critical entities in the implementation of obligations under this Directive, the Commission should build on existing structures and tools, such as those under the Union Civil Protection mechanism and the European Reference Network for Critical Infrastructure Protection. The financial resources for these supporting activities should be provided in line with the agreed allocations in the Multiannual Financial Framework and should be covered in particular from the available envelope foreseen under the Internal Security Fund for the period 2021-2027.	
Recital 30				
40	(30) Member States should ensure that their competent authorities have certain specific powers for the proper application and enforcement of this Directive in relation to critical entities, where those entities fall under their jurisdiction as specified in this Directive. Those powers should include, notably, the power to conduct inspections, supervision and audits,	(30) Member States should ensure that their competent authorities have certain specific powers for the proper application and enforcement of this Directive in relation to critical entities, where those entities fall under their jurisdiction as specified in this Directive. Those powers should include, notably, the power to conduct inspections, supervision and audits,	(30) Member States should ensure that their competent authorities have certain specific powers for the proper application and enforcement of this Directive in relation to critical entities, where those entities fall under their jurisdiction as specified in this Directive. Those powers should include, notably, the power to conduct inspections, supervision and audits,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>require critical entities to provide information and evidence relating to the measures they have taken to comply with their obligations and, where necessary, issue orders to remedy identified infringements. When issuing such orders, Member States should not require measures which go beyond what is necessary and proportionate to ensure compliance of the critical entity concerned, taking account of in particular the seriousness of the infringement and the economic capacity of the critical entity. More generally, those powers should be accompanied by appropriate and effective safeguards to be specified in national law, in accordance with the requirements resulting from Charter of Fundamental Rights of the European Union. When assessing the compliance of a critical entity with its obligations under this Directive, competent authorities designated under this Directive should be able to request the competent authorities designated under the NIS 2 Directive to assess the cybersecurity of those entities. Those competent authorities should cooperate and exchange</p>	<p>require critical entities to provide information and evidence relating to the measures they have taken to comply with their obligations and, where necessary, issue orders to remedy identified infringements. When issuing such orders, Member States should not require measures which go beyond what is necessary and proportionate to ensure compliance of the critical entity concerned, taking account of in particular the seriousness of the infringement and the economic capacity of the critical entity. More generally, those powers should be accompanied by appropriate and effective safeguards to be specified in national law, in accordance with the requirements resulting from Charter of Fundamental Rights of the European Union. <u><i>The assessment of critical entities under this Directive, in matters that fall under the scope of the NIS 2 Directive such as physical and non-physical cybersecurity, is the responsibility of the competent authorities designated under the NIS 2 Directive. Furthermore,</i></u> when assessing the compliance of a critical entity with its obligations under this Directive, competent</p>	<p>require critical entities to provide information and evidence relating to the measures they have taken to comply with their obligations and, where necessary, issue orders to remedy identified infringements. When issuing such orders, Member States should not require measures which go beyond what is necessary and proportionate to ensure compliance of the critical entity concerned, taking account of in particular the seriousness of the infringement and the economic capacity of the critical entity. More generally, those powers should be accompanied by appropriate and effective safeguards to be specified in national law, in accordance with the requirements resulting from Charter of Fundamental Rights of the European Union. When assessing the compliance of a critical entity with its obligations under this Directive, competent authorities designated under this Directive should be able to request the competent authorities designated under the NIS 2 Directive to exercise their supervisory and enforcement powers in relation to an essential entity under the scope of [NIS 2</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	information for that purpose.	authorities designated under this Directive should be able to request the competent authorities designated under the NIS 2 Directive to assess the cybersecurity of those entities. Those competent authorities should cooperate and exchange information for that purpose.	Directive] that is also identified as critical under this Directive assess the cybersecurity of those entities. Those competent authorities should cooperate and exchange information for that purpose.	
Recital 31				
41	(31) In order to take into account new risks, technological developments or specificities of one or more of the sectors, the power to adopt acts in accordance with Article 290 Treaty on the Functioning of the European Union should be delegated to the Commission to supplement the resilience measures critical entities are to take by further specifying some or all of those measures. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-	(31) In order to take into account new risks, technological developments or specificities of one or more of the sectors, the power to adopt acts in accordance with Article 290 Treaty on the Functioning of the European Union should be delegated to the Commission to supplement the resilience measures critical entities are to take by further specifying some or all of those measures. <u>In order to avoid the divergent application of this Directive and to improve the functioning of the internal market, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to supplement this</u>	(31) In order to take into account new risks, technological developments or specificities of one or more of the sectors, the power to adopt acts in accordance with Article 290 Treaty on the Functioning of the European Union should be delegated to the Commission to supplement the resilience measures critical entities are to take by further specifying some or all of those measures. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>¹. OJ L 123, 12.5.2016, p. 1.</p>	<p><u>Directive by drawing up a common list of essential services.</u></p> <p>It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>¹. OJ L 123, 12.5.2016, p. 1.</p>	<p>Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>¹. OJ L 123, 12.5.2016, p. 1.</p>	
Recital 32				
42	<p>(32) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with</p>	<p>(32) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with</p>	<p>(32) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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 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).</p>	<p>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 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).</p>	<p>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 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).</p>	
Recital 33				
43	<p>(33) Since the objectives of this Directive, namely to ensure the provision in the internal market of services essential for the maintenance of vital societal functions or economic activities and to enhance the resilience of critical entities providing such services, cannot be sufficiently achieved by the Member States, but can rather, by reason of the effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality as set out in that</p>	<p>(33) Since the objectives of this Directive, namely to ensure the provision in the internal market of services essential for the maintenance of vital societal functions or economic activities and to enhance the resilience of critical entities providing such services, cannot be sufficiently achieved by the Member States, but can rather, by reason of the effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality as set out in that</p>	<p>(33) Since the objectives of this Directive, namely to ensure the provision in the internal market of services essential for the maintenance of vital societal functions or economic activities and to enhance the resilience of critical entities providing such services,— cannot be sufficiently achieved by the Member States, but can rather, by reason of the effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality as set out in that</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 5, this Directive does not go beyond what is necessary in order to achieve those objectives.	Article 5, this Directive does not go beyond what is necessary in order to achieve those objectives.	Article 5, this Directive does not go beyond what is necessary in order to achieve those objectives.	
Recital 34				
44	(34) Directive 2008/114/EC should therefore be repealed,	(34) Directive 2008/114/EC should therefore be repealed,	(34) Directive 2008/114/EC should therefore be repealed,	
Formula				
45	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	
Chapter I				
46	Chapter I Subject matter , Scope and definitions	Chapter I Subject matter , Scope and definitions	Chapter I Subject matter , Scope and definitions	
Article 1				
47	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope	
Article 1(1), introductory part				
48	1. This Directive:	1. <u><i>This Directive lays down measures with a view to achieving</i></u>	1. This Directive:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>a high level of resilience of critical entities in order to ensure the provision of essential services within the Union and to improve the functioning of the internal market. To that end,</i></u> this Directive:		
Article 1(1), point (a)				
49	(a) lays down obligations for Member States to take certain measures aimed at ensuring the provision in the internal market of services essential for the maintenance of vital societal functions or economic activities, in particular to identify critical entities and entities to be treated as equivalent in certain respects, and to enable them to meet their obligations;	(a) lays down obligations for Member States to take certain measures aimed at ensuring the <u>continuous</u> provision in the internal market of services essential for the maintenance of vital societal functions or economic activities, in particular to identify critical entities and entities to be treated as equivalent in certain respects, and to enable them to meet their obligations;	(a) lays down obligations for Member States to take certain specific measures aimed at ensuring the provision in the internal market of services essential for the maintenance of vital societal functions or economic activities, in particular to identify critical entities and entities to be treated as equivalent in certain respects, within the scope of Article 114 TFEU, in particular to identify critical entities and to enable support them to meet their obligations;	
Article 1(1), point (b)				
50	(b) establishes obligations for critical entities aimed at enhancing their resilience and improving their ability to provide those services in	(b) establishes obligations for critical entities aimed at enhancing their resilience and improving their ability to provide those services in	(b) establishes obligations for critical entities aimed at enhancing their resilience and improving their ability to provide those services in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the internal market;	the internal market;	the internal market;	
Article 1(1), point (c)				
51	(c) establishes rules on supervision and enforcement of critical entities, and specific oversight of critical entities considered to be of particular European significance.	(c) establishes rules on supervision and enforcement of critical entities, and specific oversight of critical entities considered to be of particular European significance.	(c) establishes rules on supervision and enforcement of critical entities, and specific oversight of critical entities considered to be of particular European significance.;	
Article 1(1), point (d)				
51a			(d) establishes rules for the identification of critical entities of particular European significance and advisory missions thereto.	
Article 1(1), point (e)				
51b			(e) establishes common procedures for cooperation and reporting for the application of the provisions of this Directive.	
Article 1(2)				
52	2. This Directive shall not apply to matters covered by Directive (EU) XX/YY [proposed Directive on	2. This Directive shall not apply to matters covered by Directive (EU) XX/YY [proposed Directive on	2. This Directive shall not apply to matters covered by Directive (EU) XX/YY [proposed Directive on	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	measures for a high common level of cybersecurity across the Union; ('NIS 2 Directive']], without prejudice to Article 7.	measures for a high common level of cybersecurity across the Union; ('NIS 2 Directive']], without prejudice to Article 7. <u><i>In view of the interlinkages between cybersecurity and the physical security of entities, Member States shall ensure a coherent implementation of this Directive and the NIS 2 Directive.</i></u>	measures for a high common level of cybersecurity across the Union; ('NIS 2 Directive']], without prejudice to Article 7.	
Article 1(3)				
53	3. Where provisions of sector-specific acts of Union law require critical entities to take measures as set out in Chapter III, and where those requirements are at least equivalent to the obligations laid down in this Directive, the relevant provisions of this Directive shall not apply, including the provisions on supervision and enforcement laid down in Chapter VI.	3. Where provisions of sector-specific acts of Union law require critical entities to take measures as set out in Chapter III, and where those requirements are at least equivalent to the obligations laid down in this Directive, the relevant provisions of this Directive shall not apply, including the provisions on supervision and enforcement laid down in Chapter VI.	3. Where provisions of sector-specific acts of Union law require critical entities to take measures as set out in Chapter III , and where those requirements are recognised as at least equivalent to the obligations laid down in this Directive, the relevant provisions of this Directive shall not apply, including the provisions on supervision and enforcement laid down in Chapter VI.	
Article 1(4)				
54	4. Without prejudice to Article 346 TFEU, information that is confidential pursuant to Union and national rules, such as rules on	4. Without prejudice to Article 346 TFEU, information that is confidential pursuant to Union and national rules, such as rules on	4. Without prejudice to Article 346 TFEU, information that is confidential pursuant to Union and national rules, such as rules on	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	business confidentiality, shall be exchanged with the Commission and other relevant authorities only where that exchange is necessary for the application of this Directive. The information exchanged shall be limited to that which is relevant and proportionate to the purpose of that exchange. The exchange of information shall preserve the confidentiality of that information and protect the security and commercial interests of critical entities.	business confidentiality, shall be exchanged with the Commission and other relevant authorities only where that exchange is necessary for the application of this Directive. The information exchanged shall be limited to that which is relevant and proportionate to the purpose of that exchange. The exchange of information shall preserve the confidentiality of that information and protect the security and commercial interests of critical entities.	business confidentiality, shall be exchanged with the Commission and other relevant authorities only where that exchange is necessary for the application of this Directive. The information exchanged shall be limited to that which is relevant and proportionate to the purpose of that exchange. The exchange of information shall preserve the confidentiality of that information and respect the security of Member States as well as protect the security and commercial interests of critical entities.	
Article 1(5)				
54a			<p>5. This Directive is without prejudice to the Member States' responsibility to safeguard national security and defence or their power to safeguard other essential state functions, including ensuring the territorial integrity of the State and maintaining law and order.</p> <p>This Directive does not apply to:</p>	
Article 1(5), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
54b			(a) entities that fall outside the scope of Union law and, in any event, entities that mainly carry out activities in the areas of 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;	
Article 1(5), point (b)				
54c			(b) entities that carry out activities in the areas of the judiciary, parliaments, or central banks;	
Article 1(5), point (c)				
54d			(c) activities of entities which fall outside the scope of Union law and, in any event, all activities concerning national security or defence, regardless of which entity is carrying out those activities and whether it is a public entity or a private entity.	
Article 1(4b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
54e			The obligations laid down in this Directive do not entail the supply of information, the disclosure of which is contrary to the Member States' essential interests of national security, public security or defence.	
