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AMENDMENTS

12 - 66

Draft opinion

Lukas Mandl

(PE692.863v01-00)

Resilience of critical entities

Proposal for a directive

(COM(2020)0829 – C9-0421/2020 – 2020/0365(COD))

Amendment 12
Nikos Androulakis

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) Council Directive 2008/114/EC¹⁷ 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 2019¹⁸ found that due to the increasingly interconnected and cross-border nature of operations using critical infrastructure, protective measures relating to individual assets alone are insufficient to prevent all disruptions from taking place. Therefore, it is necessary to shift the approach towards ensuring the resilience of critical entities, that is, their ability to mitigate, absorb, accommodate to and recover from incidents that have the potential to disrupt the operations of the critical entity.

¹⁷ 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).

¹⁸ SWD(2019) 308.

Amendment

(1) Council Directive 2008/114/EC¹⁷ 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 2019¹⁸ found that due to the increasingly interconnected and cross-border nature of operations using critical infrastructure, protective measures relating to individual assets alone are insufficient to prevent all disruptions from taking place. Therefore, it is necessary to shift the approach towards ensuring the resilience of critical entities, that is, their ability to mitigate, absorb, accommodate to and recover from incidents that have the potential to disrupt the operations of the critical entity, ***thereby endangering the democratic, social, and economic life in one or more Member States.***

¹⁷ 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).

¹⁸ SWD(2019) 308.

Or. en

Amendment 13
Nikos Androulakis, Raphaël Glucksmann

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) Despite existing measures at Union¹⁹ 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.

¹⁹ European Programme for Critical Infrastructure Protection (EPCIP).

Amendment

(2) Despite existing measures at Union¹⁹ 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, ***potential*** 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 ***an increasingly challenging security environment, with multi-faceted threats the Union is facing in a highly multipolar world with unreliable global actors***, a dynamic threat landscape with an evolving terrorist threat and growing ***global*** 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.

¹⁹ European Programme for Critical Infrastructure Protection (EPCIP).

Or. en

Amendment 14
Fabio Massimo Castaldo

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) Despite existing measures at Union¹⁹ 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.

¹⁹ European Programme for Critical Infrastructure Protection (EPCIP).

Amendment

(2) Despite existing measures at Union¹⁹ 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, ***minimise impacts of potential failures or malicious activities affecting or targeting their premises, networks and activities,*** 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 ***hybrid threats, emerging technologies,*** 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.

¹⁹ European Programme for Critical Infrastructure Protection (EPCIP).

Or. en

Amendment 15
Petras Auštrevičius, Nathalie Loiseau, Bart Groothuis

Proposal for a directive
Recital 2

Text proposed by the Commission

Amendment

(2) Despite existing measures at Union¹⁹ 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.

¹⁹ European Programme for Critical Infrastructure Protection (EPCIP).

(2) Despite existing measures at Union¹⁹ 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 **hybrid threats, emerging technologies, in particular artificial intelligence**, 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.

¹⁹ European Programme for Critical Infrastructure Protection (EPCIP).

Or. en

Amendment 16
Markéta Gregorová
on behalf of the Greens/EFA Group

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) Despite existing measures at Union¹⁹ and national level aimed at supporting the protection of critical infrastructures in the Union, the entities

Amendment

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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.

¹⁹ European Programme for Critical Infrastructure Protection (EPCIP).

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 threat **by hostile states and non-state actors** 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.

¹⁹ European Programme for Critical Infrastructure Protection (EPCIP).

Or. en

Amendment 17

Fabio Massimo Castaldo

Proposal for a directive

Recital 3

Text proposed by the Commission

(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 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

Amendment

(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, **telecommunication services (including HW, SW, FW and networks)**, drinking and waste water, health, certain aspects of public administration, as well as space in

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.

as far as the provision of certain services depending on ground-based infrastructures that are owned, managed and operated 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.

