AMENDMENTS
101 - 200

Draft opinion
Alex Agius Saliba
(PE691.165v01-00)

Resilience of critical entities

Proposal for a directive
Amendment 101
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) Council Directive 2008/114/EC 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 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.

Amendment

(1) Council Directive 2008/114/EC 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 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 and the functioning of the internal market.

18 SWD(2019) 308.
Proposal for a directive

Recital 1

Text proposed by the Commission

(1) Council Directive 2008/114/EC\(^\text{17}\) 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\(^\text{18}\) 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.


\(^{18}\) SWD(2019) 308.

Amendment

(1) Council Directive 2008/114/EC\(^\text{17}\) 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\(^\text{18}\) 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, react to, accommodate to and recover from incidents that have the potential to disrupt the operations of the critical entity.


\(^{18}\) SWD(2019) 308.

Or. en

Amendment 103
Isabella Tovaglieri, Antonio Maria Rinaldi, Alessandra Basso

Proposal for a directive

Recital 2
(2) Despite existing measures at Union\textsuperscript{19} 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 threat landscape with evolving state-sponsored hybrid actions and terrorist threats 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.

\textsuperscript{19} European Programme for Critical Infrastructure Protection (EPCIP).

\textbf{Amendment 104}

Isabella Tovaglieri, Antonio Maria Rinaldi, Alessandra Basso

Proposal for a directive
Recital 3

\textbf{Text proposed by the Commission}

(3) Those growing interdependencies are the result of an increasingly cross-

\textbf{Amendment}

(3) Those growing interdependencies are the result of an increasingly cross-
A 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 105
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Proposal for a directive
Recital 4

Text proposed by the Commission

(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

Amendment

(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 creates heterogeneous levels of resilience across Member States impacting
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 companies operating across borders, notably for companies active in Member States with more stringent requirements.

(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 companies operating across borders, notably for companies active in Member States with more stringent requirements.

Or. en

Amendment 106
Isabella Tovaglieri, Antonio Maria Rinaldi, Alessandra Basso

Proposal for a directive
Recital 4

Text proposed by the Commission

(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 companies operating across borders, notably for companies active in Member States with more stringent requirements.

Amendment

(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 and it negatively affects consumers. 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 companies operating across borders, notably for companies active in

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requirements. Member States with more stringent requirements.

Amendment 107
Andreas Schwab, Anna-Michelle Asimakopoulou, Romana Tomc, Ivan Štefanec, Geoffroy Didier, Christian Doleschal
Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

(4a) Due to the increased cross-sectoral and cross-border interdependencies between critical infrastructures, an incident in one Member State can seriously affect activities in another Member State. In order to achieve a high level of resilience of critical infrastructures across the Union, essential services or essential infrastructure should be equally strongly protected and resilient in all Member States. National measures alone are therefore insufficient in addressing risks and situations of disruption of essential services or essential infrastructure.

Amendment 108
Andreas Schwab, Anna-Michelle Asimakopoulou, Romana Tomc, Ivan Štefanec, Geoffroy Didier, Christian Doleschal
Proposal for a directive
Recital 4 b (new)

Text proposed by the Commission

(4b) Differences between national rules relating to the designation and oversight of critical infrastructures as well as differences in requirements may cause
distortions of competition within the internal market. A European framework should therefore also have the effect of levelling the playing field for critical entities across the Union.

Amendment 109
Andreas Schwab, Anna-Michelle Asimakopoulou, Romana Tomec, Ivan Štefanec, Geoffroy Didier, Christian Doleschal

Proposal for a directive
Recital 5

Text proposed by the Commission

(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.

Amendment

(5) Since it is not practical to expect full and continuous critical infrastructure protection, the aim of this Directive should be to make critical infrastructures resilient thereby furthering their capacity to ensure continuous provision of essential services or essential infrastructure or at least to swiftly restore performance after an incident has taken place. Operators of critical infrastructures delivering essential services across the internal market in various sectors necessary for vital societal functions and economic activities, should become resilient against a range of natural and man-made, intentional or unintentional, current and anticipated future risks. 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.