Article 1(4c)				
54f			<p>6. This Directive is without prejudice to Union law on the protection of personal data, in particular Regulation (EU) 2016/679¹ and Directive 2002/58/EC.²</p> <p>1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC; OJ L 119, 4.5.2016, p. 1</p> <p>2. Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector; OJ L 201, 31.7.2002, p. 37</p>	
Article 2				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
55	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	
Article 2, first paragraph, introductory part				
56	For the purposes of this Directive, the following definitions apply:	For the purposes of this Directive, the following definitions apply:	For the purposes of this Directive, the following definitions apply:	
Article 2, first paragraph, point (1)				
57	(1) “critical entity” means a public or private entity of a type referred to in the Annex, which has been identified as such by a Member State in accordance with Article 5;	(1) “critical entity” means a public or private entity of a type referred to in the Annex, which has been identified as such by a Member State in accordance with Article 5;	(1) "critical entity" means a public or private entity belonging to the categories of a type referred to in the third column of the table in the Annex, which and has been identified as such by a Member State in accordance with Article 5;	
Article 2, first paragraph, point (2)				
58	(2) “resilience” means the ability to prevent, resist, mitigate, absorb, accommodate to and recover from an incident that disrupts or has the potential to disrupt the operations of a critical entity;	(2) “resilience” means the ability to prevent, resist, mitigate, absorb, accommodate to and recover from an incident that disrupts or has the potential to disrupt the operations of a critical entity;	(2) "resilience" means the a critical entity’s ability to prevent, protect against, respond to, resist, mitigate, absorb, accommodate to and recover from an incident that disrupts or has the potential to disrupt the operations of a critical entity;	
Article 2, first paragraph, point (3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
59	(3) “incident” means any event having the potential to disrupt, or that disrupts, the operations of the critical entity;	(3) "incident" means any event having the potential to disrupt, or that disrupts, the operations of the <u>the provision of an essential service by a</u> critical entity;	(3) "incident" means any event having the potential to significantly disrupt, or that disrupts, the operations of the critical entity provision of an essential service ;	
Article 2, first paragraph, point (4)				
60	(4) “infrastructure” means an asset, system or part thereof, which is necessary for the delivery of an essential service;	(4) "infrastructure" means an asset, system or part <u>assets, including facilities, systems and equipment, or parts</u> thereof, which is <u>are</u> necessary for the delivery of an essential service;	(4) " critical infrastructure" means an asset, facility, equipment, network , system or part thereof, which is necessary for the delivery provision of an essential service;	
Article 2, first paragraph, point (5)				
61	(5) “essential service” means a service which is essential for the maintenance of vital societal functions or economic activities;	(5) "essential service" means a service which is essential for the maintenance of vital societal functions, <u>economic activities, public health and safety, the environment or the rule of law</u> or economic activities ;	(5) "essential service" means a service which is essential indispensable for the maintenance of vital societal functions or economic activities;	
Article 2, first paragraph, point (6)				
62	(6) “risk” means any circumstance or event having a potential adverse	(6) "risk" "risk" means any circumstance or event having a potential adverse	(6) "risk" means any circumstance or event having a potential adverse	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	effect on the resilience of critical entities;	effect on the resilience of <u>ability of</u> a critical entities <u>entity to provide an essential service</u> ;	effect on the resilience of critical entities;	
Article 2, first paragraph, point (7)				
63	(7) “risk assessment” means a methodology to determine the nature and extent of a risk by analysing potential threats and hazards and evaluating existing conditions of vulnerability that could disrupt the operations of the critical entity.	(7) "risk assessment" means a methodology to determine the nature and extent of a risk by analysing <u>assessing</u> potential threats and hazards and evaluating against the resilience of <u>a critical entity, analysing</u> existing conditions of vulnerability that could disrupt <u>lead to the disruption of</u> the operations of the <u>a</u> critical entity; and evaluating the potential adverse effect the disruption of operations could have on the provision of essential services ;	(7) "risk assessment" means the overall process undertaken by the national competent authorities pursuant to Article 4, or by the critical entities pursuant to Article 10, in order to determine the nature and extent of relevant threats, vulnerabilities and risks that could lead to an incident-a methodology to determine the nature and extent of a risk by analysing potential threats and hazards and evaluating existing conditions of vulnerability that could disrupt the operations of the critical entity.	
Article 2, first paragraph, point (7)(a)				
63a		<u>(a) ‘standard’ means standard as defined in Article 2, point (1), of Regulation (EU) No 1025/2012 of the European Parliament and of the Council¹;</u> _____		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>I. Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12)</u>		
Article 2, first paragraph, point (7)(b)				
63b		<u>(b) ‘technical specification’ means technical specification as defined in Article 2 point (4), of Regulation (EU) No 1025/2012;</u>		
Article 2a				
63c			Article 2a Minimum harmonisation	
Article 2a, first paragraph				
63d			Without prejudice to their obligations under Union law, Member States may adopt or maintain provisions of national	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			law with a view to achieving a higher level of resilience of critical entities.	
Chapter II				
64	Chapter II National Frameworks on the Resilience of Critical Entities	Chapter II National Frameworks on the Resilience of Critical Entities	Chapter II National Frameworks on the Resilience of Critical Entities	
Article 3				
65	Article 3 Strategy on the resilience of critical entities	Article 3 Strategy on the resilience of critical entities	Article 3 Strategy on the resilience of critical entities	
Article 3(1)				
66	1. Each Member State shall adopt by [three years after entry into force of this Directive] a strategy for reinforcing the resilience of critical entities. This strategy shall set out strategic objectives and policy measures with a view to achieving and maintaining a high level of resilience on the part of those critical entities and covering at least the sectors referred to in the Annex.	1. <u>Following a consultation open to all affected stakeholders,</u> each Member State shall adopt by [three years after entry into force of this Directive] a strategy for reinforcing the resilience of critical entities. This strategy shall <u>take into account the Union strategy on resilience prepared by the Critical Entities Resilience Group,</u> <u>referred to in Article 16, and</u> set out strategic objectives and policy measures with a view to achieving	1. Each Member State shall adopt by [three years after entry into force of this Directive] a strategy for reinforcing enhancing the resilience of critical entities. This strategy shall set out strategic objectives and policy measures, building upon relevant existing national and sectoral strategies or documents, with a view to achieving and maintaining a high level of resilience on the part of those critical entities and covering	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		and maintaining a high level of resilience on the part of those critical entities and covering at least the sectors referred to in the Annex.	at least the sectors referred to in the Annex.	
Article 3(2), introductory part				
67	2. The strategy shall contain at least the following elements:	2. The strategy shall contain at least the following elements:	2. The strategy shall contain at least the following elements:	
Article 3(2), point (a)				
68	(a) strategic objectives and priorities for the purposes of enhancing the overall resilience of critical entities taking into account cross-border and cross-sectoral interdependencies;	(a) strategic objectives and priorities for the purposes of enhancing the overall resilience of critical entities taking into account cross-border and cross-sectoral interdependencies;	(a) strategic objectives and priorities for the purposes of enhancing the overall resilience of critical entities taking into account cross-border and cross-sectoral dependencies and interdependencies;	
Article 3(2), point (b)				
69	(b) a governance framework to achieve the strategic objectives and priorities, including a description of the roles and responsibilities of the different authorities, critical entities and other parties involved in the implementation of the strategy;	(b) a governance framework to achieve the strategic objectives and priorities, including a description of the roles and responsibilities of the different authorities, critical entities and other parties involved in the implementation of the strategy;	(b) a governance framework to achieve the strategic objectives and priorities, including a description of the roles and responsibilities of the different authorities, critical entities and other parties involved in the implementation of the strategy;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 3(2), point (c)			
70	(c) a description of measures necessary to enhance the overall resilience of critical entities, including a national risk assessment, the identification of critical entities and of entities equivalent to critical entities, and the measures to support critical entities taken in accordance with this Chapter;	(c) a description of measures necessary to enhance the overall resilience of critical entities, including a national risk assessment <u>as referred to in Article 4</u> , the identification of critical entities and of entities equivalent to critical entities, and the measures to support critical entities taken in accordance with this Chapter, <u>including measures to enhance cooperation between the public sector and the private sector and public and private entities</u> ;	(c) a description of measures necessary to enhance the overall resilience of critical entities, including a description of a national risk assessment, the identification of critical entities and of entities equivalent to process of critical entities s, and the measures to support critical entities taken in accordance with this Chapter;	
	Article 3(2), point (ca)			
70a		<u>(ca) a list of all authorities and stakeholders involved in the implementation of the strategy;</u>		
	Article 3(2), point (d)			
71	(d) a policy framework for enhanced coordination between the competent authorities designated pursuant to Article 8 of this	(d) a policy framework for enhanced coordination between the competent authorities designated pursuant to Article 8 of this	(d) a policy framework for enhanced coordination between the competent authorities designated pursuant to Article 8 of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Directive and pursuant to [the NIS 2 Directive] for the purposes of information sharing on incidents and cyber threats and the exercise of supervisory tasks.	Directive and pursuant to [the NIS 2 Directive] for the purposes of information sharing on incidents and cyber threats and the exercise of supervisory tasks.	this Directive and pursuant to [the NIS 2 Directive] for the purposes of information sharing on cybersecurity risks, cyber threats and incidents and cyber non-cyber risks, threats and incidents and the exercise of supervisory tasks.	
Article 3(2), point (da)				
71a		<u>(da) a policy framework addressing the specific needs and characteristics of small and medium-sized enterprises identified as critical entities to improve their resilience;</u>		
Article 3(2), point (db)				
71b		<u>(db) the relevant aspects of the national cybersecurity strategy provided for in the NIS 2 Directive and any other sectoral national strategy with a view to achieving coordination, complementarity and synergies.</u>		
Article 3(2), first paragraph				
72	The strategy shall be updated where necessary and at least every	<u>Following a consultation open to all affected stakeholders,</u> the	The strategy shall be updated where when necessary and at least	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	four years.	strategy shall be updated where necessary and at least every four years.	every four years.	
Article 3(3)				
73	3. Member States shall communicate their strategies, and any updates of their strategies, to the Commission within three months from their adoption.	3. Member States shall communicate their strategies, and any updates of their strategies, to the Commission within three months from their adoption.	3. Member States shall communicate the relevant aspects of their strategies, including of elements referred to in paragraph 2, and any updates of their strategies thereof , to the Commission within three months from their adoption.	
Article 4				
74	Article 4 Risk assessment by Member States	Article 4 Risk assessment by Member States	Article 4 Risk assessment by Member States	
Article 4(1), introductory part				
75	1. Competent authorities designated pursuant to Article 8 shall establish a list of essential services in the sectors referred to in the Annex. They shall carry out by [three years after entry into force of this Directive], and subsequently where necessary, and at least every four years, an assessment of all	1. Competent authorities designated pursuant to The Commission is empowered to adopt a delegated act in accordance with Article 8 shall establish 21 to supplement this Directive by establishing a list of essential services in the sectors and subsectors referred to in the	1. Competent authorities designated pursuant to Article 8 shall establish a list of essential services in the sectors referred to in the Annex. They shall carry out by [three years after entry into force of this Directive], and subsequently where necessary, and at least every four years, a risk-an assessment of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	relevant risks that may affect the provision of those essential services, with a view to identifying critical entities in accordance with Article 5(1), and assisting those critical entities to take measures pursuant to Article 11.	Annex. They <u>The Commission shall adopt the delegated act no later than... [six months after the date of entry into force of this Directive]. Competent authorities designated pursuant to Article 8</u> shall carry out by [three years after entry into force of this Directive], and subsequently where necessary, and at least every four years, an assessment of all relevant risks that may affect the provision of those <u>the</u> essential services <u>listed in the delegated act</u> , with a view to identifying critical entities in accordance with Article 5(1), and assisting those critical entities to take measures pursuant to Article 11.	all relevant risks that may affect the provision of those essential services, with a view to identifying critical entities in accordance with Article 5(1), <u>5</u> and assisting those critical entities to take measures pursuant to Article 11.	
Article 4(1), first paragraph				
76	The risk assessment shall account for all relevant natural and man-made risks, including accidents, natural disasters, public health emergencies, antagonistic threats, including terrorist offences pursuant to Directive (EU) 2017/541 of the European Parliament and of the Council ¹ . ¹ . Directive (EU) 2017/541 of the	The risk assessment shall account for all relevant natural and man-made risks, including <u>those of a cross-sectoral or cross-border nature</u> , accidents, natural disasters, public health emergencies, antagonistic threats, including terrorist offences pursuant to Directive (EU) 2017/541 of the European Parliament and of the Council ¹ .	The risk assessment shall account for all relevant natural and man-made risks, including accidents, natural disasters, public health emergencies, hybrid threats or other antagonistic threats, including terrorist offences pursuant to Directive (EU) 2017/541 of the European Parliament and of the Council ¹ . _____	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).	1. Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).	1. Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).	
Article 4(2), introductory part				
77	2. In carrying out the risk assessment, Member States shall take into account as a minimum:	2. In carrying out the risk assessment, Member States shall take into account as a minimum:	2. In carrying out the risk assessment, Member States shall take into account at least the following as a minimum:	
Article 4(2), point (a)				
78	(a) the general risk assessment carried out pursuant to Article 6(1) of Decision No 1313/2013/EU of the European Parliament and of the Council ¹ ; 1. Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ L 347, 20.12.2013, p. 924).	(a) the general risk assessment carried out pursuant to Article 6(1) of Decision No 1313/2013/EU of the European Parliament and of the Council ¹ ; 1. Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ L 347, 20.12.2013, p. 924).	(a) the general risk assessment carried out pursuant to Article 6(1) of Decision No 1313/2013/EU of the European Parliament and of the Council ¹ ; 1. Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ L 347, 20.12.2013, p. 924).	
Article 4(2), point (b)				
79	(b) other relevant risk assessments,	(b) other relevant risk assessments,	(b) other relevant risk assessments,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>carried out in accordance with the requirements of the relevant sector-specific acts of Union law, including Regulation (EU) 2019/941 of the European Parliament and of the Council¹ and Regulation (EU) 2017/1938 of the European Parliament and of the Council²;</p> <p>1. Regulation (EU) 2019/941 of the European Parliament and of the Council of 5 June 2019 on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC (OJ L 158, 14.6.2019, p. 1). 2. Regulation (EU) 2017/1938 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010 (OJ L 280, 28.10.2017, p. 1).</p>	<p>carried out in accordance with the requirements of the relevant sector-specific acts of Union law, including Regulation (EU) 2019/941 of the European Parliament and of the Council¹ and Regulation (EU) 2017/1938 of the European Parliament and of the Council²;</p> <p>1. Regulation (EU) 2019/941 of the European Parliament and of the Council of 5 June 2019 on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC (OJ L 158, 14.6.2019, p. 1). 2. Regulation (EU) 2017/1938 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010 (OJ L 280, 28.10.2017, p. 1).</p>	<p>carried out in accordance with the requirements of the relevant sector-specific acts of Union law, including Regulation (EU) 2019/941 of the European Parliament and of the Council¹ and , Regulation (EU) 2017/1938 of the European Parliament and of the Council², Directive 2012/18/EU of the European Parliament and of the Council³ and Directive 2007/60/EC of the European Parliament and of the Council⁴;</p> <p>1. Regulation (EU) 2019/941 of the European Parliament and of the Council of 5 June 2019 on risk-preparedness in the electricity sector and repealing Directive 2005/89/EC (OJ L 158, 14.6.2019, p. 1). 2. Regulation (EU) 2017/1938 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010 (OJ L 280, 28.10.2017, p. 1). 3. Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (OJ L 197, 24.7.2012, p. 1). 4. Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks (OJ L 288, 6.11.2007, p. 27).</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 4(2), point (c)				
80	(c) any risks arising from the dependencies between the sectors referred to in the Annex, including from other Member States and third countries, and the impact that a disruption in one sector may have on other sectors;	(c) any risks arising from the dependencies between the sectors referred to in the Annex, including from other Member States and third countries, and the impact that a disruption in one sector may have on other sectors, <u>including any risks to citizens and the internal market</u> ;	(c) any relevant risks arising from the dependencies between the sectors referred to in the Annex, including from dependencies on entities located within other Member States and third countries, and the impact that a significant disruption in one sector may have on other sectors;	
Article 4(2), point (d)				
81	(d) any information on incidents notified in accordance with Article 13.	(d) any information on incidents notified in accordance with Article 13.	(d) any relevant information on incidents notified in accordance with Article 13.	