Infrastructure owned, managed or operated by or on behalf of the Union as part of its space programmes is particularly important for the security of the Union and its Member States and the proper functioning of the Union's Common Security and Defence Policy (CSDP) missions and operations. Such infrastructure is therefore to be adequately protected as set out in Regulation (EU) 2021/696 of the European Parliament and of the Council^{1a}.

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 ***and can put at risk the security and safety of Union citizens and the economic and financial interests of the Union.*** The COVID-19 pandemic has shown the vulnerability of our increasingly interdependent societies in the face of low-probability risks.

^{1a} ***Regulation (EU) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013 and (EU) No 377/2014 and Decision No 541/2014/EU (OJ L 170, 12.5.2021, p. 69).***

Or. en

Amendment 18
Nikos Androulakis, Raphaël Glucksmann

Proposal for a directive
Recital 3

Text proposed by the Commission

(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 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.

Amendment

(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 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 - ***high impact risks and the crucial importance to secure our supply chain of inter alia raw materials, chemicals, pharmaceutical products, that are essential to many critical infrastructure sectors.***

Or. en

Amendment 19
Markéta Gregorová
on behalf of the Greens/EFA Group

Proposal for a directive

Recital 3

Text proposed by the Commission

(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 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.

Amendment

(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 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 **but which are also of relevance for the Common Security and Defence Policy (CSDP)**. 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.

Or. en

Amendment 20

Markéta Gregorová

on behalf of the Greens/EFA Group

Proposal for a directive

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3 a) The Union understands hybrid campaigns to be ‘multidimensional,

combining coercive and subversive measures, using both conventional and unconventional tools and tactics (diplomatic, military, economic, and technological) to destabilise the adversary. They are designed to be difficult to detect or attribute, and can be used by state and non-state actors. The internet and online networks allow state and non-state actors to conduct aggressive action in new ways. They can be used to hack critical infrastructure, entities and democratic processes, launch persuasive disinformation and propaganda campaigns, steal information and unload sensitive data into the public domain. Large-scale cyber-attacks on critical entities and infrastructure across borders have the potential to invoke Article 222 TFEU (the 'solidarity clause').

Or. en

Amendment 21
Markéta Gregorová
on behalf of the Greens/EFA Group

Proposal for a directive
Recital 3 b (new)

Text proposed by the Commission

Amendment

(3 b) *Large-scale cyber security incidents and crises at Union level, the high degree of interdependence between sectors and countries require a coordinated action to ensure a rapid and effective response, as well as better prevention and preparedness for similar situations in the future. The availability of cyber-resilient critical networks and entities, and information systems and the availability, confidentiality and integrity of data are vital for the security of the Union within as well as beyond its borders. Given the blurring of lines between the realms of civilian and military matters and the dual-use nature*

of cyber tools and technologies, there is a need for a comprehensive and holistic approach.

Or. en

Amendment 22
Alexandr Vondra

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) Certain sectors of the economy such as energy and transport are already regulated or may be regulated in the future by sector-specific acts of Union law that contain rules related to certain aspects of resilience of entities operating in those sectors. In order to address in a comprehensive manner the resilience of those entities that are critical for the proper functioning of the internal market, those sector-specific measures should be complemented by the ones provided for in this Directive, which creates an overarching framework that addresses critical entities' resilience in respect of all hazards, that is, natural and man-made, accidental and intentional.

Amendment

(7) Certain sectors of the economy such as energy and transport are already regulated or may be regulated in the future by sector-specific acts of Union law that contain rules related to certain aspects of resilience of entities operating in those sectors. In order to address in a comprehensive manner the resilience of those entities that are critical for the proper functioning of the internal market, those sector-specific measures should be complemented by the ones provided for in this Directive, which creates an overarching framework that addresses critical entities' resilience in respect of all hazards, that is, natural and man-made, accidental and intentional ***and ensures collaboration with likeminded international organisations in maintaining resilience.***

Or. en

Amendment 23
Nikos Androulakis, Raphaël Glucksmann

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) Given the importance of

Amendment

(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 Council²⁰ [Proposed Directive on measures for a high common level of cybersecurity across the Union; (hereafter “NIS 2 Directive”)] is necessary *wherever possible*. In view of the higher frequency and particular characteristics of cyber risks, the NIS 2 Directive imposes comprehensive requirements on a large set of entities to ensure their cybersecurity. Given that cybersecurity is addressed sufficiently in the NIS 2 Directive, the matters covered by it should *be excluded from the scope of this Directive, without prejudice to the particular regime for entities in the digital infrastructure sector*.