Amendment 110
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn
(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 Council\(^\text{20}\) [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. As a result, the supervision of entities identified as critical or equivalent to critical under this Directive, in matters that fall under the scope of the NIS 2 Directive, will be a responsibility of the competent authorities designated under the NIS 2 Directive.

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[Reference to NIS 2 Directive, once adopted.]

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Amendment 111
Isabella Tovaglieri, Antonio Maria Rinaldi, Alessandra Basso

Proposal for a directive
Recital 11
(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.

(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

Amendment 112
Morten Løkkegaard, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin
Proposal for a directive
Recital 12

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, hybrid threats, 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.

(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.

In order to avoid divergent application of this Directive and improve the functioning of the internal market, a common list of essential services should be established by the Commission in cooperation with the Member States through the procedure for the adoption of delegated acts.

Or. en

Amendment 113
Alex Agius Saliba, Leszek Miller, Marc Angel, Maria Grapini, Adriana Maldonado López, Brando Benifei, Sylvie Guillaume, Evelyne Gebhardt, Monika Beňová, Christel Schaldemose

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

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 in the relevant existing
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.

national sectors and subsectors on their territory listed in the Annex. 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 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 existing national sector and subsector referred to in the Annex and the essential service or services that each entity provides and any thresholds applied.

Justification

The common criteria should be based on minimum indicators and common methodologies for each sector and sub-sector.

Amendment 114
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

(12a) The Commission should provide detailed guidelines to support Member States in identifying critical entities for each national sector and subsector referred to in the Annex and to avoid the risk of a heterogeneous implementation of the Directive.
Amendment 115
Isabella Tovaglieri, Antonio Maria Rinaldi, Alessandra Basso

Proposal for a directive
Recital 16

**Text proposed by the Commission**

(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.

**Amendment**

(16) *In coordination with their national relevant authorities*, 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.

Amendment 116
Alex Agius Saliba, Leszek Miller, Marc Angel, Maria Grapini, Adriana Maldonado López, Brando Benifei, Sylvie Guillaume, Evelyne Gebhardt, Monika Beňová, Maria-Manuel Leitão-Marques, Christel Schaldemose

Proposal for a directive
Recital 17

**Text proposed by the Commission**

(17) In order to facilitate cross-border

**Amendment**

(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.

The single point of contact should also liaise, and coordinate all communication, with the competent authorities of its Member State, with the single points of contact of other Member States, with the Critical Entities Resilience Group established by this Directive and with the single points of contacts of entities identified as critical entities under this Directive. To that end, the single points of contact should use efficient, secured, standardised and harmonised reporting channels.

Justification

Similar to Member States which have to designate single points of contact (SPOC), critical entities should also have the obligation to designate a SPOC. Critical entities can be organisations / companies with complex structures, providing more than one essential service in more than one Member State. The designation of CE SPOC would allow better coordination with Member States on issues related to resilience.

Amendment 117
Alex Agius Saliba, Leszek Miller, Marc Angel, Maria Grapini, Adriana Maldonado López, Brando Benifei, Sylvie Guillaume, Evelyne Gebhardt, Monika Beňová, Maria-Manuel Leitão-Marques, Christel Schaldemose

Proposal for a directive
Recital 17 a (new)

Text proposed by the Commission

(17a) In order to facilitate the cooperation and communication with the
Member States, entities identified as critical entities under this Directive should also designate a single point of contact within the entity. The single point of contact should be used by the critical entity to liaise, coordinate and communicate with the Member States, on measures related to the organisational and technical aspects related to the implementation of this Directive.

Justification

Similar to Member States which have to designate single points of contact (SPOC), critical entities should also have the obligation to designate a SPOC. Critical entities can be organisations / companies with complex structures, providing more than one essential service in more than one Member State. The designation of CE SPOC would allow better coordination with Member States on issues related to resilience.

Amendment 118
Katrin Langensiepen
on behalf of the Greens/EFA Group

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) Given that under the NIS 2 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.