Article 4(2), first paragraph				
82	For the purposes of point (c) of the first subparagraph, Member States shall cooperate with the competent authorities of other Member States and third countries, as appropriate.	For the purposes of point (c) of the first subparagraph, Member States shall cooperate with the competent authorities of other Member States and third countries, as appropriate.	For the purposes of point (c) of the first subparagraph, Member States shall cooperate with the competent authorities of other Member States and third countries, as appropriate.	
Article 4(3)				
83	3. Member States shall make the relevant elements of the risk assessment referred to in paragraph	3. Member States shall make the relevant elements of the risk assessment referred to in paragraph	3. Member States shall make the relevant elements of the risk assessment referred to in paragraph	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1 available to the critical entities that they identified in accordance with Article 5 in order to assist those critical entities in carrying out their risk assessment, pursuant to Article 10, and in taking measures to ensure their resilience pursuant to Article 11.	1 available, <u>through their single point of contact referred to in Article 8(2)</u> , to the critical entities that they identified in accordance with Article 5 in order to assist those critical entities in carrying out their risk assessment, pursuant to Article 10, and in taking measures to ensure their resilience pursuant to Article 11.	1 available to the critical entities that they identified in accordance with Article 5. The information provided to in order to assist those critical entities shall assist them in carrying out their risk assessment, pursuant to Article 10, and in taking measures to ensure their resilience pursuant to Article 11.	
Article 4(4)				
84	4. Each Member State shall provide the Commission with data on the types of risks identified and the outcomes of the risk assessments, per sector and sub-sector referred to in the Annex, by [three years after entry into force of this Directive] and subsequently where necessary and at least every four years.	4. Each Member State shall provide the Commission with data on the types of risks identified and the outcomes of the risk assessments, per sector and sub-sector referred to in the Annex, by [three years after entry into force of this Directive] and subsequently where necessary and at least every four years.	4. Each Member State shall provide the Commission with data on the types of risks identified and the summarised outcomes of the risk assessments, per sector and sub-sector referred to in the Annex , by within [three years months after entry into force of this Directive carrying out the risk assessment] and subsequently where necessary and at least every four years.	
Article 4(5)				
85	5. The Commission may, in cooperation with the Member States, develop a voluntary common reporting template for the	5. The Commission may shall , in cooperation with the Member States, develop a voluntary common reporting template for the	5. The Commission may shall , in cooperation with the Member States, develop a voluntary common reporting template for the	

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 5(2), point (a)				
89	(a) the entity provides one or more essential services;	(a) the entity provides one or more essential services;	(a) the entity provides one or more essential services;	
Article 5(2), point (b)				
90	(b) (the provision of that service depends on infrastructure located in the Member State; and	(b) the provision of that <u>essential</u> service depends on infrastructure located in the Member State; and	(b) (the provision of that service depends on infrastructure located in the entity and its critical infrastructure are located on the territory of the Member State performing the identification; and	
Article 5(2), point (c)				
91	(c) an incident would have significant disruptive effects on the provision of the service or of other essential services in the sectors referred to in the Annex that depend on the service.	(c) an incident would have significant disruptive effects on the provision of the <u>essential</u> service or of other essential services in the sectors referred to in the Annex that depend on the service.	(c) an incident would have significant disruptive effects on the provision of these essential services the service or of other essential services in the sectors referred to in the Annex that depend on the service pursuant to Article 6(1).	
Article 5(3), introductory part				
92	3. Each Member State shall establish a list of the critical entities identified and ensure that	3. Each Member State shall establish a list of the critical entities identified and ensure that	3. Each Member State shall establish a list of the critical entities identified and ensure that	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	those critical entities are notified of their identification as critical entities within one month of that identification, informing them of their obligations pursuant to Chapters II and III and the date from which the provisions of those Chapters apply to them.	those critical entities are notified of their identification as critical entities within one month of that identification, informing them of their obligations pursuant to Chapters II and III and the date from which the provisions of those Chapters apply to them.	those critical entities are notified of their identification as critical entities within one month of that identification, informing them. Member States shall inform those critical entities of their obligations pursuant to Chapters II and III and IV and the date from which the these provisions apply to them, without prejudice to Article 7 of those Chapters apply to them.	
Article 5(3), first paragraph				
93	For the critical entities concerned, the provisions of this Chapter shall apply from the date of the notification and the provisions of Chapter III shall apply from six months after that date.	For the critical entities concerned, the provisions of this Chapter shall apply from the date of the notification and the provisions of Chapter III shall apply from six months after that date.	For the critical entities concerned, the provisions of Chapters III and IV this Chapter shall apply from twelve months after that date, except for the date of the notification and the provisions of Chapter III Article 14(2)(a) which shall apply from six months after that date the date of the notification.	
Article 5(4)				
94	4. Member States shall ensure that their competent authorities designated pursuant to Article 8 of this Directive notify the competent	4. Member States shall ensure that their competent authorities designated pursuant to Article 8 of this Directive notify the competent	4. Member States shall ensure that their competent authorities designated pursuant to Article 8 of this Directive notify the competent	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	authorities that the Member States designated in accordance with Article 8 of [the NIS 2 Directive], of the identity of the critical entities that they identified under this Article within one month of that identification.	authorities that the Member States designated in accordance with Article 8 of [the NIS 2 Directive], of the identity of the critical entities that they identified under this Article within one month of that identification.	authorities that the Member States designated in accordance with Article 8 of [the NIS 2 Directive], of the identity of the critical entities that they identified under this Article within one month of that identification.	
Article 5(5)				
95	5. Following the notification referred in paragraph 3, Member States shall ensure that critical entities provide information to their competent authorities designated pursuant to Article 8 of this Directive on whether they have been identified as a critical entity in one or more other Member States. Where an entity has been identified as critical by two or more Member States, these Member States shall engage in consultation with each other with a view to reduce the burden on the critical entity in regard to the obligations pursuant to Chapter III.	5. Following the notification referred in paragraph 3, Member States shall ensure that critical entities provide information to their competent authorities designated pursuant to Article 8 of this Directive on whether they have been identified as a critical entity in one or more other Member States. Where an entity has been identified as critical by two or more Member States, these Member States shall engage in consultation with each other with a view to reduce <u>achieving the highest possible degree of coherence and to reducing</u> the burden on the critical entity in regard to the obligations pursuant to Chapter III.	5. Following the notification referred in paragraph 3, Member States shall ensure that critical entities provide information to their competent authorities designated pursuant to Article 8 of this Directive on whether they have been identified as a critical entity in one or more other Member States. Where an entity has been identified as critical by two or more Member States, these Member States shall engage in consultation with each other with a view to reduce the burden on the critical entity in regard to the obligations pursuant to Chapter III.	
Article 5(6)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
96	6. For the purposes of Chapter IV, Member States shall ensure that critical entities, following the notification referred in paragraph 3, provide information to their competent authorities designated pursuant to Article 8 of this Directive on whether they provide essential services to or in more than one third of Member States. Where that is so, the Member State concerned shall notify, without undue delay, to the Commission the identity of those critical entities.	6. For the purposes of Chapter IV, Member States shall ensure that critical entities, following the notification referred in paragraph 3, provide information to their competent authorities designated pursuant to Article 8 of this Directive on whether they provide <u>the same or similar</u> essential services to or in more than one <u>third of three</u> Member States. Where that is so, the Member State concerned shall notify, without undue delay, to the Commission the identity of those critical entities.	6. For the purposes of Chapter IV, Member States shall ensure that critical entities, following the notification referred in paragraph 3, provide information to their competent authorities designated pursuant to Article 8 of this Directive on whether they provide essential services to or in more than one third of Member States. Where that is so, the Member State concerned shall notify, without undue delay, to the Commission the identity of those critical entities.	
Article 5(7), introductory part				
97	7. Member States shall, where necessary and in any event at least every four years, review and, where appropriate, update the list of identified critical entities.	7. Member States shall, where necessary and in any event at least every four years, review and, where appropriate, update the list of identified critical entities.	7. Member States shall, where necessary and in any event at least every four years, review and, where appropriate, update the list of identified critical entities.	
Article 5(7), first paragraph				
98	Where those updates lead to the identification of additional critical entities, paragraphs 3, 4, 5 and 6 shall apply. In addition, Member	Where those updates lead to the identification of additional critical entities, paragraphs 3, 4, 5 and 6 shall apply. In addition, Member	Where those updates lead to the identification of additional critical entities, paragraphs 3, 4, 5 and 6 and 4 shall apply. In addition,	



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	States shall ensure that entities that are no longer identified as critical entities pursuant to any such update are notified thereof and are informed that they are no longer subject to the obligations pursuant to Chapter III as from the reception of that information.	States shall ensure that entities that are no longer identified as critical entities pursuant to any such update are notified thereof and are informed <i>in due time</i> that they are no longer subject to the obligations pursuant to Chapter III as from the reception of that information.	Member States shall ensure that entities that are no longer identified as critical entities pursuant to any such update are notified thereof and are informed that they are no longer subject to the obligations pursuant to Chapter III as from the reception of that information.	
Article 5(7a)				
98a		<i>7a. The Commission shall, in cooperation with the Member States, develop recommendations and guidelines to support Member States in identifying critical entities.</i>		
Article 6				
99	Article 6 Significant disruptive effect	Article 6 Significant disruptive effect	Article 6 Significant disruptive effect	
Article 6(1), introductory part				
100	1. When determining the significance of a disruptive effect as referred to in point (c) of Article 5(2), Member States shall take into account the following criteria:	1. When determining the significance of a disruptive effect as referred to in point (c) of Article 5(2), Member States shall take into account the following criteria:	1. When determining the significance of a disruptive effect as referred to in point (c) of Article 5(2), Member States shall take into account the following criteria:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 6(1), point (a)				
101	(a) the number of users relying on the service provided by the entity;	(a) the number of users relying on the <u>essential</u> service provided by the entity;	(a) the number of users relying on the essential service provided by the entity;	
Article 6(1), point (b)				
102	(b) the dependency of other sectors referred to in the Annex on that service;	(b) the dependency of other sectors <u>and subsectors</u> referred to in the Annex <u>or of the supply chain</u> on that <u>essential</u> service;	(b) the dependency of other sectors referred to in the Annex on that essential service;	
Article 6(1), point (c)				
103	(c) the impacts that incidents could have, in terms of degree and duration, on economic and societal activities, the environment and public safety;	(c) the impacts that incidents could have, in terms of degree and duration, on economic and societal activities, the environment and public safety;	(c) the impacts that incidents could have, in terms of degree and duration, on economic and societal activities, the environment, public safety and security, and health of the population and public safety;	
Article 6(1), point (d)				
104	(d) the market share of the entity in the market for such services;	(d) the market share of the entity in the market for such services;	(d) the market share of the entity in the market for such services;	
Article 6(1), point (e)				
105	(e) the geographic area that could	(e) the geographic area that could	(e) the geographic area that could	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	be affected by an incident, including any cross-border impacts;	be affected by an incident, including any cross-border impacts, <u>taking into account the vulnerability associated with the degree of isolation of certain types of geographic areas, such as insular regions, outermost regions or mountainous areas</u> ;	be affected by an incident, including any cross-border impacts;	
Article 6(1), point (f)				
106	(f) the importance of the entity in maintaining a sufficient level of the service, taking into account the availability of alternative means for the provision of that service.	(f) the importance of the entity in maintaining a sufficient level of the <u>essential</u> service, taking into account the availability of alternative means for the provision of that <u>essential</u> service.	(f) the importance of the entity in maintaining a sufficient level of the essential service, taking into account the availability of alternative means for the provision of that service.	
Article 6(2), introductory part				
107	2. Member States shall submit to the Commission by [three years and three months after the entry into force of this Directive] the following information:	2. Member States shall submit to the Commission by [three years and three months after the entry into force of this Directive] the following information:	2. Member States shall submit to the Commission by [three years and three months after the entry into force of this Directive] and within [three months after the entry into force of this Directive of the identification of the critical entities] the following information:	
Article 6(2), point (a)				
108	(a) the list of services referred to in Article 4(1);	(a) the list of services referred to in Article 4(1);	(a) the list of essential services referred to in Article 4(1);	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 6(2), point (b)			
109	(b) the number of critical entities identified for each sector and subsector referred to in the Annex and the service or services referred to in Article 4(1) that each entity provides;	(b) the number of critical entities identified for each sector and subsector referred to in the Annex and the service or services referred to in Article 4(1) that each entity provides;	(b) the number of critical entities identified for each sector and subsector referred to in the Annex and the service or services referred to in Article 4(1) that each entity provides;	
	Article 6(2), point (c)			
110	(c) any thresholds applied to specify one or more of the criteria in paragraph 1.	(c) any thresholds applied to specify one or more of the criteria in paragraph 1.	(c) any thresholds applied to specify one or more of the criteria in paragraph 1, which can be presented as such or in aggregated form.	
	Article 6(2), first paragraph			
111	They shall subsequently submit that information where necessary, and at least every four years.	They shall subsequently submit that information where necessary, and at least every four years.	They shall subsequently submit that information where necessary, and at least every four years.	
	Article 6(3)			
112	3. The Commission may, after consultation of the Critical Entities Resilience Group, adopt guidelines to facilitate the application of the	3. The Commission may shall , after consultation of the Critical Entities Resilience Group, adopt guidelines to facilitate the	3. The Commission may shall , after consultation of the Critical Entities Resilience Group, adopt non-binding guidelines to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	criteria referred to in paragraph 1, taking into account the information referred to in paragraph 2.	application of the criteria referred to in paragraph 1, taking into account the information referred to in paragraph 2.	facilitate the application of the criteria referred to in paragraph 1, taking into account the information referred to in paragraph 2.	