²⁰ [Reference to NIS 2 Directive, once adopted.]

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 Council²⁰ [Proposed Directive on measures for a high common level of cybersecurity across the Union; (hereafter “NIS 2 Directive”)] is necessary. In view of the higher frequency and particular characteristics of cyber risks *and the growing number of cyber attacks and cyber enabled incidents led by hostile state and non state actors*, 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 *apply coherently and consistently with this Directive, whenever possible and necessary*.

²⁰ [Reference to NIS 2 Directive, once adopted.]

Or. en

Amendment 24 **Nikos Androulakis, Raphaël Glucksmann**

Proposal for a directive **Recital 8 a (new)**

Text proposed by the Commission

Amendment

(8 a) As climate change is leading to an increase in the frequency, intensity and complexity of natural disasters which can result in a disruption of essential services or the destruction of essential infrastructure with a significant cross-sectoral or transboundary effects, a coherent approach between this Directive and Decision No 1313/2013/EU of the European Parliament and the Council^{1a}, as amended, is necessary especially on issues covering preparedness and

response actions.

^{1a} 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).

Or. en

Amendment 25
Alexandr Vondra

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) The actions of Member States to identify and help ensure the resilience of critical entities should follow a risk-based approach that targets efforts to the entities most relevant for the performance of vital societal functions or economic activities. In order to ensure such a targeted approach, each Member State should carry out, within a harmonised framework, an assessment of all relevant natural and man-made risks that may affect the provision of essential services, including accidents, natural disasters, public health emergencies such as pandemics, and antagonistic threats, including terrorist offences. When carrying out those risk assessments, Member States should take into account other general or sector-specific risk assessment carried out pursuant to other acts of Union law and should consider the 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.

Amendment

(11) The actions of Member States to identify and help ensure the resilience of critical entities should follow a risk-based approach that targets efforts to the entities most relevant for the performance of vital societal functions or economic activities. In order to ensure such a targeted approach, each Member State should carry out, within a harmonised framework, an assessment of all relevant natural and man-made risks that may affect the provision of essential services, including accidents, natural disasters, public health emergencies such as pandemics, and antagonistic threats, including terrorist offences. When carrying out those risk assessments, Member States should take into account other general or sector-specific risk assessment carried out pursuant to other acts of Union law and should consider the dependencies between sectors, including from other Member States and third countries. ***While the Civil Emergency Planning Committee of NATO can serve as an important ally in this task as it has outlined the seven key resilience preparedness factors that are taken into account when measuring resilience.*** 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.

Or. en

Amendment 26

Nikos Androulakis, Raphaël Glucksmann

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) The actions of Member States to identify and help ensure the resilience of critical entities should follow a risk-based approach that targets efforts to the entities most relevant for the performance of vital societal functions or economic activities. In order to ensure such a targeted approach, each Member State should carry out, within a harmonised framework, an assessment of all relevant natural and man-made risks that may affect the provision of essential services, including accidents, natural disasters, public health emergencies such as pandemics, and antagonistic threats, including terrorist offences. When carrying out those risk assessments, Member States should take into account other general or sector-specific risk assessment carried out pursuant to other acts of Union law and should consider the 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.