Amendment

(18) Given that under the NIS 2 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. Member States should pay particular attention when transposing this Directive and the NIS 2 Directive in order to ensure that the obligations imposed by each instrument are complementary and that entities can benefit from simplified
Amendment 119
Katrin Langensiepen
on behalf of the Greens/EFA Group

Proposal for a directive
Recital 19

**Text proposed by the Commission**

(19) Member States should support critical entities in strengthening their resilience, in compliance with their obligations 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.

**Amendment**

(19) Member States should support critical entities in strengthening their resilience, in compliance with their obligations 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 and **should** 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.

Amendment 120
Kosma Złotowski

Proposal for a directive
Recital 20
(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. The risk assessments by critical entities should be based on common specifications and methodologies for each sector. They should include minimum indicators, in order to avoid further divergences between Member States, and contingency protocols.

Amendment 121
Isabella Tovaglieri, Antonio Maria Rinaldi, Alessandra Basso
Proposal for a directive
Recital 20

(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, ensuring close cooperation between relevant authorities.
Amendment 122
Isabella Tovaglieri, Antonio Maria Rinaldi, Alessandra Basso

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 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 **intensity of hybrid threats, which are increasingly difficult to track and identify, but also by the** 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. **Specific trainings for employees and operators should be established.**

Amendment 123
Isabella Tovaglieri, Antonio Maria Rinaldi, Alessandra Basso

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...

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. 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.

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 to avoid further and more negative consequences 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. Given the sensitivity of certain events, appropriate forms of confidentiality should be ensured, together with mechanisms to prevent the dissemination of uncontrolled information.

Amendment 124
Morten Lokkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

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

Text proposed by the Commission

1. This Directive:

Amendment

1. This Directive lays down measures with a view to achieve a high level of resilience of critical entities within the Union in order to ensure an effective provision of essential services and to improve the functioning of the internal market.

To that end, this Directive:

Or. en
Amendment 125
Isabella Tovaglieri, Antonio Maria Rinaldi, Alessandra Basso

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

Text proposed by the Commission

(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;

Amendment

(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, especially if they are particularly vulnerable;

Or. en

Amendment 126
Isabella Tovaglieri, Antonio Maria Rinaldi, Alessandra Basso

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

Text proposed by the Commission

(b) establishes obligations for critical entities aimed at enhancing their resilience and improving their ability to provide those services in the internal market;

Amendment

(b) establishes obligations for critical entities aimed at enhancing their resilience and improving their ability to provide those services in the internal market, and, in the event of an interruption, to promptly limit the damage or mitigate possible consequences in consultation with the designated national authorities;

Or. en

Amendment 127
Katrin Langensiepen
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. A coherent approach shall be ensured between these acts, such as by ensuring that entities under NIS 2 susceptible to being subject to obligations under this Directive, where possible, benefit from a single point of contact and a common set of rules.

Or. en

Amendment 128
Andreas Schwab, Anna-Michelle Asimakopoulou, Romana Tomec, Ivan Štefanec, Geoffroy Didier, Christian Doleschal

Proposal for a directive
Article 1 – paragraph 4

Text proposed by the Commission

4. Without prejudice to Article 346 TFEU, information that is confidential pursuant to Union and national rules, such as rules on business confidentiality, shall be exchanged with the Commission and other relevant authorities only where that exchange is necessary for the application of this Directive. The information exchanged shall be limited to that which is relevant and proportionate 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.

Amendment

4. Without prejudice to Article 346 TFEU, information that is confidential pursuant to Union and national rules, such as rules on business confidentiality, shall be exchanged with the Commission and other relevant authorities only where that exchange is necessary for the application of this Directive. The information exchanged shall be limited to that which is relevant and proportionate 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 the entities concerned.
Amendment 129
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

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

Text proposed by the Commission

(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;

Amendment

(2) “resilience” means the ability to prevent, resist, manage, mitigate, absorb, accommodate to and recover from an incident that disrupts or has the potential to disrupt the operations of a critical entity;

Or. en

Amendment 130
Alex Agius Saliba, Leszek Miller, Marc Angel, Maria Grapini, Adriana Maldonado López, Brando Benifei, Sylvie Guillaume, Evelyne Gebhardt, Monika Beňová, Christel Schaldemose