Article 7				
113	Article 7 Entities equivalent to critical entities under this Chapter	Article 7 Entities equivalent to critical entities under this Chapter	Article 7 Critical entities equivalent to critical entities under this Chapter in the banking, financial market infrastructure and digital infrastructure sectors	
Article 7(1)				
114	1. As regards the sectors referred to in points 3, 4 and 8 of the Annex, Member States shall, by [three years and three months after entry into force of this Directive], identify the entities that shall be treated as equivalent to critical entities for the purposes of this Chapter. They shall apply the provisions of Articles 3, 4, 5(1) to (4) and (7), and 9 in respect of those entities.	1. As regards the sectors referred to in points 3, 4 and 8 of the Annex, Member States shall, by [three years and three one year and six months after entry into force of this Directive], identify the entities that shall be treated as equivalent to critical entities for the purposes of this Chapter. They shall apply the provisions of Articles 3, 4, 5(1) to (4) and (7), and 9 in respect of those entities.	1. As regards the sectors referred to in points 3, 4 and 8 of the Annex, Member States shall, by [three years and three months after entry into force of this Directive], identify the entities that shall be treated as equivalent to critical entities for the purposes of this Chapter. They shall apply the provisions of Articles 3, 4, 5(1) to (4) and (7), and 9 in respect of those entities.	
Article 7(2)				
115				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2. In respect of the entities in the sectors referred to in points 3 and 4 of the Annex identified pursuant to paragraph 1, Member States shall ensure that, for the purposes of the application of Article 8(1), the authorities designated as competent authorities are the competent authorities designated pursuant to Article 41 of [DORA Regulation].	2. In respect of the entities in the sectors referred to in points 3 and 4 of the Annex identified pursuant to paragraph 1, Member States shall ensure that, for the purposes of the application of Article 8(1), the authorities designated as competent authorities are the competent authorities designated pursuant to Article 41 of [DORA Regulation].	2. In respect of the entities in the sectors referred to in points 3 and 4 of the Annex identified pursuant to paragraph 1, Member States shall ensure that, for the purposes of the application of Article 8(1), the authorities designated as competent authorities are the competent authorities designated pursuant to Article 41 of [DORA Regulation].	
Article 7(3)				
116	3. Member States shall ensure that the entities referred to in paragraph 1 are, without undue delay, notified of their identification as entities referred to in this Article.	3. Member States shall ensure that the entities referred to in paragraph 1 are, without undue delay, notified of their identification as entities referred to in this Article.	3. Member States shall ensure that the entities referred to in paragraph 1 are, without undue delay, notified of their identification as entities referred to in this Article.	
Article 7				
116a			Member States shall ensure that the provisions of Article 9a and Chapters III to VI shall not apply in respect of designated critical entities in the sectors referred to in points 3, 4 and 8 of the table in the Annex.	
Article 8				
 117				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 8 Competent authorities and single point of contact		Article 8 Competent authorities and single point of contact	
Article 8(1), introductory part				
118	1. Each Member State shall designate one or more competent authorities responsible for the correct application, and where necessary enforcement, of the rules of this Directive at national level ('competent authority'). Member States may designate an existing authority or authorities.	1. Each Member State shall designate one or more competent authorities responsible for the correct application, and where necessary enforcement, of the rules of this Directive at national level ('competent authority'). Member States may designate an existing authority or authorities.	1. Each Member State shall designate one or more competent authorities responsible for the correct application, and where necessary enforcement, of the rules of this Directive at national level ('competent authority'). Member States may designate an existing authority or authorities.	
Article 8(1), second paragraph				
118a			In respect of the critical entities in the sectors referred to in points 3 and 4 of the table in the Annex, the authorities designated as competent authorities shall, where appropriate, be the competent authorities designated pursuant to Article 41 of [DORA Regulation]. In respect of critical entities referred to in point 8 of the table in the Annex, the designated competent authorities shall, where appropriate, be the competent authorities designated	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			pursuant to Article 8 of [NIS 2 Directive].	
Article 8(1), first paragraph				
119	Where they designate more than one authority, they shall clearly set out the respective tasks of the authorities concerned and ensure that they cooperate effectively to fulfil their tasks under this Directive, including with regard to the designation and activities of the single point of contact referred to in paragraph 2.	Where they designate more than one authority, they shall clearly set out the respective tasks of the authorities concerned and ensure that they cooperate effectively to fulfil their tasks under this Directive, including with regard to the designation and activities of the single point of contact referred to in paragraph 2.	Where they designate more than one authority, they shall clearly set out the respective tasks of the authorities concerned and ensure that they cooperate effectively to fulfil their tasks under this Directive, including with regard to the designation and activities of the single point of contact referred to in paragraph 2.	
Article 8(2)				
120	2. Each Member State shall, within the competent authority, designate a single point of contact to exercise a liaison function to ensure cross-border cooperation with competent authorities of other Member States and with the Critical Entities Resilience Group referred to in Article 16 ('single point of contact').	2. Each Member State shall, within the competent authority, designate a single point of contact to exercise a liaison function to ensure cross-border cooperation with competent authorities of other Member States and with the Critical Entities Resilience Group referred to in Article 16 ('single point of contact') <u>and, where relevant, to ensure cooperation with third countries.</u>	2. Each Member State shall, within the competent authority, designate one national -a single point of contact to exercise a liaison function to ensure cross-border cooperation with the single points of contact-competent authorities of other Member States and with the Critical Entities Resilience Group referred to in Article 16 ('single point of contact').	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 8(3)				
121	3. By [three years and six months after entry into force of this Directive], and every year thereafter, the single points of contact shall submit a summary report to the Commission and to the Critical Entities Resilience Group on the notifications received, including the number of notifications, the nature of notified incidents and the actions taken in accordance with Article 13(3).	3. By ... [three four years and six months after entry into force of this Directive], and <u>in the first trimester of</u> every year thereafter, the single points of contact shall submit a summary report to the Commission and to the Critical Entities Resilience Group on the notifications received, including the number of notifications, the nature of notified incidents and the actions taken in accordance with Article 13(3).	3. By [three years and six months seven years after entry into force of this Directive], and every year two years thereafter, the single points of contact shall submit a summary report to the Commission and to the Critical Entities Resilience Group on the notifications received, including the number of notifications, the nature of notified incidents and the actions taken in accordance with Article 13(3).	
Article 8(3)				
121a			The Commisison shall, in cooperation with the Critical Entities Resilience Group, develop a voluntary common reporting template for the summary report referred to in the subparagaph above.	
Article 8(4)				
122	4. Each Member State shall ensure that the competent authority, including the single point of	4. Each Member State shall ensure that the competent authority, including the single point of	4. Each Member State shall ensure that the competent authority; including and the single point of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	contact designated therein, has the powers and the adequate financial, human and technical resources to carry out, in an effective and efficient manner, the tasks assigned to it.	contact designated therein, has the powers and the adequate financial, human and technical resources to carry out, in an effective and efficient manner, the tasks assigned to it.	contact designated therein, has have the powers and the adequate financial, human and technical resources to carry out, in an effective and efficient manner, the tasks assigned to it them .	
Article 8(5)				
123	5. Member States shall ensure that their competent authorities, whenever appropriate, and in accordance with Union and national law, consult and cooperate with other relevant national authorities, in particular those in charge of civil protection, law enforcement and protection of personal data, as well as with relevant interested parties, including critical entities.	5. Member States shall ensure that their competent authorities, whenever appropriate, and in accordance with Union and national law, consult and cooperate with other relevant national authorities, in particular those in charge of civil protection, law enforcement and protection of personal data, as well as with relevant interested parties, including critical entities.	5. Member States shall ensure that their competent authorities, whenever appropriate, and in accordance with Union and national law, consult and cooperate with other relevant national authorities, in particular including those in charge of civil protection, law enforcement and protection of personal data, as well as with critical entities and relevant interested parties, including critical entities .	
Article 8(6)				
124	6. Member States shall ensure that their competent authorities designated pursuant to this Article cooperate with competent authorities designated pursuant to [the NIS 2 Directive] on cybersecurity risks and cyber	6. Member States shall ensure that their competent authorities designated pursuant to this Article cooperate with competent authorities designated pursuant to [the NIS 2 Directive] on cybersecurity risks and cyber	6. Member States shall ensure that their competent authorities designated pursuant to this Article cooperate and exchange information with competent authorities designated pursuant to [the NIS 2 Directive] on	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	incidents affecting critical entities, as well as the measures taken by competent authorities designated under [the NIS 2 Directive] relevant for critical entities.	incidents affecting critical entities, as well as the measures taken by competent authorities designated under [the NIS 2 Directive] relevant for critical entities.	cybersecurity risks, cyber threats and incidents and non-cyber risks, threats and and cyber incidents affecting critical entities, as well as the relevant measures taken by competent authorities designated under [the NIS 2 Directive] relevant for critical entities and this Directive .	
Article 8(7)				
125	7. Each Member State shall notify the Commission of the designation of the competent authority and single point of contact within three months from that designation, including their precise tasks and responsibilities under this Directive, their contact details and any subsequent change thereto. Each Member State shall make public its designation of the competent authority and single point of contact.	7. Each Member State shall notify the Commission of the designation of the competent authority and single point of contact within three months from that designation, including their precise tasks and responsibilities under this Directive, their contact details and any subsequent change thereto. Each Member State shall make public its designation of the competent authority and single point of contact.	7. Each Member State shall notify the Commission of the designation of the competent authority and single point of contact within three months from that designation, including their precise tasks and responsibilities under this Directive, their contact details and any subsequent change thereto. Where Member States decided to appoint other authorities than those indicated under paragraph 1, second subparagraph, as the designated competent authorities in respect of the critical entities referred to in points 3, 4 and 8 of the table in the Annex, they shall also specify that to the Commission. Each Member State shall make public its designation of the competent authority and single	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			point of contact.	
Article 8(8)				
126	8. The Commission shall publish a list of Member States' single points of contacts.	8. The Commission shall publish a list of Member States' single points of contacts.	8. The Commission shall publish a list of Member States' single points of contacts.	
Article 9				
127	Article 9 Member States' support to critical entities	Article 9 Member States' support to critical entities	Article 9 Member States' support to critical entities	
Article 9(1)				
128	1. Member States shall support critical entities in enhancing their resilience. That support may include developing guidance materials and methodologies, supporting the organisation of exercises to test their resilience and providing training to personnel of critical entities.	1. Member States shall support critical entities in enhancing their resilience. That support may <i>shall</i> include developing guidance materials and methodologies, supporting the organisation of exercises to test their resilience and providing training to personnel of critical entities. <u>Member States may provide financial resources to critical entities, without prejudice to applicable rules on State aid, where necessary and justified by public interest objectives.</u>	1. Member States shall support critical entities in enhancing their resilience. That support may include developing guidance materials and methodologies, supporting the organisation of exercises to test their resilience and providing advice and training to personnel of critical entities.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 9(2)				
129	2. Member States shall ensure that the competent authorities cooperate and exchange information and good practices with critical entities of the sectors referred to in the Annex.	2. Member States shall ensure that the competent authorities cooperate and exchange information and good practices with critical entities of the sectors referred to in the Annex.	2. Member States shall ensure that the competent authorities cooperate and exchange information and good practices with critical entities of the sectors referred to in the Annex.	
Article 9(3)				
130	3. Member States shall establish information sharing tools to support voluntary information sharing between critical entities in relation to matters covered by this Directive, in accordance with Union and national law on, in particular, competition and protection of personal data.	3. Member States shall establish information sharing tools to support voluntary information sharing between critical entities in relation to matters covered by this Directive, in accordance with Union and national law on, in particular, competition and protection of personal data.	3. Member States shall establish information sharing tools to support facilitate voluntary information sharing between critical entities in relation to matters covered by this Directive, in accordance with Union and national law on, in particular, classified and sensitive information , competition and protection of personal data.	
Article 9a				
130a			Article 9a Cooperation between Member States	
Article 9a, first paragraph, introductory part				
130b				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Member States shall engage in consultations with each other regarding critical entities whenever appropriate for the consistent application of the Directive. Such consultations shall take place in particular regarding critical entities:	
Article 9a, first paragraph, point (a)				
130c			(a) that use critical infrastructure which is physically connected between two or more Member States;	
Article 9a, first paragraph, point (b)				
130d			(b) that are part of corporate structures that are connected with, or linked to, critical entities in other Member States;	
Article 9a, first paragraph, point (c)				
130e			(c) that have been identified as such in one Member State and provide essential services to or in other Member States.	
Article 9a, second paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
130f			The consultations shall aim at enhancing the resilience of critical entities and, where possible, reducing the administrative burden for the critical entities.	
Chapter III				
131	Chapter III Resilience of Critical Entities	Chapter III Resilience of Critical Entities	Chapter III Resilience of Critical Entities	
Article 10				
132	Article 10 Risk assessment by critical entities	Article 10 Risk assessment by critical entities	Article 10 Risk assessment by critical entities	
Article 10, first paragraph				
133	Member States shall ensure that critical entities assess within six months after receiving the notification referred to in Article 5(3), and subsequently where necessary and at least every four years, on the basis of Member States' risk assessments and other relevant sources of information, all relevant risks that may disrupt their operations.	Member States shall ensure that critical entities assess within six months after receiving the notification referred to in Article 5(3), and subsequently where necessary and at least every four years, on the basis of Member States' risk assessments and other relevant sources of information, all relevant risks that may disrupt their operations <u>provision of essential</u>	Member States shall ensure that critical entities assess within six twelve months after receiving the notification referred to in Article 5(3), and subsequently where necessary and at least every four years, on the basis of Member States' risk assessments and other relevant sources of information, all the provision of essential services	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>services concerned</u> .	their operations.	