Amendment

(11) The actions of Member States to identify and help ensure the resilience of critical entities should follow a risk-based approach that targets efforts to the entities most relevant for the performance of vital societal functions or economic activities. In order to ensure such a targeted approach, each Member State should carry out, within a harmonised framework, an assessment of all relevant natural and man-made risks that may affect the provision of essential services, including accidents, natural disasters, public health emergencies such as pandemics, and antagonistic threats, including terrorist offences, ***foreign interferences and malicious disinformation campaigns, as well as CBRN threats***. 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, ***especially under Decision No 1313/2013/EU of the European Parliament and the Council^{1a}*** 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.

1^a 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).

Or. en

Amendment 27

Markéta Gregorová

on behalf of the Greens/EFA Group

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) The actions of Member States to identify and help ensure the resilience of critical entities should follow a risk-based approach that targets efforts to the entities most relevant for the performance of vital societal functions or economic activities. In order to ensure such a targeted approach, each Member State should carry out, within a harmonised framework, an assessment of all relevant natural and man-made risks that may affect the provision of essential services, including accidents, natural disasters, public health emergencies such as pandemics, and antagonistic threats, including terrorist offences. When carrying out those risk assessments, Member States should take into account other general or sector-specific risk assessment carried out pursuant to other acts of Union law and should consider the 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.

Amendment

(11) The actions of Member States to identify and help ensure the resilience of critical entities should follow a risk-based approach that targets efforts to the entities most relevant for the performance of vital societal functions or economic activities. In order to ensure such a targeted approach, each Member State should carry out, within a harmonised framework, an assessment of all relevant natural and man-made risks that may affect the provision of essential services, including accidents, natural disasters, *various effects of climate change*, public health emergencies such as pandemics, *hybrid threats* 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.

Amendment 28
Nikos Androulakis

Proposal for a directive
Recital 12

Text proposed by the Commission

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

Amendment

(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, ***common*** criteria, ***based on minimum indicators and methodologies for each sector and sub-sector*** 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 detailed, specific, ***comparable and standardized***, relevant information and, in any event, the list of essential services, the number of critical entities identified for each sector and subsector referred to in the Annex and the essential service or services that each entity provides and any thresholds applied.

Or. en

Amendment 29
Nikos Androulakis

Proposal for a directive
Recital 20

Text proposed by the Commission

(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.

Amendment

(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, ***using a common methodology established for each sector covered.***

Or. en

Amendment 30

Nikos Androulakis, Raphaël Glucksmann

Proposal for a directive

Recital 24

Text proposed by the Commission

(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.

Amendment

(24) The risk of ***misuse of the*** access rights within the ***critical*** entity's organisation to harm and cause damage is of increasing concern, ***especially in the context of growing foreign interference, malicious disinformation and*** radicalisation ***which could lead*** 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, ***while fully respecting their fundamental rights, labour law and data protection and privacy, ruling out any discrimination of biased recruitment procedures,*** 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.

Or. en

Amendment 31
Nikos Androulakis

Proposal for a directive
Recital 25

Text proposed by the Commission

(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 points of contacts.

Amendment

(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. ***The notification should also trigger, where appropriate, an information to users or citizens potentially affected, with clear safety and security guidance.*** 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.

Or. en

Amendment 32
Alexandr Vondra

Proposal for a directive
Recital 29

Text proposed by the Commission

(29) In order to achieve the objectives of this Directive, and without prejudice to the legal responsibility of Member States and critical entities to ensure compliance with their respective obligations set out therein, the Commission should, where it considers it appropriate, undertake certain supporting activities aimed at facilitating compliance with those obligations. When providing support to Member States and critical entities in the implementation of obligations under this Directive, the Commission should build on existing structures and tools, such as those under the Union Civil Protection mechanism and the European Reference Network for Critical Infrastructure Protection.

Amendment

(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. ***Such activities should also include training courses on different aspects of the resilience of critical entities and that special focus of these courses be dedicated to emerging disruptive technologies such as quantum computing.*** When providing support to Member States and critical entities in the implementation of obligations under this Directive, the Commission should build on existing structures and tools, such as those under the Union Civil Protection mechanism and the European Reference Network for Critical Infrastructure Protection.