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 event which results in a disruption of essential services or essential infrastructure or the destruction of essential infrastructure and has a significant cross-sectoral or cross-border effect on the delivery of those services in one or more Member States as a result of the failure to maintain the operations of the critical entity;

Justification

technical amendment
Amendment 131
Alex Agius Saliba, Leszek Miller, Marc Angel, Maria Grapini, Adriana Maldonado López, Brando Benifei, Sylvie Guillaume, Evelyne Gebhardt, Monika Beňová, Maria-Manuel Leitão-Marques, Christel Schaldemose

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 wellbeing of citizens and the maintenance of vital societal functions or economic activities and proper functioning of the internal market and the disruption of which would have a significant cross-sectoral or cross-border effect on the provision of that service, in one or more Member States;

Or. en

Justification

technical amendment

Amendment 132
Kosma Złotowski

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 and the provision of that service or of other essential services would be significantly disrupted by an incident;

Or. en
Amendment 133
Kateřina Konečná

Proposal for a directive
Article 2 – paragraph 1 – point 6

Text proposed by the Commission
(6) “risk” means any circumstance or event having a potential adverse effect on the resilience of critical entities;

Amendment
(6) “risk” means any circumstance or event having a potential adverse effect on the resilience of critical entities;

regular business risk to operations derived from market conditions, or risk derived from democratic decision-making shall not be considered as a "risk" within the meaning of this Directive.

Justification
It should be understood that critical entities cannot consider either regular democratic oversight and the ability of national parliaments to legislate as "risk", nor risk derived from operating in the Single Market.

Amendment 134
Alex Agius Saliba, Leszek Miller, Marc Angel, Maria Grapini, Adriana Maldonado López, Brando Benifei, Sylvie Guillaume, Evelyne Gebhardt, Monika Beňová, Maria-Manuel Leitão-Marques, Christel Schaldemose

Proposal for a directive
Article 2 – paragraph 1 – point 7

Text proposed by the Commission
(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.

Amendment
(7) “risk assessment” means a methodology to determine the nature and extent of a risk by assessing the extent of potential threats and hazards against the resilience of the critical entity, analysing existing conditions of vulnerability that could facilitate the disruption of operations of the critical entity and evaluating the potential adverse effect the disruption of operations could have on the provision of essential services.
Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

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.

Amendment

1. Each Member State shall adopt by [two 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.

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 and the connections in the supply chains;

Or. en
Amendment 137
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

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

Text proposed by the Commission
(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;

Amendment
(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 including measures to enhance cooperation between the public and private entities;

Or. en

Amendment 138
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Proposal for a directive
Article 3 – paragraph 2 – point d a (new)

Text proposed by the Commission
(da) a policy framework addressing specific needs of SMEs in complying with obligations set by this Directive in relation to guidance and support in improving their resilience to non-cybersecurity threats and incentivising the adoption of necessary measures;

Amendment

Or. en

Amendment 139
Morten Løkkegaard, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin
Proposal for a directive  
Article 4 – paragraph 1 – subparagraph 1  

Text proposed by the Commission

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

The Commission is empowered to adopt a delegated act in accordance with Article 21 in order to establish a list of essential services in the sectors, subsectors and types of entities referred to in the Annex. The Commission shall adopt the delegated act no later than six months following the date of entry into force of this Directive. Competent authorities designated pursuant to Article 8 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 the essential services listed in the delegated act, 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 140
Kosma Złotowski

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

Text proposed by the Commission

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

Amendment

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 with a view to identifying essential services, and the corresponding critical entities in accordance with Article
with Article 5(1), and assisting those critical entities to take measures pursuant to Article 11.

5(1) and assisting those critical entities to take measures pursuant to Article 11.

Or. en

Amendment 141
Isabella Tovaglieri, Antonio Maria Rinaldi, Alessandra Basso

Proposal for a directive
Article 4 – paragraph 1 – subparagraph 2

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 Council.

