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WORKING PAPER

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From:	Commission services
To:	Working Party on Civil Protection (CER Directive)
N° Cion doc.:	14262/20 + ADD 1
Subject:	Proposal for a Directive of the European Parliament and of the Council on the resilience of critical entities - overview of implementation timeline

Delegations will find attached an overview of the implementation timeline of the provisions of the CER Directive proposal, submitted by the Commission services.

Implementation timeline

Proposal for a Directive on the resilience of critical entities¹

Provision	Date
Entry into force <i>Article 25</i>	20 th day following the publication in the Official Journal
Transposition deadline <i>Article 24(1)</i>	By 18 months after the entry into force of the Directive
Application of the provisions <i>Article 24(1)</i>	From two years ² after the entry into force of the Directive + one day
National frameworks - Strategy and Risk assessment	
Strategy on the resilience of critical entities <i>Article 3(1)</i>	By three years after the entry into force of the Directive
Update of the strategy <i>Article 3(2)</i>	Where necessary and at least every four years
Strategy and updates of the strategy to the Commission <i>Article 3(3)</i>	Within three months from their adoption
Risk assessment by Member States <i>Article 4(1)</i>	By three years after the entry into force of the Directive
Update of the Risk assessment <i>Article 4(1)</i>	Where necessary and at least every four years
Outcomes of the Risk assessment to the Commission <i>Article 4(4)</i>	By three years after the entry into force of the Directive and subsequently when necessary and at least every four years
Identification of critical entities	
Identification of critical entities by Member States <i>Article 5(1) for critical entities</i> <i>Article 7(1) for entities equivalent to critical entities</i>	By three years and three months after the entry into force of the Directive
Review and update of identifications by Member States <i>Article 5(7)</i>	Where necessary and at least every four years
Notifications about the identification – to critical entity <i>Article 5(3)</i>	Within one month of the identification

¹ Proposal for a Directive on the resilience of critical entities (COM(2020) 829).

² This is a clerical mistake. It should read 18 months, as in the first sub-paragraph of Article 24(1).

Provision	Date
Notifications about the identification – to NIS2 Directive³ authorities <i>Article 5(4)</i>	Within one month of the identification
Information to the Commission on the list of essential services; number of critical entities identified; application of thresholds concerning the significant disruptive effect criteria <i>Article 6(2)</i>	By three years and three months after the entry into force of the Directive , and subsequently where necessary and at least every four years
Provisions applicable to critical entities	
Provisions apply to critical entities <i>Article 5(3)</i>	- Provisions in Chapter II [information to Member States]: from the date of the notification of their identification as critical entity - Provisions in Chapter III [Risk assessment, resilience measures, incident notifications]: from six months after the notification of their identification as critical entity
Risk Assessment by critical entities <i>Article 10</i>	Within six months after receiving the notification [about identification as critical entity]
Critical entities of particular European significance	
Notification from the Member State to the Commission about the identity of a critical entity that provides essential services to or in more than one third of Member States <i>Article 5(6)</i>	Without undue delay [after receiving the information that a critical entity provides essential services to or in more than one third of Member States]
Notification from the Commission to critical entity of particular European significance <i>Article 14(3)</i>	Without undue delay upon receiving the notification [from the Member State]
Advisory mission report to the Commission, the Critical Entities Resilience Group and the critical entity of particular European significance <i>Article 15(3)</i>	Within three months after the conclusion of the advisory mission
Incident notification	
Summary report on incident notifications from the single points of contact to the Commission and the Critical Entities Resilience Group <i>Article 8(3)</i>	By three years and six months after the entry into force of the Directive , and every year thereafter

³ 'NIS2 Directive': Proposal for a Directive on measures for a high common level of cybersecurity across the Union, repealing Directive (EU) 2016/1148 (COM(2020) 823).

Provision	Date
Notification of incidents from critical entities to Member States' competent authority <i>Article 13(1)</i>	Without undue delay
Follow-up information from competent authority to critical entity after the incident notification <i>Article 13(4)</i>	As soon as possible after the notification
Competent authority / Critical Entities Resilience Group	
Notification from the Member State to the Commission of the designation of the competent authority and the single point of contact <i>Article 8(7)</i>	Within 3 months from the designation
Critical Entities Resilience Group <i>Article 16(1)</i>	Group established with effect from six months after the entry into force of the Directive
Work programme of Critical Entities Resilience Group <i>Article 16(4)</i>	By 24 months after the entry into force of the Directive and every two years thereafter
Meetings with the Cooperation group under the NIS2 Directive <i>Article 16(5)</i>	Regularly and at least once a year
Summary report from the Commission to the Critical Entities Resilience Group [on strategies and certain data on risks and risk assessments] <i>Article 16(7)</i>	By three years and six months after the entry into force of the Directive , and subsequently where necessary and at least every four years
Reporting and Review	
Report from the Commission to the European Parliament and to the Council on Member States' measures to comply with the Directive [implementation report] <i>Article 22</i>	By 54 months after the entry into force of the Directive <i>[4 years and 6 months]</i>
Report from the Commission to the European Parliament and to the Council reviewing the functioning of the Directive [impact and added value report] <i>Article 22</i>	First report by 6 years after the entry into force of the Directive