Or. en

Amendment 33

Lukas Mandl

Proposal for a directive

Recital 29

Text proposed by the Commission

(29) In order to achieve the objectives of this Directive, and without prejudice to the legal responsibility of Member States and critical entities to ensure compliance with their respective obligations set out therein, the Commission should, where it considers it appropriate, undertake certain supporting activities aimed at facilitating compliance with those obligations. When providing support to Member States and critical entities in the implementation of

Amendment

(29) In order to achieve the objectives of this Directive, and without prejudice to the legal responsibility of Member States and critical entities to ensure compliance with their respective obligations set out therein, the Commission should, where it considers it appropriate, undertake certain supporting activities aimed at facilitating compliance with those obligations. When providing support to Member States and critical entities in the implementation of

obligations under this Directive, the Commission should build on existing structures and tools, such as those under the Union Civil Protection mechanism and the European Reference Network for Critical Infrastructure Protection.

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 Commission and the Member States should also ensure that research opportunities in the field of critical entity resilience under Horizon Europe, and the European Defence Fund are fully exploited.***

Or. en

Amendment 34
Nikos Androulakis, Raphaël Glucksmann

Proposal for a directive
Recital 29

Text proposed by the Commission

(29) In order to achieve the objectives of this Directive, and without prejudice to the legal responsibility of Member States and critical entities to ensure compliance with their respective obligations set out therein, the Commission should, where it considers it appropriate, undertake certain supporting activities aimed at facilitating compliance with those obligations. When providing support to Member States and critical entities in the implementation of obligations under this Directive, the Commission should build on existing structures and tools, such as those under the Union Civil Protection mechanism and the European Reference Network for Critical Infrastructure Protection.

Amendment

(29) In order to achieve the objectives of this Directive, and without prejudice to the legal responsibility of Member States and critical entities to ensure compliance with their respective obligations set out therein, the Commission should, where it considers it appropriate, undertake certain supporting activities aimed at facilitating compliance with those obligations. When providing support ***and training*** 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, ***or the European Security and Defence College, which can contribute to the development of a common European security culture.***

Or. en

Amendment 35
Nikos Androulakis

Proposal for a directive
Recital 29 a (new)

Text proposed by the Commission

Amendment

(29 a) In order to achieve the objective of this Directive, as well as to increase the resilience of the Union's neighbouring countries, the Commission and the EEAS should undertake training activities and exercises in order to increase the resilience of critical entities in EU Enlargement and Neighbourhood countries.

Or. en

Amendment 36
Markéta Gregorová
on behalf of the Greens/EFA Group

Proposal for a directive
Article 1 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. This Directive:

1. This Directive lays down measures with a view to achieve a high level of resilience of critical entities in order to ensure the provision of essential services within the Union, and by doing so, ensuring the functioning of the internal market and the provisioning of essential social services.

To that end, this Directive:

Or. en

Amendment 37
Nathalie Loiseau

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive shall not apply to matters covered by Directive (EU) XX/YY [proposed Directive on measures for a high common level of cybersecurity across the Union; ('NIS 2 Directive')], without prejudice to Article 7.

Amendment

2. This Directive shall not apply to matters covered by Directive (EU) XX/YY [proposed Directive on measures for a high common level of cybersecurity across the Union; ('NIS 2 Directive')], without prejudice to Article 7. ***This Directive is without prejudice to the competences of Member States concerning the maintenance of public security, defence and national security in compliance with Union law. As a consequence: (a) public administration entities that carry out activities in the areas of public security, law enforcement, defence or national security are excluded. (b) entities in the sectors referred to in the Annex carrying out activities of a dual nature in connection with or for the benefit of public security, law enforcement, defence or national security are excluded.***

Or. en

Amendment 38

Nikos Androulakis, Raphaël Glucksmann

Proposal for a directive

Article 2 – paragraph 1 – point 3

Text proposed by the Commission

(3) “incident” means any event ***having*** the potential to disrupt, ***or that disrupts,*** the operations of ***the*** critical entity;