Article 10, second paragraph				
134	<p>The risk assessment shall account for all relevant risks referred to in Article 4(1) which could lead to the disruption of the provision of essential services. It shall take into account any dependency of other sectors referred to in the Annex on the essential service provided by the critical entity, including in neighbouring Member States and third countries where relevant, and the impact that a disruption of the provision of essential services in one or more of those sectors may have on the essential service provided by the critical entity.</p>	<p>The risk assessment shall account for all relevant risks referred to in Article 4(1) which could lead to the disruption of the provision of essential services. It shall take into account any dependency of other sectors referred to in the Annex on the essential service provided by the critical entity, including in neighbouring Member States and third countries where relevant, and the impact that a disruption of the provision of essential services in one or more of those sectors may have on the essential service provided by the critical entity.</p>	<p>The risk assessment of the critical entities shall account for all relevant risks referred to in Article 4(1) which could lead to the disruption of the provision of essential services an incident. It shall take into account dependencies of and on any dependency of other sectors referred to in the Annex on the essential service provided by the critical entity, including in neighbouring Member States and third countries where relevant, and the impact that a disruption of the provision of essential services in one or more of those sectors may have on the essential service provided by the critical entity relevant. Member States may recognise equivalence, in whole or in part, between existing risk assessments of critical entities in as far as they address the risks and dependencies referred to in this Article.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 11				
135	Article 11 Resilience measures of critical entities	Article 11 Resilience measures of critical entities	Article 11 Resilience measures of critical entities	
Article 11(1), introductory part				
136	1. Member States shall ensure that critical entities take appropriate and proportionate technical and organisational measures to ensure their resilience, including measures necessary to:	1. Member States shall ensure that critical entities take appropriate and proportionate technical and organisational measures to ensure their resilience, including measures necessary to:	1. Member States shall ensure that critical entities take appropriate and proportionate technical, security , and organisational measures to ensure their resilience, according to the outcomes of the risk assessments referred to in Articles 4 and 10 , including measures necessary to:	
Article 11(1), point (a)				
137	(a) prevent incidents from occurring, including through disaster risk reduction and climate adaptation measures;	(a) prevent incidents from occurring, including through disaster risk reduction and climate adaptation measures;	(a) prevent incidents from occurring, duly taking into account including through disaster risk reduction and climate adaptation measures;	
Article 11(1), point (b)				
138	(b) ensure adequate physical protection of sensitive areas, facilities and other infrastructure,	(b) ensure adequate physical protection of sensitive areas, facilities and other infrastructure,	(b) ensure adequate physical protection of sensitive areas, facilities and other the premises	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	including fencing, barriers, perimeter monitoring tools and routines, as well as detection equipment and access controls;	including fencing, barriers, perimeter monitoring tools and routines, as well as detection equipment and access controls;	and the critical infrastructure; including duly taking into account measures such as fencing, barriers, perimeter monitoring tools and routines, as well as detection equipment and access controls;	
Article 11(1), point (c)				
139	(c) resist and mitigate the consequences of incidents, including the implementation of risk and crisis management procedures and protocols and alert routines;	(c) resist and mitigate the consequences of incidents, including the implementation of risk and crisis management procedures and protocols and alert routines;	(c) respond to , resist and mitigate the consequences of incidents , including incidents duly taking into account the implementation of risk and crisis management procedures and protocols and alert routines;	
Article 11(1), point (d)				
140	(d) recover from incidents, including business continuity measures and the identification of alternative supply chains;	(d) recover from incidents, including business continuity measures and the identification of alternative supply chains, <u>to ensure the continuous provision of the essential service</u> ;	(d) recover from incidents, duly taking into account including business continuity measures and the identification of alternative supply chains;	
Article 11(1), point (e)				
141	(e) ensure adequate employee security management, including by	(e) ensure adequate employee security management, including by	(e) ensure adequate employee security management, duly taking	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	setting out categories of personnel exercising critical functions, establishing access rights to sensitive areas, facilities and other infrastructure, and to sensitive information as well as identifying specific categories of personnel in view of Article 12;	setting out categories of personnel exercising critical functions, <u>laying down appropriate training requirements and qualifications</u> , establishing access rights to sensitive areas, facilities and other infrastructure, and to sensitive information as well as identifying specific categories of personnel in view of Article 12; <u>where external providers are involved in employee security management, critical entities shall ensure that they comply with generally accepted standards and specifications</u>	into account measures such as including by setting out categories of personnel exercising critical functions, establishing access rights to sensitive areas, facilities and other premises, critical infrastructure, and to sensitive information, as well as designating the categories of persons and setting up vetting procedures in accordance with identifying specific categories of personnel in view of Article 12;	
Article 11(1), point (f)				
142	(f) raise awareness about the measures referred to in points (a) to (e) among relevant personnel.	(f) raise awareness about the measures referred to in points (a) to (e) among relevant personnel, <u>including by means of periodic training</u> .	(f) raise awareness about the measures referred to in points (a) to (e) among relevant personnel duly taking into account training courses, information materials and exercises.	
Article 11(2)				
143	2. Member States shall ensure that critical entities have in place and apply a resilience plan or equivalent document or documents, describing in detail the measures	2. Member States shall ensure that critical entities have in place and apply a resilience plan or equivalent document or documents, describing in detail the measures	2. Member States shall ensure that critical entities have in place and apply a resilience plan or equivalent document or documents, describing in detail the measures	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	pursuant to paragraph 1. Where critical entities have taken measures pursuant to obligations contained in other acts of Union law that are also relevant for the measures referred to in paragraph 1, they shall also describe those measures in the resilience plan or equivalent document or documents.	pursuant to paragraph 1. Where critical entities have taken measures pursuant to obligations contained in other acts of Union law that are also relevant for the measures referred to in paragraph 1, they shall also describe those measures in the resilience plan or equivalent document or documents.	pursuant to paragraph 1. Where critical entities have taken measures pursuant to obligations contained in other acts of Union, national or international law . Member States may recognise equivalence, in whole or in part, between law that are also relevant for the measures referred to in paragraph 1, they shall also and these measures or ensure that critical entities describe those measures in the resilience plan or equivalent document or documents.	
Article 11(2a)				
143a			2a. Member States shall ensure that each critical entity designates a liaison officer or equivalent as point of contact with the competent authorities.	
Article 11(3)				
144	3. Upon request of the Member State that identified the critical entity and with the agreement of the critical entity concerned, the Commission shall organise advisory missions, in accordance with the arrangements set out in	3. Upon request of the Member State that identified the critical entity and with the agreement of <u>in consultation with</u> the critical entity concerned, the Commission shall organise advisory missions, in accordance with the arrangements	3. Upon request of the Member State that identified the critical entity and with the agreement of the critical entity concerned, the Commission shall organise advisory missions, in accordance with the arrangements set out in	

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			specificities relating to particular sectors and types of entities non-binding guidelines to further specify the technical, security and organisational measures that can be taken pursuant to paragraph 1.	
Article 11(5)				
146	5. The Commission shall adopt implementing acts in order to set out the necessary technical and methodological specifications relating to the application of the measures referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(2).	5. The Commission shall adopt implementing acts in order to set out the necessary technical and methodological specifications relating to the application of the measures referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(2).	5. The Commission shall adopt implementing acts in order to set out the necessary technical and methodological specifications relating to the application of the measures referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(2).	
Article 12				
147	Article 12 Background checks	Article 12 Background checks	Article 12 Background checks	
Article 12(1)				
148	1. Member States shall ensure that critical entities may submit requests for background checks on	1. Member States shall ensure that critical entities may submit requests for background checks on	1. Member States shall may, where appropriate, ensure that critical entities are permitted to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	persons who fall within certain specific categories of their personnel, including persons being considered for recruitment to positions falling within those categories, and that those requests are assessed expeditiously by the authorities competent to carry out such background checks.	persons who fall within certain specific categories of their personnel, including persons being considered for recruitment to positions falling within those categories, and that those requests are assessed expeditiously by the authorities competent to carry out such background checks. <u>Such background checks shall be proportionate and strictly limited to what is necessary and relevant for the fulfilment of the duties of the persons concerned.</u>	may submit requests for background checks on persons who fall within certain specific categories of their personnel, including persons being considered for recruitment to positions falling within those categories, and that those requests are assessed expeditiously by the authorities competent to carry out such background checks.:	
Article 12(1), point (a)				
148a			(a) sensitive or designated roles in or for the critical entity;	
Article 12(1), point (b)				
148b			(b) are mandated to use or maintain – directly or remotely - its premises including in connection with the security of persons, goods or information; ,	
Article 12(1), point (c)				
148c			(c) are being considered for	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			recruitment to positions involving the roles mentioned under points a) and b).	
Article 12(1), second paragraph				
148d			Those requests shall be assessed within a reasonable timeframe and processed in accordance with national legislation and procedures.	
Article 12(2), introductory part				
149	<p>2. In accordance with applicable Union and national law, including Regulation (EU) 2016/679/EU of the European Parliament and of the Council¹, a background check as referred to in paragraph 1 shall:</p> <p>¹. OJ L 119, 4.5.2016, p. 1.</p>	<p>2. In accordance with applicable Union and national law, including Regulation (EU) 2016/679/EU of the European Parliament and of the Council¹, <u>Member States shall ensure that</u> a background check as referred to in paragraph 1 <u>is carried out for the sole purpose of evaluating a potential security risk to the critical entity concerned. A background check</u> shall:</p> <p>¹. OJ L 119, 4.5.2016, p. 1.</p>	<p>2. In accordance with applicable Union and national law, including Regulation (EU) 2016/679/EU of the European Parliament and of the Council¹, a background check as referred to in paragraph 1 shall:</p> <p>¹. OJ L 119, 4.5.2016, p. 1.</p>	
Article 12(2), point (a)				
150	(a) establish the person's identity	(a) establish the person's identity	(a) establish the person's identity	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	on the basis of documentary evidence;	on the basis of documentary evidence;	on the basis of documentary evidence;	
Article 12(2), point (b)				
151	(b) cover any criminal records of at least the preceding five years, and for a maximum of ten years, on crimes relevant for recruitment on a specific position, in the Member State or Member States of nationality of the person and in any of the Member States or third countries of residence during that period of time;	(b) cover any criminal records of at least the preceding five years, and for a maximum of ten years, on crimes relevant for recruitment on a specific position, in the Member State or Member States of nationality of the person and in any of the Member States or third countries of residence during that period of time;	(b) cover any criminal records of at least the preceding five years, and for a maximum of ten years, on crimes relevant for recruitment on a specific position, in the Member State or Member States of nationality of the person and in any of the Member States or third countries of residence during that period of time;	
Article 12(2), point (c)				
152	(c) cover previous employments, education and any gaps in education or employment in the person's resume during at least the preceding five years and for a maximum of ten years.	(c) cover previous employments, education and any gaps in education or employment in the person's resume during at least the preceding five years and for a maximum of ten years.	(c) cover previous employments, education and any gaps in education or employment in the person's resume during at least the preceding five years and for a maximum of ten years.	
Article 12(2), first paragraph				
153	As regards point (b) of the first subparagraph, Member States shall ensure that their authorities competent to carry out background	As regards point (b) of the first subparagraph, Member States shall ensure that their authorities competent to carry out background	As regards point (b) of the first subparagraph, Member States shall ensure that their authorities competent to carry out background	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>checks obtain the information on criminal records from other Member States through ECRIS in accordance with the procedures set out in Council Framework Decision 2009/315/JHA, and, where relevant, Regulation (EU) 2019/816 of the European Parliament and of the Council¹. The central authorities referred to in Article 3 of that Framework Decision and in Article 3(5) of that Regulation shall provide replies to requests for such information within 10 working days from the date the request was received.</p> <p>¹ OJ L 135, 22.5.2019, p. 1.</p>	<p>checks obtain the information on criminal records from other Member States through ECRIS in accordance with the procedures set out in Council Framework Decision 2009/315/JHA, and, where relevant, Regulation (EU) 2019/816 of the European Parliament and of the Council¹. The central authorities referred to in Article 3 of that Framework Decision and in Article 3(5) of that Regulation shall provide replies to requests for such information within 10 working days from the date the request was received.</p> <p>¹ OJ L 135, 22.5.2019, p. 1.</p>	<p>checks obtain, for the purpose of obtaining the information on criminal records from other Member States, use the European Criminal Records Information System (through ECRIS) in accordance with the procedures set out in Council Framework Decision 2009/315/JHA, and, where relevant and applicable, Regulation (EU) 2019/816 of the European Parliament and of the Council¹. The central authorities referred to in Article 3 of that Framework Decision and in Article 3(5) of that Regulation shall provide replies to requests for such information within 10 working days from the date the request was received in accordance with Article 8(1) of that Framework Decision.</p> <p>¹ OJ L 135, 22.5.2019, p. 1.</p>	
Article 12(3)				
154	<p>3. In accordance with applicable Union and national law, including Regulation (EU) 2016/679, each Member State shall ensure that a background check as referred to in paragraph 1 may also be extended,</p>	<p>3. In accordance with applicable Union and national law, including Regulation (EU) 2016/679, each Member State shall ensure that a background check as referred to in paragraph 1 may also be extended,</p>	<p>3. In accordance with applicable Union and national law, including Regulation (EU) 2016/679, each Member State shall ensure that a background check as referred to in paragraph 1 may also be extended,</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	on the basis of a duly justified request of the critical entity, to draw upon intelligence and any other objective information available that may be necessary to determining the suitability of the person concerned to work in the position in relation to which the critical entity has requested an extended background check.	on the basis of a duly justified request of the critical entity, to draw upon intelligence and any other objective information available that may be necessary to determining the suitability of the person concerned to work in the position in relation to which the critical entity has requested an extended background check.	on the basis of a duly justified request of the critical entity, to draw upon intelligence and any other objective information available that may be necessary to determining the suitability of the person concerned to work in the position in relation to which the critical entity has requested an extended background check.	
Article 13				
155	Article 13 Incident notification	Article 13 Incident notification	Article 13 Incident notification	
Article 13(1)				
156	1. Member States shall ensure that critical entities notify without undue delay the competent authority of incidents that significantly disrupt or have the potential to significantly disrupt their operations. Notifications shall include any available information necessary to enable the competent authority to understand the nature, cause and possible consequences of the incident, including so as to determine any cross-border impact of the incident. Such notification	1. Member States shall ensure that critical entities notify without undue delay the competent authority of incidents that significantly disrupt or have the potential to significantly disrupt their operations. <u>An initial notification shall be submitted within 24 hours of a critical entity becoming aware of an incident, followed by a detailed report no later than one month thereafter.</u> Notifications shall include any available information necessary to	1. Member States shall ensure that critical entities notify without undue delay the competent authority of incidents that significantly disrupt or have the potential to significantly disrupt their operations. Notifications shall include any available information necessary to enable the competent authority to understand the nature, cause and possible consequences of the incident, including so as the provision of essential services. In order to determine any cross-	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	shall not make the critical entities subject to increased liability.	<p>enable the competent authority to understand the nature, cause and possible consequences of the incident, including so as to determine any cross-border impact of the incident. Such notification shall not make the critical entities subject to increased liability.</p> <p><u>Where an incident has or might have a significant impact on critical entities or on the continuity of the provision of essential services in more than three Member States, Member States shall ensure that the critical entities concerned notify such incidents to the Commission. The Commission shall inform the Critical Entities Resilience Group of any such notifications without undue delay. The Commission and the Critical Entities Resilience Group shall, in accordance with Union law, treat information provided as part of such notifications in a way that respects its confidentiality and protects the security and commercial interests of the critical entity or entities concerned.</u></p>	<p>border impact of the incident. Such notificationthe significance, the following parameters shall not make the critical entities subject to increased liability., in particular, be taken into account:</p>	
Article 13(1), point (a)				
156a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			(a) the number and share of users affected	
Article 13(1), point (b)				
156b			(b) the duration	
Article 13(1), point (c)				
156c			(c) the geographical area affected.	
