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LIMITE

PROCIV

WORKING PAPER

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WORKING DOCUMENT

From:	Presidency
To:	Working Party on Civil Protection (CER Directive)
N° Cion doc.:	14262/20 + ADD 1
Subject:	Presidency summary of the informal video conference of the members of the Working Party on Civil Protection/Critical Entities Resilience Directive on 23 April 2021.

Delegations will find attached a summary of the discussion at the informal video conference of the members of the PROCIV/CER Working Party on 23 April 2021.

**Informal video conference of the members of the Working Party on Civil Protection/Critical
Entities Resilience Directive on 23 April 2021**

Presidency summary

Agenda: CM 2675/21

1. Proposal for a Directive of the European Parliament and of the Council on the resilience of critical entities¹

The Commission presented Articles 5 - 8(2) and the Annex of the proposal (Identification of critical entities, Significant disruptive effect, Entities equivalent to critical entities, Competent authorities and single point of contact and Sectors covered) and replied to several questions previously asked by delegations in writing².

Discussions focused *inter alia* on the rationale and scope of the sectors covered, the identification of critical entities, the concept of equivalent entities and the timelines³ for implementing the different obligations.

In reply to the delegations' questions regarding the inclusion of the sector of public administration, the Council Legal Service confirmed that - according to its preliminary views and given the internal-market-related focus of the proposal – this is legally possible under Article 114 TFEU.

The Presidency invited delegations to send, **by 29 April**, any further questions related to Articles 8 (3) - 12, which would be discussed at the next meeting on 7 May.

2. 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 909/2014.⁴

The Commission presented⁵ the above proposal on digital operational resilience for the financial sector, the aim of which is to enhance the level of cyber resilience of all regulated financial sectors.

¹ 14262/20 + ADD 1.

² WK 4941/2021 + ADD 1.

³ See WK 5529/2021.

⁴ 11051/20.

⁵ WK 5467/2021.

DORA's scope includes digital operational resilience, ICT risks and the ICT risk management framework. In reply to a question, the Commission confirmed that DORA also aims to protect the physical infrastructure that supports digital operations.

The Presidency informed delegations about the state of the negotiations, which have advanced since the tabling of the proposal in September 2020. The aim is to reach a Council position during the Portuguese Presidency.

3. AOB

- The Presidency reported on the informal meeting it had with the European Parliament's LIBE committee staff and the assistant of the rapporteur. LIBE is the lead committee for the proposed CER directive.

- The Presidency presented its intentions for the remainder of its term⁶ and announced **an extra full-day PROCIV/CER meeting on 22 June**. The provisional calendar now looks as follows:

Date	Read-through	Deadline for questions
7 May (11.30 – 18.00)	Art. 8(3) - 12	29 April
27 May (10.00 – 18.30)	Art. 13 - 17	17 May
21 June (14.00 – 18.00)	Art. 18 - 26	10 June
22 June (10.00 – 18.30)		

Next steps

- Next PROCIV and PROCIV/CER VTC: 7 May

⁶ WK 5469/2021.