Amendment

(3) “incident” means any ***natural or man-made*** event ***which has*** the potential to ***jeopardize the security, to*** disrupt ***the delivery of essential services or the destruction of essential infrastructure in one or more Member States as the results of failure to maintain*** the operations of ***that*** critical entity;

Or. en

Amendment 39

Markéta Gregorová
on behalf of the Greens/EFA Group

Proposal for a directive
Article 2 – paragraph 1 – point 5

Text proposed by the Commission

(5) “essential service” means a service which is essential for the maintenance of vital societal functions or economic activities;

Amendment

(5) “essential service” means a service which is essential for the maintenance of vital societal functions or economic activities, ***public safety, the environment, the rule of law and fundamental rights***;

Or. en

Amendment 40
Nikos Androulakis, Raphaël Glucksmann

Proposal for a directive
Article 2 – paragraph 1 – point 5

Text proposed by the Commission

(5) “essential service” means a service which is essential for the maintenance of vital societal functions ***or*** economic activities;

Amendment

(5) “essential service” means a service which is essential for the maintenance of vital societal ***and democratic*** functions, economic activities, ***public safety and the rule of law***;

Or. en

Amendment 41
Markéta Gregorová
on behalf of the Greens/EFA Group

Proposal for a directive
Article 3 – paragraph 2 – point a

Text proposed by the Commission

(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;

Amendment

(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, ***also in the event of a***

hybrid threat;

Or. en

Amendment 42
Nikos Androulakis

Proposal for a directive
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Competent authorities designated pursuant to Article 8 shall establish a list of essential services in the sectors referred to in the Annex. They shall carry out by [three years after entry into force of this Directive], and subsequently where necessary, and at least every four years, an assessment of all relevant risks that may affect the provision of those essential services, with a view to identifying critical entities in accordance with Article 5(1), and assisting those critical entities to take measures pursuant to Article 11.

Amendment

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 ***based on a common methodology and indicators established for each specific sector covered***, of all relevant risks that may affect the provision of those essential services, with a view to identifying critical entities in accordance with Article 5(1), and assisting those critical entities to take measures pursuant to Article 11.

Or. en

Amendment 43
Alexandr Vondra

Proposal for a directive
Article 4 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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 Council³⁴.

Amendment

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 Council³⁴.

Whereas the emphasis on maintaining continuity of government, energy supply, population movement, water and food resources, emergency response, civil transportation and communications systems are the most essential components to maintaining resilience in the event of a crisis.

³⁴ 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).

³⁴ 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).

Or. en

Amendment 44 **Fabio Massimo Castaldo**

Proposal for a directive **Article 4 – paragraph 1 – subparagraph 1**

Text proposed by the Commission

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 Council³⁴.

³⁴ 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).

Amendment

The risk assessment shall account for all relevant natural and man-made risks, including accidents, natural disasters, public health emergencies, antagonistic threats, including **hybrid threats also in the cyber domain or** terrorist offences **involving conventional and non-conventional weapons such as CBRN agents** pursuant to Directive (EU) 2017/541 of the European Parliament and of the Council³⁴.

³⁴ 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).

Amendment 45**Markéta Gregorová**

on behalf of the Greens/EFA Group

Proposal for a directive**Article 4 – paragraph 1 – subparagraph 1***Text proposed by the Commission*

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 Council³⁴.

³⁴ 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).

Amendment

The risk assessment shall account for all relevant natural and man-made risks, including accidents, natural disasters, public health emergencies, **hybrid threats and large-scale incidents**, antagonistic threats, including terrorist offences pursuant to Directive (EU) 2017/541 of the European Parliament and of the Council³⁴.

³⁴ 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).

Amendment 46**Nikos Androulakis****Proposal for a directive****Article 5 – paragraph 1***Text proposed by the Commission*

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.

Amendment

1. By [three years and three months after entry into force of this Directive] Member States, **based on common guidelines issued by the Commission**, shall identify for each sector and subsector referred to in the Annex, other than points 3, 4 and 8 thereof,

the critical entities.