Article 13(2), introductory part				
157	2. In order to determine the significance of the disruption or the potential disruption to the critical entity's operations resulting from an incident, the following parameters shall, in particular, be taken into account:	2. In order to determine the significance of the disruption or the potential disruption to the critical entity's operations resulting from an incident, the following parameters shall, in particular, be taken into account:	2. In order to determine the significance of the disruption or the potential disruption to the critical entity's operations resulting from an Notifications shall include any available information necessary to enable the competent authority to understand the nature, cause and possible consequences of the incident, including so as to determine any cross-border impact of the incident. Such notification the following parameters shall, in particular, be taken into account: not make the critical entities subject to increased liability.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 13(2), point (a)				
158	(a) the number of users affected by the disruption or potential disruption;	(a) the number of users affected by the disruption or potential disruption;	(a) the number of users affected by the disruption or potential disruption;	
Article 13(2), point (b)				
159	(b) the duration of the disruption or anticipated duration of a potential disruption;	(b) the duration of the disruption or anticipated duration of a potential disruption;	(b) the duration of the disruption or anticipated duration of a potential disruption;	
Article 13(2), point (c)				
160	(c) the geographical area affected by the disruption or potential disruption.	(c) the geographical area affected by the disruption or potential disruption, <u>taking into account whether the area is geographically isolated.</u>	(c) the geographical area affected by the disruption or potential disruption.	
Article 13(3), introductory part				
161	3. On the basis of the information provided in the notification by the critical entity, the competent authority, via its single point of contact, shall inform the single point of contact of other affected Member States if the incident has,	3. On the basis of the information provided in the notification by the critical entity, the competent authority, via its single point of contact, shall inform the single point of contact of other affected Member States if the incident has,	3. On the basis of the information provided in the notification by the critical entity, the competent authority, via its the single point of contact, shall inform the single point of contact of other affected Member States if the incident has,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	or may have, a significant impact on critical entities and the continuity of the provision of essential services in one or more other Member States.	or may have, a significant impact on critical entities and the continuity of the provision of essential services in one or more other Member States.	or may have, a significant impact on critical entities and the continuity of the provision of essential services in one or more other Member States.	
Article 13(3), first paragraph				
162	In so doing, the single points of contact shall, in accordance with Union law or national legislation that complies with Union law, treat the information in a way that respects its confidentiality and protects the security and commercial interest of the critical entity concerned.	In so doing, the single points of contact shall, in accordance with Union law or national legislation that complies with Union law, treat the information in a way that respects its confidentiality and protects the security and commercial interest of the critical entity concerned.	In so doing, the single points of contact shall, in accordance with Union law or national legislation that complies with Union law , treat the information in a way that respects its confidentiality and protects the security and commercial interest of the critical entity concerned.	
Article 13(3a)				
162a		<u><i>3a. The competent authority concerned shall submit a summary report annually to the Commission and to the Critical Entities Resilience Group on the notifications received and the action taken in accordance with this Article.</i></u>		
Article 13(4)				
163				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	4. As soon as possible upon having been notified in accordance with paragraph 1, the competent authority shall provide the critical entity that notified it with relevant information regarding the follow-up of its notification, including information that could support the critical entity's effective response to the incident.	4. As soon as possible upon having been notified in accordance with paragraph 1, the competent authority shall provide the critical entity that notified it with relevant information regarding the follow-up of its notification, including information that could support the critical entity's effective response to the incident. <i><u>The competent authority shall inform the public of an incident where it determines that it would be in the public interest to do so. The competent authority shall ensure that critical entities inform users of their services that might be affected by an incident of the incident and, where relevant, of any possible safety measures or remedies.</u></i>	4. As soon as possible upon having been notified in accordance with paragraph 1, the competent authority shall provide the critical entity that notified it with relevant information regarding the follow-up of its notification information , including information that could support the critical entity's effective response to the incident.	
Article 13a				
163a		<i><u>Article 13a Standards</u></i>		
Article 13a(1)				
163b		<i><u>In order to promote the consistent implementation of this Directive, Member States shall, without imposing or</u></i>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>discriminating in favour of the use of a particular type of technology, encourage the use of standards and specifications relevant to the security and resilience of critical entities.</i></u>		
Chapter IV				
164	Chapter IV Specific oversight over Critical entities of particular European significance	Chapter IV Specific oversight over Critical entities of particular European significance	Chapter IV Specific oversight over Critical entities of particular European significance	
Article 14				
165	Article 14 Critical entities of particular European significance	Article 14 Critical entities of particular European significance	Article 14 Identification of Critical entities of particular European significance	
Article 14(1)				
166	1. Critical entities of particular European significance shall be subject to specific oversight, in accordance with this Chapter.	1. Critical entities of particular European significance shall be subject to specific oversight, in accordance with this Chapter.	1. Critical entities of particular European significance shall be subject to specific oversight, in accordance with this Chapter.	
Article 14(2)				
167	2. An entity shall be considered a	2. An entity shall be considered a	2. An entity shall be considered a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	critical entity of particular European significance when it has been identified as a critical entity and it provides essential services to or in more than one third of Member States and has been notified as such to the Commission pursuant to Article 5(1) and (6), respectively.	critical entity of particular European significance when it has been identified as a critical entity and it provides <u>the same or similar</u> essential services to or in more than one third of <u>three</u> Member States and has been notified as such to the Commission pursuant to Article 5(1) and (6), respectively.	critical entity of particular European significance when it has been identified as a critical entity and pursuant to article 5(1) , it provides essential services to or in more than one third of Member States and it has been notified as such to the Commission pursuant to paragraph 3; Article 5(1) and (6), respectively.	
Article 14(2a), introductory part				
167a			2a. Member States shall ensure that a critical entity, following the notification referred in Article 5(3), provides information to its competent authority designated pursuant to Article 8 of this Directive, when it provides essential services to or in more than one third of Member States, and if so, which essential services to or in which Member States.	
Article 14(2a), first paragraph				
167b			The Member State shall notify, without undue delay, the Commission of that information as well as the identity of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			critical entity.	
Article 14(2a), second paragraph				
167c			The Commission shall engage in consultations with the competent authorities of the Member State which identified such a critical entity and of other Member States concerned, and with the critical entity. In these consultations, each Member State shall communicate to the Commission if it deems that the services provided to it by the critical entity are essential services.	
Article 14(3), introductory part				
168	3. The Commission shall, without undue delay upon receiving the notification pursuant to Article 5(6), notify the entity concerned that it is considered a critical entity of particular European significance, informing that entity of its obligations pursuant to this Chapter and the date from which those obligations apply to it.	3. The Commission shall, without undue delay upon receiving the notification pursuant to Article 5(6), notify the entity concerned that it is considered a critical entity of particular European significance, informing that entity of its obligations pursuant to this Chapter and the date from which those obligations apply to it.	3. If the Commission shall, without undue delay upon receiving the notification pursuant to Article 5(6) establishes, on the basis of the consultations in paragraph 2a, that the critical entity concerned provides essential services to or in more than one third of Member States, it shall notify the entity concerned, through its competent authority, that it is considered a critical entity	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			of particular European significance, informing that entity of its obligations pursuant to this Chapter and the date from which those obligations apply to it.	
Article 14(3), first paragraph				
169	The provisions of this Chapter shall apply to the critical entity of particular European significance concerned from the date of receipt of that notification.	The provisions of this Chapter shall apply to the critical entity of particular European significance concerned from the date of receipt of that notification.	The provisions of this Chapter shall apply to the critical entity of particular European significance concerned from the date of receipt of the notification referred to in paragraph 3 that notification.	
Article 15				
170	Article 15 Specific oversight	Article 15 Specific oversight	Article 15 Specific oversight Advisory Missions	
Article 15(1), introductory part				
171	1. Upon request of one or more Member States or of the Commission, the Member State where the infrastructure of the critical entity of particular European significance is located shall, together with that entity, inform the Commission and the	1. Upon request of one or more Member States or of the Commission, the Member State where the infrastructure of the critical entity of particular European significance is located shall, together with that entity, inform the Commission and the	1. Upon request of one or more Member States or of the Commission, the Member State where the infrastructure of the critical entity of particular European significance is located shall, together with that entity, inform the Commission and the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Critical Entities Resilience Group of the outcome of the risk assessment carried out pursuant to Article 10 and the measures taken in accordance with Article 11.	Critical Entities Resilience Group of the outcome of the risk assessment carried out pursuant to Article 10 and the measures taken in accordance with Article 11.	Critical Entities Resilience Group of the outcome of the risk assessment carried out pursuant to Article 10 and the measures taken in accordance with Article 11.	
Article 15(1), first paragraph				
172	That Member State shall also inform, without undue delay, the Commission and the Critical Entities Resilience Group of any supervisory or enforcement actions, including any assessments of compliance or orders issued, that its competent authority has undertaken pursuant to Articles 18 and 19 in respect of that entity.	That Member State shall also inform, without undue delay, the Commission and the Critical Entities Resilience Group of any supervisory or enforcement actions, including any assessments of compliance or orders issued, that its competent authority has undertaken pursuant to Articles 18 and 19 in respect of that entity.	That The Member State shall also inform, without undue delay, the Commission and the Critical Entities Resilience Group of any supervisory or enforcement actions, including any assessments of compliance or orders issued, that its competent authority has undertaken pursuant to Articles 18 and 19 in respect of that entity where a critical entity of particular European significance is located may request the Commission to organise an advisory mission to assess the measures that the entity concerned put in place to meet its obligations pursuant to Chapter III.	
Article 15(1a)				
172a			1a. One or more Member States to or in which the essential	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			service is provided, or the Commission, may also request an advisory mission referred to in paragraph 1. Upon agreement of the Member State where the critical entity of particular European significance is located, the Commission shall organise such an advisory mission.	
Article 15(2)				
173	2. Upon request of one or more Member States, or at its own initiative, and in agreement with the Member State where the infrastructure of the critical entity of particular European significance is located, the Commission shall organise an advisory mission to assess the measures that that entity put in place to meet its obligations pursuant to Chapter III. Where needed, the advisory missions may request specific expertise in the area of disaster risk management through the Emergency Response Coordination Centre.	2. Upon request of one or more Member States, or at its own initiative, and in agreement <u>consultation</u> with the Member State where the infrastructure of the critical entity of particular European significance is located, the Commission shall organise an advisory mission to assess the measures that that entity put in place to meet its obligations pursuant to Chapter III. Where needed, the advisory missions may request specific expertise in the area of disaster risk management through the Emergency Response Coordination Centre.	2. Upon reasoned request of one or more Member States, or at its own initiative, and in agreement with to or in which the essential service is provided, or the Commission , the Member State where the infrastructure of the critical entity of particular European significance is located, the Commission shall organise an advisory mission to assess the measures that that entity put in place to meet its obligations pursuant to Chapter III. Where needed, the advisory missions may request specific expertise in the area of disaster risk management through the Emergency Response Coordination Centre. provide:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 15(2), point (a)				
173a			(a) a summarised outcome of the risk assessment carried out pursuant to Article 10;	
Article 15(2), point (b)				
173b			(b) a summary of measures taken in accordance with Article 11;	
Article 15(2), point (c)				
173c			(c) supervisory or enforcement actions, including assessments of compliance or orders issued, that its competent authority has undertaken pursuant to Articles 18 and 19 in respect of that entity.	
Article 15(3), introductory part				
174	3. The advisory mission shall report its findings to the Commission, the Critical Entities Resilience Group and the critical entity of particular European significance concerned within a period of three months after the	3. The advisory mission shall report its findings to the Commission, the Critical Entities Resilience Group and the critical entity of particular European significance concerned within a period of three months after the	3. The advisory mission shall report its findings to the Commission, the Critical Entities Resilience Group and, the Member State where the critical entity of particular European significance is located, the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	conclusion of the advisory mission.	conclusion of the advisory mission.	Member States to or in which the essential service is provided and the entity concerned within a period of three months after the conclusion of the advisory mission.	
Article 15(3), first paragraph				
175	The Critical Entities Resilience Group shall analyse the report and, where necessary, shall advise the Commission on whether the critical entity of particular European significance concerned complies with its obligations pursuant to Chapter III and, where appropriate, which measures could be taken to improve the resilience of that entity.	The Critical Entities Resilience Group shall analyse the report and, where necessary, shall advise the Commission on whether the critical entity of particular European significance concerned complies with its obligations pursuant to Chapter III and, where appropriate, which measures could be taken to improve the resilience of that entity.	The Member States to or in which the essential service is provided The Critical Entities Resilience Group shall analyse the report and, where necessary, shall advise the Commission on whether the critical entity of particular European significance concerned complies with its obligations pursuant to Chapter III and, where appropriate, which measures could be taken to improve the resilience of that entity.	
Article 15(3), second paragraph				
176	The Commission shall, based on that advice, communicate its views to the Member State where the infrastructure of that entity is located, the Critical Entities Resilience Group and that entity on whether that entity complies with its obligations pursuant to Chapter	The Commission shall, based on that advice, communicate its views to the Member State where the infrastructure of that entity is located, the Critical Entities Resilience Group and that entity on whether that entity complies with its obligations pursuant to Chapter	The Commission shall, based on that advice, communicate its views opinion to the Member State where that entity is located, the Member States to or in which the essential service is provided the infrastructure of that entity is located, the Critical Entities	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	III and, where appropriate, which measures could be taken to improve the resilience of that entity.	III and, where appropriate, which measures could be taken to improve the resilience of that entity.	Resilience Group and that entity on whether that entity complies with its obligations pursuant to Chapter III and, where appropriate, which measures could be taken to improve the resilience of that entity.	