Amendment


________________


Or. en

Amendment 142
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Proposal for a directive
Article 4 – paragraph 2 – point c

Text proposed by the Commission

(c) any risks arising from the dependencies between the sectors referred

Amendment

(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; 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 and the internal market;

Amendment 143
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Proposal for a directive
Article 4 – paragraph 2 – subparagraph 2

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>For the purposes of point (c) of the first subparagraph, Member States shall closely cooperate with the Commission and the competent authorities of other Member States and third countries.</td>
</tr>
</tbody>
</table>

Amendment 144
Kosma Złotowski

Proposal for a directive
Article 4 – paragraph 4

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>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 five years.</td>
</tr>
</tbody>
</table>
Amendment 145
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Proposal for a directive
Article 4 – paragraph 5

Text proposed by the Commission
5. The Commission may, in cooperation with the Member States, develop a voluntary common reporting template for the purposes of complying with paragraph 4.

Amendment
5. The Commission shall, in cooperation with the Member States, develop a voluntary common reporting template for the purposes of complying with paragraph 4.

Amendment 146
Andreas Schwab, Anna-Michelle Asimakopoulou, Romana Tomc, Ivan Štefanec, Geoffroy Didier, Christian Doleschal

Proposal for a directive
Article 5 – paragraph 1 a (new)

Text proposed by the Commission
1a. The European Commission may issue recommendations to Member States to identify specific essential services, infrastructures and the entities providing them and include them in their list of critical entities.

Amendment

Or. en

Amendment 147
Kosma Złotowski

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

Text proposed by the Commission
(c) an incident would have significant disruptive effects on the provision of the

deprecated

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service or of other essential services in the sectors referred to in the Annex that depend on the service.

Amendment 148
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Proposal for a directive
Article 5 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

The Commission shall provide detailed guidelines to support Member States in identifying critical entities for each sector, subsector and types of entities referred to in the Annex.

Amendment

Or. en

Amendment 149
Kosma Zlotowski

Proposal for a directive
Article 5 – paragraph 3 – subparagaph 1

Text proposed by the Commission

Each Member State shall establish a list of the critical entities identified and ensure that 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.

Amendment

Each Member State shall establish a list of the critical entities identified and ensure that those critical entities are notified of their identification as critical entities within three months 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.

Or. en
Amendment 150
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Proposal for a directive
Article 5 – paragraph 3 – subparagraph 1 a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
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<tbody>
<tr>
<td>When establishing the list of critical entities under this Directive, Member States shall develop a coherent approach in relation to the NIS 2 Directive, taking into account its scope. Member States shall ensure that essential entities falling in Annex I of the NIS 2 Directive, but that are not identified as critical entities under this Directive, enhance, where appropriate, the resilience of their essential services to non-cybersecurity attacks, threats or incidents.</td>
<td></td>
</tr>
</tbody>
</table>

Or. en

Amendment 151
Katrin Langensiepen
on behalf of the Greens/EFA Group

Proposal for a directive
Article 5 – paragraph 6

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>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 fifth 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.</td>
<td></td>
</tr>
</tbody>
</table>

Or. en
Amendment 152
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

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 153
Kosma Złotowski

Proposal for a directive
Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

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:

Amendment

1. When determining the significance of a disruptive effect as referred to in point (5) of Article 2(1), Member States shall take into account the following criteria:

Or. en

Amendment 154
Isabella Tovaglieri, Antonio Maria Rinaldi, Alessandra Basso
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, public safety and the citizens;

Amendment 155

Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

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

Text proposed by the Commission

(e) the geographic area that could be affected by an incident, including any cross-border impacts;

Amendment

(e) the geographic area that could be affected by an incident, including any cross-border and cross-sector impacts;

Amendment 156

Alex Agius Saliba, Leszek Miller, Marc Angel, Maria Grapini, Adriana Maldonado López, Brando Benifei, Sylvie Guillaume, Evelyne Gebhardt, Maria-Manuel Leitão-Marques, Monika Beňová, Christel Schaldemose

Proposal for a directive  
Article 6 – paragraph 1 – point e a (new)

Text proposed by the Commission

(ea) the vulnerability associated with the degree of isolation of certain types of geographic areas, such as insular regions, outermost regions or mountainous areas;

Amendment

(ea) the vulnerability associated with the degree of isolation of certain types of geographic areas, such as insular regions, outermost regions or mountainous areas;
Justification

When determining the significant disruptive effects, the vulnerability of remote geographically isolated areas should be taken into account, which could also increase the effect of an incident.