Or. en

Amendment 47
Nikos Androulakis

Proposal for a directive
Article 5 – paragraph 6

Text proposed by the Commission

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.

Amendment

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 **three** Member States. Where that is so, the Member State concerned shall notify, without undue delay, to the Commission the identity of those critical entities.

Or. en

Amendment 48
Markéta Gregorová
on behalf of the Greens/EFA Group

Proposal for a directive
Article 6 – paragraph 1 – point b

Text proposed by the Commission

(b) the dependency of other sectors referred to in the Annex on that service;

Amendment

(b) the dependency of other sectors referred to in the Annex on that service, **including sectors providing infrastructures and services for institutions in charge of security and defence;**

Or. en

Amendment 49

Markéta Gregorová

on behalf of the Greens/EFA Group

Proposal for a directive

Article 6 – paragraph 1 – point c

Text proposed by the Commission

(c) the impacts that incidents could have, in terms of degree and duration, on economic and societal activities, the environment and public safety;

Amendment

(c) the impacts that incidents could have, in terms of degree and duration, on economic and societal activities, the environment and public safety, ***the rule of law and fundamental rights***;

Or. en

Amendment 50

Fabio Massimo Castaldo

Proposal for a directive

Article 8 – paragraph 5

Text proposed by the Commission

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.

Amendment

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 ***and territorial defence***, law enforcement and protection of personal data, as well as with relevant interested parties, including critical entities. ***At the same time, considering the fact that some critical entities might be private, Member States should find ways to allow a timely effective and thorough cooperation between these entities, private emergency operators potentially operating in these entities and certified by national bodies, and national authorities.***

Or. en

Amendment 51

Markéta Gregorová

on behalf of the Greens/EFA Group

Proposal for a directive

Article 8 – paragraph 5

Text proposed by the Commission

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.

Amendment

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, ***security and defence*** and protection of personal data, as well as with relevant interested parties, including critical entities.

Or. en

Amendment 52

Fabio Massimo Castaldo

Proposal for a directive

Article 9 – paragraph 1

Text proposed by the Commission

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.

Amendment

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, ***including cross-sectoral and cross-border exercises, where appropriate***, to test their resilience and providing ***awareness programs and training*** to personnel of ***national competent authorities and*** critical entities.

Or. en

Amendment 53

Nikos Androulakis

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

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.

Amendment

1. Member States **and when necessary the Commission**, shall support critical entities, **including financially**, 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.

Or. en

Amendment 54
Markéta Gregorová
on behalf of the Greens/EFA Group

Proposal for a directive
Article 11 – paragraph 1 – point a

Text proposed by the Commission

(a) prevent incidents from occurring, including through disaster risk reduction and climate adaptation measures;

Amendment

(a) prevent incidents from occurring, including through disaster risk reduction and climate adaptation measures **and measures contributing to the fight against climate change**;

Or. en

Amendment 55
Nikos Androulakis, Raphaël Glucksmann

Proposal for a directive
Article 11 – paragraph 1 – point b

Text proposed by the Commission

(b) ensure adequate physical protection of sensitive areas, facilities and other infrastructure, including fencing, barriers, perimeter monitoring tools and routines, as

Amendment

(b) ensure adequate physical protection of sensitive areas, facilities and other infrastructure, including fencing, barriers, perimeter monitoring tools and routines, as

well as detection equipment and access controls;

well as detection equipment and access controls, ***while fully respecting data protection and privacy regulations and complying with sectoral and labour law;***

Or. en

Amendment 56
Nikos Androulakis

Proposal for a directive
Article 11 – paragraph 1 – point e

Text proposed by the Commission

(e) ensure adequate ***employee*** security management, including by setting out categories of personnel exercising critical functions, establishing access rights to sensitive areas, facilities and other infrastructure, and to sensitive information as well as identifying specific categories of personnel in view of Article 12;

Amendment

(e) ensure adequate ***staff*** security management, including by 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, ***while fully complying with sectoral and labour law;***

Or. en

Amendment 57
Nikos Androulakis

Proposal for a directive
Article 11 – paragraph 1 – point f

Text proposed by the Commission

(f) raise awareness about the measures referred to in points (a) to (e) among relevant personnel.