Article 15(3), third paragraph				
177	That Member State shall take due account of those views and provide information to the Commission and the Critical Entities Resilience Group on any measures it has taken pursuant to the communication.	That Member State shall take due account of those views and provide information to the Commission and the Critical Entities Resilience Group on any measures it has taken pursuant to the communication.	That Member State shall ensure that the competent authority and the critical entity concerned take due account of those views that opinion and provide information to the Commission and the Critical Entities Resilience Group on any Member States to or in which the essential service is provided on that opinion the communication.	
Article 15(4), introductory part				
178	4. Each advisory mission shall consist of experts from Member States and of Commission representatives. Member States may propose candidates to be part of an advisory mission. The Commission shall select and appoint the members of each	4. Each advisory mission shall consist of experts from Member States and of Commission representatives. Member States may propose candidates to be part of an advisory mission. The Commission shall select and appoint the members of each	4. Each advisory mission shall consist of experts from the Member State where the critical entity of particular European significance is located, the Member States to or in which the essential service is provided and of Commission representatives.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	advisory mission according to their professional capacity and ensuring a geographically balanced representation among Member States. The Commission shall bear the costs related to the participation in the advisory mission.	advisory mission according to their professional capacity and ensuring a geographically balanced representation among Member States. The Commission shall bear the costs related to the participation in the advisory mission.	Those Member States may propose candidates to be part of an advisory mission. The Commission shall, after consultation with the Member State where the critical entity is located , select and appoint the members of each advisory mission according to their professional capacity and ensuring where possible a geographically balanced representation from all those among Member States. Whenever necessary, members of the advisory mission shall have a valid and appropriate security clearance. The Commission shall bear the costs related to the participation in the advisory mission.	
Article 15(4), first paragraph				
179	The Commission shall organise the programme of an advisory mission, in consultation with the members of the specific advisory mission and in agreement with the Member State where the infrastructure of the critical entity or the critical entity of European significance concerned is located.	The Commission shall organise the programme of an advisory mission, in consultation with the members of the specific advisory mission and in agreement with the Member State where the infrastructure of the critical entity or the critical entity of European significance concerned is located.	The Commission shall organise the programme of an advisory mission, in consultation with the members of the specific advisory mission and in agreement with the Member State where the infrastructure of the critical entity or the critical entity of European significance concerned is located.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 15(5)				
180	5. The Commission shall adopt an implementing act laying down rules on the procedural arrangements for the conduct and reports of advisory missions. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 20(2).	5. The Commission shall adopt an implementing act laying down rules on the procedural arrangements for the conduct and reports of advisory missions. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 20(2).	5. The Commission shall adopt an implementing act laying down rules on the procedural arrangements for the requests and their handling, for the conduct and reports of advisory missions and for the handling of the communication on the Commission's opinion and on the measures taken, duly taking into account the confidentiality and the commercial sensitivity of the information concerned. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 20(2).	
Article 15(6)				
181	6. Member States shall ensure that the critical entity of particular European significance concerned provides the advisory mission with access to all information, systems and facilities relating to the provision of its essential services necessary for the performance of its tasks.	6. Member States shall ensure that the critical entity of particular European significance concerned provides the advisory mission with access to all information, systems and facilities relating to the provision of its essential services necessary for the performance of its tasks.	6. Member States shall ensure that the critical entity of particular European significance concerned provides the advisory mission with access to all information, systems and facilities relating to the provision of its essential services necessary for the performance of its tasks carrying out the advisory mission.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 15(7)				
182	7. The advisory mission shall be carried out in compliance with the applicable national law of the Member State where that infrastructure is located.	7. The advisory mission shall be carried out in compliance with the applicable national law of the Member State where that infrastructure is located.	7. The advisory mission shall be carried out in compliance with the applicable national law of the Member State where the critical entity of particular European significance that infrastructure is located, respecting that Member State's responsibility for national security and protection of its security interests.	
Article 15(8)				
183	8. When organising the advisory missions, the Commission shall take into account the reports of any inspections carried out by the Commission under Regulation (EC) 300/2008 and Regulation (EC) 725/2004 and of the reports of any monitoring carried out by the Commission under Directive 2005/65/EC in respect of the critical entity or the critical entity of particular European significance, as appropriate.	8. When organising the advisory missions, the Commission shall take into account the reports of any inspections carried out by the Commission under Regulation (EC) 300/2008 and Regulation (EC) 725/2004 and of the reports of any monitoring carried out by the Commission under Directive 2005/65/EC in respect of the critical entity or the critical entity of particular European significance, as appropriate.	8. When organising the advisory missions, the Commission shall take into account the reports of any inspections carried out by the Commission under Regulation (EC) 300/2008 and Regulation (EC) 725/2004 and of the reports of any monitoring carried out by the Commission under Directive 2005/65/EC in respect of the critical entity or the critical entity of particular European significance, as appropriate.	
Article 15(9)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
183a			9. The Commission shall inform the Critical Entities Resilience Group whenever an advisory mission is organised. The Member State where the critical entity of particular European significance is located and the Commission shall also inform the Critical Entities Resilience Group of the summary report of the advisory mission and the lessons-learned with a view to promoting mutual learning.	
Chapter V				
184	Chapter V Cooperation and Reporting	Chapter V Cooperation and Reporting	Chapter V Cooperation and Reporting	
Article 16				
185	Article 16 Critical Entities Resilience Group	Article 16 Critical Entities Resilience Group	Article 16 Critical Entities Resilience Group	
Article 16(1)				
186	1. A Critical Entities Resilience Group is established with effect from [six months after the entry into force of this Directive]. It shall	1. A Critical Entities Resilience Group is established with effect from [six months after the entry into force of this Directive]. It shall	1. A– Critical Entities Resilience Group is established with effect from [six months after the entry into force of this Directive]. It shall	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	support the Commission and facilitate strategic cooperation and the exchange of information on issues relating to this Directive.	support the Commission and facilitate strategic cooperation and the exchange of information on issues relating to this Directive.	support the Commission and facilitate cooperation among Member States strategic cooperation and the exchange of information on issues relating to this Directive.	
Article 16(2), introductory part				
187	2. The Critical Entities Resilience Group shall be composed of representatives of the Member States and the Commission. Where relevant for the performance of its tasks, the Critical Entities Resilience Group may invite representatives of interested parties to participate in its work.	2. The Critical Entities Resilience Group shall be composed of representatives of the Member States and the Commission. Where relevant for the performance of its tasks, the Critical Entities Resilience Group may <u>shall</u> invite representatives of interested parties <u>relevant stakeholders</u> to participate in its work <u>and the European Parliament to participate as an observer.</u>	2. The Critical Entities Resilience Group shall be composed of representatives of the Member States and the Commission holding security clearance, where appropriate. Where relevant for the performance of its tasks, the Critical Entities Resilience Group may invite representatives of interested parties other stakeholders to participate in its work.	
Article 16(2), first paragraph				
188	The Commission's representative shall chair the Critical Entities Resilience Group.	The Commission's representative shall chair the Critical Entities Resilience Group.	The Commission's representative shall chair the Critical Entities Resilience Group.	
Article 16(3), introductory part				
189	3. The Critical Entities Resilience	3. The Critical Entities Resilience	3. The Critical Entities Resilience	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Group shall have the following tasks:	Group shall have the following tasks:	Group shall have the following tasks:	
Article 16(3), point (a)				
190	(a) supporting the Commission in assisting Member States in reinforcing their capacity to contribute to ensuring the resilience of critical entities in accordance with this Directive;	(a) supporting the Commission in assisting Member States in reinforcing their capacity to contribute to ensuring the resilience of critical entities in accordance with this Directive;	(a) supporting the Commission in assisting Member States in reinforcing their capacity to contribute to ensuring the resilience of critical entities in accordance with this Directive;	
Article 16(3), point (b)				
191	(b) evaluating the strategies on the resilience of critical entities referred to in Article 3 and identifying best practices in respect of those strategies;	(b) evaluating the strategies on the resilience of critical entities referred to in Article 3 and identifying best practices in respect of those strategies;	(b) evaluating analysing the strategies on the resilience of critical entities referred to in Article 3 in order to identify and identifying best practices in respect of those strategies;	
Article 16(3), point (c)				
192	(c) facilitating the exchange of best practices with regard to the identification of critical entities by the Member States in accordance with Article 5, including in relation to cross-border dependencies and regarding risks and incidents;	(c) facilitating the exchange of best practices with regard to the identification of critical entities by the Member States in accordance with Article 5, including in relation to cross-border <u>and cross sectoral</u> dependencies and regarding risks and incidents;	(c) facilitating the exchange of best practices with regard to the identification of critical entities by the Member States in accordance with Article 5, including in relation to cross-border dependencies and regarding risks and incidents, as well as with regard to the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			national approach to implementing the equivalence regime;	
Article 16(3), point (ca)				
192a		<u>(ca) preparing a Union strategy on resilience in compliance with the objectives set out in this Directive;</u>		
Article 16(3), point (d)				
193	(d) contributing to the preparation of the guidelines referred to in Article 6(3) and any delegated and implementing acts under this Directive, upon request;	(d) contributing to the preparation of the guidelines referred to in Article 6(3) and any delegated and implementing acts under this Directive, upon request;	(d) contributing to the preparation of the guidelines referred to in Article Articles 6(3) and any delegated and 11(4) and, upon request, any implementing acts under this Directive, upon request;	
Article 16(3), point (e)				
194	(e) examining, on an annual basis, the summary reports referred to in Article 8(3);	(e) examining, on an annual basis, the summary reports referred to in Article 8(3);	(e) examining, on an annual basis, analysing the summary reports referred to in Article 8(3);	
Article 16(3), point (f)				
195	(f) exchanging best practices on the exchange of information related	(f) exchanging best practices on the exchange of information related	(f) exchanging best practices on the exchange of information	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to the notification of incidents referred to in Article 13;	to the notification of incidents referred to in Article 13;	related to the notification of incidents referred to in Article 13;	
Article 16(3), point (g)				
196	(g) analyse and provide advice on the reports of advisory missions in accordance with Article 15(3);	(g) analyse and provide advice on the reports of advisory missions in accordance with Article 15(3);	(g) analyse and provide advice on the discuss the summary reports of advisory missions and lessons-learned in accordance with Article 15(3) 15(9) ;	
Article 16(3), point (h)				
197	(h) exchanging information and best practices on research and development relating to the resilience of critical entities in accordance with this Directive;	(h) exchanging information and best practices on <u>innovation</u> , research and development relating to the resilience of critical entities in accordance with this Directive;	(h) exchanging information and best practices on research and development relating to the resilience of critical entities in accordance with this Directive;	
Article 16(3), point (ha)				
197a		<u>(ha) promoting and supporting coordinated risk assessments and joint actions among critical entities;</u>		
Article 16(3), point (i)				
198	(i) where relevant, exchanging information on matters concerning	(i) where relevant, exchanging information on matters concerning	(i) where relevant, exchanging information on matters concerning	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the resilience of critical entities with relevant Union institutions, bodies, offices and agencies.	the resilience of critical entities with relevant Union institutions, bodies, offices and agencies.	the resilience of critical entities with relevant Union institutions, bodies, offices and agencies.	
Article 16(4)				
199	4. By [24 months after entry into force of this Directive] and every two years thereafter, the Critical Entities Resilience Group shall establish a work programme in respect of actions to be undertaken to implement its objectives and tasks, which shall be consistent with the requirements and objectives of this Directive.	4. By [24 months after entry into force of this Directive] and every two years thereafter, the Critical Entities Resilience Group shall establish a work programme in respect of actions to be undertaken to implement its objectives and tasks, which shall be consistent with the requirements and objectives of this Directive.	4. By [24 months after entry into force of this Directive] and every two years thereafter, the Critical Entities Resilience Group shall establish a work programme in respect of actions to be undertaken to implement its objectives and tasks, which shall be consistent with the requirements and objectives of this Directive.	
Article 16(5)				
200	5. The Critical Entities Resilience Group shall meet regularly and at least once a year with the Cooperation Group established under [the NIS 2 Directive] to promote strategic cooperation and exchange of information.	5. The Critical Entities Resilience Group shall meet regularly and at least once a year with the Cooperation Group established under [the NIS 2 Directive] to promote facilitate strategic cooperation and exchange of information.	5. The Critical Entities Resilience Group shall meet regularly and at least once a year with the Cooperation Group established under [the NIS 2 Directive] to promote strategic cooperation and facilitate exchange of information.	
Article 16(6)				
201	6. The Commission may adopt	6. The Commission may adopt	6. The Commission may shall	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	implementing acts laying down procedural arrangements necessary for the functioning of the Critical Entities Resilience Group. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(2).	implementing acts laying down procedural arrangements necessary for the functioning of the Critical Entities Resilience Group. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(2).	adopt implementing acts laying down procedural arrangements necessary for the functioning of the Critical Entities Resilience Group, pursuant to the provisions of Article 1.4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(2).	
Article 16(7)				
202	7. The Commission shall provide to the Critical Entities Resilience Group a summary report of the information provided by the Member States pursuant to Articles 3(3) and 4(4) by [three years and six months after entry into force of this Directive] and subsequently where necessary and at least every four years.	7. The Commission shall provide to the– Critical Entities Resilience Group a summary report of the information provided by the Member States pursuant to Articles 3(3) and 4(4) by [three years and six months after entry into force of this Directive] and subsequently where necessary and at least every four years. <u><i>The Commission shall regularly publish a summary report of the activities of the Critical Entities Resilience Group. The Commission shall set up a common secretariat for the Critical Entities Resilience Group and the Cooperation Group established under the NIS 2 Directive in order to better accommodate communication between the two groups and,</i></u>	7. The Commission shall provide to the– Critical Entities Resilience Group a summary report of the information provided by the Member States pursuant to Articles 3(3) and 4(4) by [three years and six nine months after entry into force of this Directive] and subsequently where necessary and at least every four years.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>consequently, to minimise ambiguities between the different authorities designated under this Directive and the NIS 2 Directive.</u>		
Article 17				
203	Article 17 Commission support to competent authorities and critical entities	Article 17 Commission support to competent authorities and critical entities	Article 17 Commission support to competent authorities and critical entities	
Article 17(1)				
204	1. The Commission shall, where appropriate, support Member States and critical entities in complying with their obligations under this Directive, in particular by preparing a Union-level overview of cross-border and cross-sectoral risks to the provision of essential services, organising the advisory missions referred to in Articles 11(3) and 15(3) and facilitating information exchange among experts across the Union.	1. The Commission shall, where appropriate, support Member States and critical entities in complying with their obligations under this Directive, in particular by preparing a Union-level overview of cross-border and cross-sectoral risks to the provision of essential services, organising the advisory missions referred to in Articles 11(3) and 15(3) and facilitating information exchange among experts across the Union.	1. The Commission shall, where appropriate, support Member States and critical entities in complying with their obligations under this Directive, in particular by preparing. The Commission shall prepare a Union-level overview of cross-border and cross-sectoral risks to the provision of essential services, organising organise the advisory missions referred to in Articles 11(3) and 15(3) and facilitating 15 and facilitate information exchange among Member States and experts across the Union.	