Amendment 157
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Proposal for a directive
Article 6 – paragraph 2 – point b a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ba) the geographical coverage of the services provided by the critical entities in each sector, including information on any cross-border impacts;</td>
<td></td>
</tr>
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</table>

Amendment 158
Kateřina Konečná

Proposal for a directive
Article 8 – paragraph 3

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>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).</td>
<td></td>
</tr>
<tr>
<td>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 Member States' single point of contact, 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).</td>
<td></td>
</tr>
</tbody>
</table>

Or. en
Amendment 159
Isabella Tovaglieri, Antonio Maria Rinaldi, Alessandra Basso

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 and also in developing specific protocols, agreements, cooperation and exchange of information and expertise between the public and the private sector. 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 160
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

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 guidelines and guidance materials and methodologies, supporting the organisation of exercises to test their resilience and providing periodic training to personnel of critical entities.

Or. en

Amendment 161
Kosma Złotowski
Proposal for a directive  
Article 10 – paragraph 2

**Text proposed by the Commission**

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.

**Amendment**

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 which would hinder the proper functioning of the internal market. 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.

*Or. en*

Amendment 162
Isabella Tovaglieri, Antonio Maria Rinaldi, Alessandra Basso

Proposal for a directive  
Article 10 – paragraph 2

**Text proposed by the Commission**

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.

**Amendment**

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, including an assessment of the international situation. 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.
Amendment 163
Andreas Schwab, Anna-Michelle Asimakopoulou, Romana Tomec, Ivan Štefanec, Geoffroy Didier, Christian Doleschal

Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission
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.

Amendment
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 other Member States, on European level, and in 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.

Amendment 164
Isabella Tovaglieri, Antonio Maria Rinaldi, Alessandra Basso

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, protection from hybrid threats and climate adaptation measures;

Or. en
Amendment 165
Isabella Tovaglieri, Antonio Maria Rinaldi, Alessandra Basso

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 employee security management and training, 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;

Or. en

Amendment 166
Isabella Tovaglieri, Antonio Maria Rinaldi, Alessandra Basso

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 and train employees and operators about the measures referred to in points (a) to (e) among relevant personnel.

Or. en

Amendment 167
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

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

Text proposed by the Commission
(f) raise awareness about the measures

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

Amendment 168
Kosma Złotowski

Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission

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 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.

Amendment

2. Member States shall ensure that critical entities have in place and apply a resilience plan or equivalent document or documents detailing the measures in accordance with paragraph 1. Where critical entities have put in place measures pursuant to obligations laid down in other Union legislation that are also relevant to the measures referred to in paragraph 1, they shall also describe those measures in the resilience plan or equivalent document or documents. The resilience plan shall further describe the critical entity’s organisational arrangements to ensure business continuity in accordance with ISO 22301 and adequate information security in accordance with ISO/IEC 27001;

Amendment 169
Alex Agius Saliba, Leszek Miller, Marc Angel, Maria Grapini, Adriana Maldonado López, Brando Benifei, Sylvie Guillaume, Evelyne Gebhardt, Monika Beňová, Maria-Manuel Leitão-Marques, Christel Schaldemose

Proposal for a directive
Article 11 – paragraph 2 a (new)
2a. Member States shall ensure that critical entities designate within three months after receiving the notification referred to in Article 5(3), a single point of contact to exercise a liaison function with the Member States on issues related to the technical and organisational measures referred to in paragraph 1.

Justification

Similar to Member States which have to designate single points of contact (SPOC), the critical entities should designate a SPOC, which would allow better coordination with Member States on issues related to the implementation of this Directive.

Amendment 170
Kosma Złotowski

Proposal for a directive
Article 11 – paragraph 4

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.

Or. en
Amendment 171
Katrin Langensiepen
on behalf of the Greens/EFA Group

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 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. Those persons shall be informed in advance about the checks, including general information about how, when and by whom the checks will be carried out.

Or. en

Amendment 172
Katrin Langensiepen
on behalf of the Greens/EFA Group

Proposal for a directive
Article 12 – paragraph 2 – point c

Text proposed by the Commission

(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.

Amendment

(c) in exceptional cases, when deemed necessary by Member States, cover previous employments, education and any gaps in education or employment in the person’s resume during a maximum of the ten preceding years.

Or. en
Amendment 173
Katrin Langensiepen
on behalf of the Greens/EFA Group

Proposal for a directive
Article 12 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The background checks referred to in paragraph 1 shall fully respect the requirements under Union and national law. The results communicated to the entity should be limited to what is strictly necessary to achieve the aims of the background check.

Or. en

Amendment 174
Kosma Złotowski

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

Amendment

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 shall not make the critical entities subject to increased liability.

1. Member States shall ensure that critical entities notify without undue delay, but no later than 24 hours after the detection of the incident 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 shall not make the critical entities subject to increased liability.

Or. en
Amendment 175  
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Proposal for a directive
Article 13 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

If the incident has, or may have, a significant impact on critical entities or the continuity of the provision of essential services in more than three Member States, critical entities of particular European significance shall additionally 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 the information in a way that respects its confidentiality and protects the security and commercial interest of the critical entity concerned.

Or. en

Amendment 176
Andreas Schwab, Anna-Michelle Asimakopoulou, Romana Tomec, Ivan Štefanec, Geoffroy Didier, Christian Doleschal

Proposal for a directive
Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The information provided has to be treated swiftly by the competent authorities in a way that respects its confidentiality and protects the security and commercial interest of the critical entity concerned.

Or. en
Amendment 177
Katrin Langensiepen
on behalf of the Greens/EFA Group

Proposal for a directive
Article 13 – paragraph 2 – point a

Text proposed by the Commission
(a) the number of users affected by the disruption or potential disruption;

Amendment
(a) the number of individual and business users affected by the disruption or potential disruption;

Or. en

Amendment 178
Kosma Złotowski

Proposal for a directive
Article 13 – paragraph 2 – point a

Text proposed by the Commission
(a) the number of users affected by the disruption or potential disruption;

Amendment
(a) the estimated number of users affected by the disruption or potential disruption;

Or. en

Amendment 179
Alex Agius Saliba, Leszek Miller, Marc Angel, Maria Grapini, Adriana Maldonado López, Brando Benifei, Sylvie Guillaume, Evelyne Gebhardt, Monika Beňová, Maria-Manuel Leitão-Marques, Christel Schaldemose

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

Text proposed by the Commission
(ca) the degree of isolation of the areas affected by the incident, and in particular if it affects insular and outermost regions or mountainous areas;

Amendment

Or. en
Justification

When determining the significant disruptive effects, the vulnerability of remote geographically isolated areas should be taken into account, which could also increase the effect of an incident.

Amendment 180
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

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

Text proposed by the Commission

Amendment

(ca) the impact on the functioning of the internal market

Or. en

Amendment 181
Katrin Langensiepen
on behalf of the Greens/EFA Group

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

Text proposed by the Commission

Amendment

(ca) any impact on human life or the environment.

Or. en

Amendment 182
Andreas Schwab, Anna-Michelle Asimakopoulou, Romana Tomec, Ivan Štefanec, Geoffroy Didier, Christian Doleschal

Proposal for a directive
Article 13 – paragraph 3 – subparagraph 2
Text proposed by the Commission

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.

Amendment

In so doing, the **competent authorities and 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.

Amendment 183
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Proposal for a directive
Article 13 – paragraph 4 – subparagraph 1 a (new)

Text proposed by the Commission

The competent authority shall inform the public of the 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 could be affected by the incident and where relevant, of any possible safety measures or remedies.

Amendment

Or. en

Amendment 184
Katrin Langensiepen
on behalf of the Greens/EFA Group

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

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 one **third** of Member States and has been notified as such to the Commission pursuant to Article 5(1) and (6), respectively.

Amendment 185
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

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.

Amendment 186
Kateřina Konečná

Proposal for a directive
Article 15

**Text proposed by the Commission**

[...]

**Amendment**

deleted

Or. cs

Amendment 187
Kateřina Konečná
Proposal for a directive
Article 15 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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 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.

Amendment

Upon request of one or more Member States, 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 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.

Or. en

Justification

Civil protection is a core competence of the Member States.

Amendment 188
Kateřina Konečná

Proposal for a directive
Article 15 – paragraph 2

Text proposed by the Commission

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.

Amendment

2. Upon request of one or more Member States, 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.

Or. en
Justification

Civil protection is a core competence of the Member States.

Amendment 189
Kateřina Konečná

Proposal for a directive
Article 15 – paragraph 3 – subparagraph 2

Text proposed by the Commission

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.

Amendment

The Critical Entities Resilience Group shall analyse the report and, where necessary, shall advise the Member States and 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.

Or. en

Amendment 190
Kateřina Konečná

Proposal for a directive
Article 15 – paragraph 4 – subparagraph 1

Text proposed by the Commission

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

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, including at least one from the Member State in which the critical entity is located. The Commission
shall bear the costs related to the participation in the advisory mission.

Or. en

Amendment 191
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Proposal for a directive
Article 16 – paragraph 2 – subparagraph 1

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>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 and stakeholders to participate in its work.</td>
</tr>
</tbody>
</table>

Or. en

Amendment 192
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Proposal for a directive
Article 16 – paragraph 3 – point a

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(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;</td>
<td>(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 and promoting its uniform implementation in the Member States;</td>
</tr>
</tbody>
</table>

Or. en
Amendment 193
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Proposal for a directive
Article 16 – paragraph 3 – point b

Text proposed by the Commission

(b) evaluating the strategies on the resilience of critical entities referred to in Article 3 and identifying best practices in respect of those strategies;

Amendment

(b) evaluating the national strategies on the resilience of critical entities referred to in Article 3, the Member States preparedness and identifying best practices in respect of those strategies;

Or. en

Amendment 194
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Proposal for a directive
Article 16 – paragraph 3 – point b a (new)

Text proposed by the Commission

(ba) exchanging information on political priorities and key challenges relating to the resilience of critical entities;

Amendment

(ba) exchanging information on political priorities and key challenges relating to the resilience of critical entities;

Or. en

Amendment 195
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Proposal for a directive
Article 16 – paragraph 3 – point c

Text proposed by the Commission

(c) facilitating the exchange of best practices with regard to the identification of critical entities by the Member States in

Amendment

(c) facilitating the exchange of information and best practices with regard to the identification of critical entities by
accordance with Article 5, including in relation to cross-border dependencies and regarding risks and incidents;

the Member States in accordance with Article 5, including in relation to cross-border dependencies and regarding risks and incidents;

Or. en

Amendment 196
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Proposal for a directive
Article 16 – paragraph 3 – point h a (new)

Text proposed by the Commission

Amendment

(ha) promoting and supporting coordinated risk assessments and joint actions among critical entities;

Or. en

Amendment 197
Katrin Langensiepen
on behalf of the Greens/EFA Group

Proposal for a directive
Article 16 – paragraph 3 – point h a (new)

Text proposed by the Commission

Amendment

(ha) publishing relevant findings from its work, to facilitate academic and security research.

Or. en

Amendment 198
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin

Proposal for a directive
Article 16 – paragraph 4
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.

Amendment

Amendment 199
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Svenja Hahn

Proposal for a directive
Article 16 – paragraph 7

Text proposed by the Commission

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.

Amendment

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. The Commission shall regularly publish a summary report of the activities of the Critical Entities Resilience Group.

Amendment 200
Morten Løkkegaard, Liesje Schreinemacher, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin

Proposal for a directive
Article 21 – paragraph 6
Text proposed by the Commission

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 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.

Amendment

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 Council within a period of three 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 three months at the initiative of the European Parliament or of the Council.

Or. en