Amendment

(f) raise awareness about the measures referred to in points (a) to (e) among relevant personnel ***and include them through social dialogue into the definition, set up and follow up of those measures.***

Or. en

Amendment 58
Nikos Androulakis, Raphaël Glucksmann

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that critical entities may submit requests for background checks on persons who fall within certain specific categories of their personnel, including persons being considered for recruitment to positions falling within those categories, and that those requests are assessed expeditiously by the authorities competent to carry out such background checks.

Amendment

1. Member States shall ensure that critical entities may submit requests for ***proportionate*** 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 ***public*** authorities competent to carry out such background checks. ***Those checks shall be proportionate and strictly limited to what is necessary and relevant for the fulfilment of the duties of the concerned personnel, while fully respecting sectoral and labour law.***

Or. en

Amendment 59
Markéta Gregorová
on behalf of the Greens/EFA Group

Proposal for a directive
Article 13 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(a a) the impact on human life and the environmental consequences;

Or. en

Amendment 60
Nikos Androulakis

Proposal for a directive
Article 14 – paragraph 2

Text proposed by the Commission

2. An entity shall be considered a critical entity of particular European significance when it has been identified as a critical entity and it provides essential services to or in more than **one third of** Member States and has been notified as such to the Commission pursuant to Article 5(1) and (6), respectively.

Amendment

2. An entity shall be considered a critical entity of particular European significance when it has been identified as a critical entity and it provides essential services to or in more than **three** Member States and has been notified as such to the Commission pursuant to Article 5(1) and (6), respectively.

Or. en

Amendment 61
Nikos Androulakis

Proposal for a directive
Article 15 – paragraph 4 – introductory part

Text proposed by the Commission

4. Each advisory mission shall consist of experts from Member States and of Commission representatives. Member States may propose candidates to be part of an advisory mission. The Commission shall select and appoint the members of each advisory mission according to their professional capacity and ensuring a geographically balanced representation among Member States. The Commission shall bear the costs related to the participation in the advisory mission.

Amendment

4. Each advisory mission shall consist of experts from Member States and of Commission representatives. Member States may propose candidates to be part of an advisory mission. The Commission shall select and appoint the members of each advisory mission according to their professional capacity, **diverse background** and ensuring a geographically **and gender** balanced representation among Member States. The Commission shall bear the costs related to the participation in the advisory mission.

Or. en

Amendment 62
Nikos Androulakis

Proposal for a directive
Article 16 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

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 invite representatives of interested parties to participate in its work, ***ensuring a diverse participation of stakeholders, and notably trade unions.***

Or. en

Amendment 63

Markéta Gregorová

on behalf of the Greens/EFA Group

Proposal for a directive

Article 16 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. The Critical Entities Resilience Group, in the spirit of security cooperation and open access, shall regularly publish its findings and appropriately anonymised source data for the general public for use in academia, security research and for other beneficial uses.

Or. en

Amendment 64

Markéta Gregorová

on behalf of the Greens/EFA Group

Proposal for a directive

Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. In order to receive and properly use the information received according to article 13 the Commission shall keep a European registry of incidents and

develop a common European reporting centre, with the aim of developing and sharing best practices and methodologies.

Or. en

Amendment 65

Lukas Mandl

Proposal for a directive

Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Commission shall continue cooperation with third countries, inter alia under the European Programme for Critical Infrastructure Protection and potential successor programmes, and shall support the sharing of best practices with like-minded partners.

Or. en

Amendment 66

Nikos Androulakis

Proposal for a directive

Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Commission shall increase the cooperation with relevant international fora and like-minded third countries especially candidate and Neighbourhood countries, through common training activities and the sharing of best practices.

Or. en