Article 17(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
205	2. The Commission shall complement Member States' activities referred to in Article 9 by developing best practices and methodologies, and by developing cross-border training activities and exercises to test the resilience of critical entities.	2. The Commission shall complement Member States' activities referred to in Article 9 by developing best practices and methodologies, and by developing cross-border training activities and exercises to test the resilience of critical entities.	2. The Commission shall complement Member States' activities referred to in Article 9 by developing best practices, guidance materials and methodologies, and by developing cross-border training activities and exercises to test the resilience of critical entities.	
Article 17(2a)				
205a			2a. The Commission shall make financial sources available to Member States for enhancing the resilience of their critical entities.	
Article 17(2a)				
205b		<u>2a. In order to receive and properly use the information received under Article 8(3), the Commission shall keep a Union registry of incidents with the aim of developing and sharing best practices and methodologies.</u>		
Chapter VI				
206	Chapter VI	Chapter VI	Chapter VI	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	SUPERVISION AND ENFORCEMENT	SUPERVISION AND ENFORCEMENT	SUPERVISION AND ENFORCEMENT	
Article 18				
207	Article 18 Implementation and enforcement	Article 18 Implementation and enforcement	Article 18 Implementation and enforcement	
Article 18(1), introductory part				
208	1. In order to assess the compliance of the entities that the Member States identified as critical entities pursuant to Article 5 with the obligations pursuant to this Directive, they shall ensure that the competent authorities shall have the powers and means to:	1. In order to assess the compliance of the entities that the Member States identified as critical entities pursuant to Article 5 with the obligations pursuant to this Directive, they shall ensure that the competent authorities shall have the powers and means to:	1. In order to assess the compliance of the entities that the Member States identified as critical entities pursuant to Article 5 with the obligations pursuant to this Directive, they shall ensure that the competent authorities shall have the powers and means to:	
Article 18(1), point (a)				
209	(a) conduct on-site inspections of the premises that the critical entity uses to provide its essential services, and off-site supervision of critical entities' measures pursuant to Article 11;	(a) conduct on-site inspections of the premises that the critical entity uses to provide its essential services, and off-site supervision of critical entities' measures pursuant to Article 11;	(a) conduct on-site inspections of the critical infrastructure and the premises that the critical entity uses to provide its essential services, and off-site supervision of critical entities' measures pursuant to Article 11;	
Article 18(1), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
210	(b) conduct or order audits in respect of those entities.	(b) conduct or order audits in respect of those entities.	(b) conduct or order audits in respect of those entities.	
Article 18(2), introductory part				
211	2. Member States shall ensure that the competent authorities have the powers and means to require, where necessary for the performance of their tasks under this Directive, that the entities that they identified as critical entities pursuant to paragraph 5 provide, within a reasonable time period set by those authorities:	2. Member States shall ensure that the competent authorities have the powers and means to require, where necessary for the performance of their tasks under this Directive, that the entities that they identified as critical entities pursuant to paragraph 5 provide, within a reasonable time period set by those authorities:	2. Member States shall ensure that the competent authorities have the powers and means to require, where necessary for the performance of their tasks under this Directive, that the entities that they identified as critical entities pursuant to paragraph 5 provide, within a reasonable time period set by those authorities:	
Article 18(2), point (a)				
212	(a) the information necessary to assess whether the measures taken by those to ensure its resilience meet the requirements of Article 11;	(a) the information necessary to assess whether the measures taken by those to ensure its resilience meet the requirements of Article 11;	(a) the information necessary to assess whether the measures taken by those entities to ensure its their resilience meet the requirements of Article 11;	
Article 18(2), point (b)				
213	(b) evidence of the effective implementation of those measures, including the results of an audit conducted by an independent and	(b) evidence of the effective implementation of those measures, including the results of an audit conducted by an independent and	(b) evidence of the effective implementation of those measures, including the results of an audit conducted by an independent and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	qualified independent auditor selected by that entity and conducted at its expense.	qualified independent auditor selected by that entity and conducted at its expense.	qualified independent auditor selected by that entity and conducted at its expense.	
Article 18(2), first paragraph				
214	When requiring that information, the competent authorities shall state the purpose of the requirement and specify the information required.	When requiring that information, the competent authorities shall state the purpose of the requirement and specify the information required.	When requiring that information, the competent authorities shall state the purpose of the requirement and specify the information required.	
Article 18(3)				
215	3. Without prejudice to the possibility to impose penalties in accordance with Article 19, the competent authorities may, following the supervisory actions referred to in paragraph 1, or the assessment of the information referred to in paragraph 2, order the critical entities concerned to take the necessary and proportionate measures to remedy any identified infringement of this Directive, within a reasonable time period set by those authorities, and to provide to those authorities information on the measures taken. Those orders shall take into account, in particular, the	3. Without prejudice to the possibility to impose penalties in accordance with Article 19, the competent authorities may, following the supervisory actions referred to in paragraph 1, or the assessment of the information referred to in paragraph 2, order the critical entities concerned to take the necessary and proportionate measures to remedy any identified infringement of this Directive, within a reasonable time period set by those authorities, and to provide to those authorities information on the measures taken. Those orders shall take into account, in particular, the	3. Without prejudice to the possibility to impose penalties in accordance with Article 19, the competent authorities may, following the supervisory actions referred to in paragraph 1, or the assessment of the information referred to in paragraph 2, order the critical entities concerned to take the necessary and proportionate measures to remedy any identified infringement of this Directive, within a reasonable time period set by those authorities, and to provide to those authorities information on the measures taken. Those orders shall take into account, in particular, the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	seriousness of the infringement.	seriousness of the infringement.	seriousness of the infringement.	
Article 18(4)				
216	4. Member State shall ensure that the powers provided for in paragraphs 1, 2 and 3 can only be exercised subject to appropriate safeguards. Those safeguards shall guarantee, in particular, that such exercise takes place in an objective, transparent and proportionate manner and that the rights and legitimate interests of the critical entities affected are duly safeguarded, including their rights to be heard, of defence and to an effective remedy before an independent court.	4. Member State shall ensure that the powers provided for in paragraphs 1, 2 and 3 can only be exercised subject to appropriate safeguards. Those safeguards shall guarantee, in particular, that such exercise takes place in an objective, transparent and proportionate manner and that the rights and legitimate interests of the critical entities affected are duly safeguarded, including their rights to be heard, of defence and to an effective remedy before an independent court.	4. Member State shall ensure that the powers provided for in paragraphs 1, 2 and 3 can only be exercised subject to appropriate safeguards. Those safeguards shall guarantee, in particular, that such exercise takes place in an objective, transparent and proportionate manner and that the rights and legitimate interests, such as the protection of trade- and business secrets and operations , of the critical entities affected are duly safeguarded, including their rights to be heard, of defence and to an effective remedy before an independent court.	
Article 18(5)				
217	5. Member States shall ensure that, when a competent authority assesses the compliance of a critical entity pursuant to this Article, it shall inform the competent authorities of the Member State concerned designated under the [the NIS 2	5. Member States shall ensure that, when a competent authority assesses the compliance of a critical entity pursuant to this Article, it shall inform the competent authorities of the Member State concerned designated under the [the NIS 2	5. Member States shall ensure that, when a competent authority assesses the compliance of a critical entity pursuant to this Article, it shall inform the competent authorities of the Member State concerned designated under the [the NIS 2	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Directive] and may request those authorities to assess the cybersecurity of such entity, and cooperate and exchange information for this purpose.	Directive] and may request those authorities to assess the cybersecurity of such entity, and cooperate and exchange information for this purpose.	Directive] and may request those authorities to exercise their supervisory and enforcement powers in relation to an essential entity under the scope of [NIS 2 Directive] that is also identified as critical under this Directive assess the cybersecurity of such entity , and cooperate and exchange information for this purpose.	
Article 19				
218	Article 19 Penalties	Article 19 Penalties	Article 19 Penalties	
Article 19, first paragraph				
219	Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by [two years after entry into force of this Directive] at the latest and shall notify it without	Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by [two years after entry into force of this Directive] at the latest and shall notify it without	Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by [two years after entry into force of this Directive] at the latest and shall notify it without	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	delay of any subsequent amendment affecting them.	delay of any subsequent amendment affecting them.	delay of any subsequent amendment affecting them.	
Chapter VII				
220	Chapter VII FINAL PROVISIONS	Chapter VII FINAL PROVISIONS	Chapter VII FINAL PROVISIONS	
Article 20				
221	Article 20 Committee procedure	Article 20 Committee procedure	Article 20 Committee procedure	
Article 20(1)				
222	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	
Article 20(2)				
223	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	
Article 21				
224				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 21 Exercise of the delegation	Article 21 Exercise of the delegation	Article 21 Exercise of the delegation	
Article 21(1)				
225	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	
Article 21(2)				
226	2. The power to adopt delegated acts referred to in Article 11(4) shall be conferred on the Commission for a period of five years from date of entry into force of this Directive or any other date set by the co-legislators.	2. The power to adopt delegated acts referred to in Article <u>Articles 4(1) and</u> 11(4) shall be conferred on the Commission for a period of five years from date of entry into force of this Directive or any other date set by the co-legislators.	2. The power to adopt delegated acts referred to in Article 11(4) shall be conferred on the Commission for a period of five years from date of entry into force of this Directive or any other date set by the co-legislators.	
Article 21(3)				
227	3. The delegation of power referred to in Article 11(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following	3. The delegation of power referred to in Article <u>Articles 4(1) and</u> 11(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect	3. The delegation of power referred to in Article 11(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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.	the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	
Article 21(4)				
228	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	
Article 21(5)				
229	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
Article 21(6)				
230	6. A delegated act adopted pursuant to Article 11(4) shall enter into force only if no objection has been expressed either by the European Parliament or by the	6. A delegated act adopted pursuant to Article 11(4) shall enter into force only if no objection has been expressed either by the European Parliament or by the	6. A delegated act adopted pursuant to Article 11(4) shall enter into force only if no objection has been expressed either by the European Parliament or by the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	
Article 22				
231	Article 22 Reporting and review	Article 22 Reporting and review	Article 22 Reporting and review	
Article 22, first paragraph				
232	By [54 months after the entry into force of this Directive], the Commission shall submit a report to the European Parliament and to the Council, assessing the extent to which the Member States have taken the necessary measures to comply with this Directive.	By [54 months after the entry into force of this Directive], the Commission shall submit a report to the European Parliament and to the Council, assessing the extent to which the Member States have taken the necessary measures to comply with this Directive. <u>The report shall contain separate country chapters on the concrete implementation progress in each Member State.</u>	By [54 months] six years after the entry into force of this Directive], the Commission shall submit a report to the European Parliament and to the Council, assessing the extent to which the Member States have taken the necessary measures to comply with this Directive.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 22, second paragraph				
233	<p>The Commission shall periodically review the functioning of this Directive, and report to the European Parliament and to the Council. The report shall in particular assess the impact and added value of this Directive on ensuring the resilience of critical entities and whether the scope of the Directive should be extended to cover other sectors or subsectors. The first report shall be submitted by [six years after the entry into force of this Directive] and shall assess in particular whether the scope of the Directive should be extended to include the food production, processing and distribution sector.</p>	<p>The Commission shall periodically review the functioning of this Directive, and report to the European Parliament and to the Council. The report shall in particular assess the impact and added value of this Directive on ensuring the resilience of critical entities and whether the scope of the Directive should be extended to cover other sectors or subsectors. The first report shall be submitted by [six years after the entry into force of this Directive] and shall assess in particular whether the scope of the Directive should be extended. <u><i>For that purpose, the Commission shall take into account relevant documents of the Critical Entities Resilience Group to include the food production, processing and distribution sector.</i></u></p>	<p>The Commission shall periodically review the functioning of this Directive, and report to the European Parliament and to the Council. The report shall in particular assess the impact and added value of this Directive on ensuring the resilience of critical entities and whether the scope Annex of the Directive should be extended to cover other sectors or subsectors modified. The first report shall be submitted by [six 7 years and 6 months after the entry into force of this Directive] and shall assess in particular whether the scope of the Directive should be extended to include the food production, processing and distribution sector.</p>	
Article 23				
234	<p>Article 23 Repeal of Directive 2008/114/EC</p>	<p>Article 23 Repeal of Directive 2008/114/EC</p>	<p>Article 23 Repeal of Directive 2008/114/EC</p>	
Article 23, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
235	Directive 2008/114/EC is repealed with effect from [date of entry into force of this Directive].	Directive 2008/114/EC is repealed with effect from [date of entry into force of this Directive].	Directive 2008/114/EC is repealed with effect from [date of entry into force of entry into transposition of this Directive].	
Article 24				
236	Article 24 Transposition	Article 24 Transposition	Article 24 Transposition	
Article 24(1), introductory part				
237	1. Member States shall adopt and publish, by [18 months after entry into force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.	1. Member States shall adopt and publish, by [18 months after entry into force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.	1. Member States shall adopt and publish, by [18 months two years after entry into force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.	
Article 24(1), first paragraph				
238	They shall apply those provisions from [two years after entry into force of this Directive + one day].	They shall apply those provisions from [two years after entry into force of this Directive + one day].	They shall apply those provisions from [two years after entry into force of this Directive + one day].	
Article 24(1), second paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
239	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	
Article 24(2)				
240	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	
Article 25				
241	Article 25 Entry into force	Article 25 Entry into force	Article 25 Entry into force	
Article 25, first paragraph				
242	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	
Article 26				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
243	Article 26 Addressees	Article 26 Addressees	Article 26 Addressees	
Article 26, first paragraph				
244	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	
Formula				
245	Done at Brussels,	Done at Brussels,	Done at Brussels,	
Formula				
246	For the European Parliament	For the European Parliament	For the European Parliament	
Formula				
247	The President	The President	The President	
Formula				
248	For the Council	For the Council	For the Council	
Formula				
249	The President	The President	The President	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement