AMENDMENTS
46 - 270

Draft report
Michal Šimečka
(PE691.097v01.00)

on the proposal for a directive of the European Parliament and of the Council
on the resilience of critical entities

Proposal for a directive
Amendment 46
Diana Riba i Giner

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) Council Directive 2008/114/EC\textsuperscript{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\textsuperscript{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.


\textsuperscript{18} SWD(2019) 308.

Amendment

(1) Council Directive 2008/114/EC\textsuperscript{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\textsuperscript{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. Such disruption could negatively impact the functioning of the internal market and of essential social services.


\textsuperscript{18} SWD(2019) 308.

Or. en

Amendment 47
Lukas Mandl
Proposal for a directive
Recital 1

Text proposed by the Commission

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

Proposal for a directive
Recital 2

Amendment

(1) Council Directive 2008/114/EC\(^{17}\) 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\(^{18}\) 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 provision of essential services by the critical entity.


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

Amendment 48
Diana Riba i Giner

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 \textit{terrorist threat and growing} interdependencies between infrastructures and sectors, as well as an increased physical risk due to natural disasters and climate change, which increases the frequency and scale of extreme weather events and brings long-term changes in average climate that can reduce the capacity and efficiency of certain infrastructure types if resilience or climate adaptation measures are not in place. Moreover, relevant sectors and types of entities are not recognised consistently as critical in all Member States.

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

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**Amendment 49**

Annalisa Tardino

Proposal for a directive

Recital 2

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(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 landscape with growing interdependencies between infrastructures and sectors, as well as an increased physical risk due to natural disasters and climate crisis. The climate crisis also severely 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. Therefore, fighting climate change should be considered an essential contribution to the resilience of our societies, which implies that more urgent and more ambitious action needs to be taken also outside the scope of this Directive. 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).
(2) Despite existing measures at Union\(^{19}\) 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 terrorist threat and growing interdependencies between infrastructures and sectors, as well as an increased physical risk due to natural disasters and climate change, which increases the frequency and scale of extreme weather events and brings long-term changes in average climate that can reduce the capacity and efficiency of certain infrastructure types if resilience or climate adaptation measures are not in place. Moreover, relevant sectors and types of entities are not recognised consistently as critical in all Member States.

\(^{19}\) European Programme for Critical Infrastructure Protection (EPCIP).
infrastructures in the Union, the entities operating those infrastructures are not adequately equipped to address current and anticipated future risks to their operations that may result in disruptions of the provision of services that are essential for the performance of vital societal functions or economic activities. This is due to a dynamic threat landscape with an evolving terrorist threat and growing interdependencies between infrastructures and sectors, as well as an increased physical risk due to natural disasters and climate change, which increases the frequency and scale of extreme weather events and brings long-term changes in average climate that can reduce the capacity and efficiency of certain infrastructure types if resilience or climate adaptation measures are not in place. Moreover, relevant sectors and types of entities are not recognised consistently as critical in all Member States.

19 European Programme for Critical Infrastructure Protection (EPCIP).

Or. en

\textbf{Justification}

The amendment seeks to distinguish more clearly between manmade and natural threats.

\underline{Amendment 51}
\underline{Peter Pollák}

\textbf{Proposal for a directive}
\textbf{Recital 2}

\textit{Text proposed by the Commission}

(2) Despite existing measures at Union\textsuperscript{19} and national level aimed at supporting the protection of critical infrastructures in the Union, the entities

\textit{Amendment}

(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 terrorist threat and growing interdependencies between infrastructures and sectors, as well as an increased physical risk due to natural disasters and climate change, which increases the frequency and scale of extreme weather events and brings long-term changes in average climate that can reduce the capacity and efficiency of certain infrastructure types if resilience or climate adaptation measures are not in place.

Moreover, relevant sectors and types of entities are not recognised consistently as critical in all Member States.

19 European Programme for Critical Infrastructure Protection (EPCIP).

Amendment 52
Pernando Barrena Arza
Proposal for a directive
Recital 2

(2) Despite existing measures at Union\(^\text{19}\) 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 security, including cyber-security. This is due to a dynamic threat landscape with an evolving terrorist threat and growing interdependencies between infrastructures and sectors, as well as an increased physical risk due to natural disasters and climate change, which increases the frequency and scale of extreme weather events and brings long-term changes in average climate that can reduce the capacity and efficiency of certain infrastructure types if resilience or climate adaptation measures are not in place.

Moreover, relevant sectors and types of entities are not recognised consistently as critical in all Member States.

19 European Programme for Critical Infrastructure Protection (EPCIP).
the performance of vital societal functions or economic activities. This is due to a dynamic threat landscape with an evolving terrorist threat and growing interdependencies between infrastructures and sectors, as well as an increased physical risk due to natural disasters and climate change, which increases the frequency and scale of extreme weather events and brings long-term changes in average climate that can reduce the capacity and efficiency of certain infrastructure types if resilience or climate adaptation measures are not in place. Moreover, relevant sectors and types of entities are not recognised consistently as critical in all Member States.

19 European Programme for Critical Infrastructure Protection (EPCIP).

Amendment 53
Annalisa Tardino

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) Those growing interdependencies are the result of an increasingly cross-border and interdependent network of service provision using key infrastructures across the Union in the sectors of energy, transport, banking, financial market infrastructure, digital infrastructure, drinking and waste water, health, certain aspects of public administration, as well as space in as far as the provision of certain services depending on ground-based infrastructures that are owned, managed and operated either by Member States or by private parties is concerned, therefore not covering infrastructures owned, operated and managed by Member States or by private parties.

Amendment

(3) Those growing interdependencies are the result of an increasingly cross-border and interdependent network of service provision using key infrastructures across the Union in the sectors of energy, transport, banking, financial market infrastructure, digital infrastructure, drinking and waste water, health, waste management, food supply chain, 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
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.

Those growing interdependencies are the result of an increasingly cross-border and interdependent network of service provision using key infrastructures across the Union in the sectors of energy, transport, banking, financial market infrastructure, digital infrastructure, drinking and waste water, food production, processing and delivery, 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 as well as on the security of Union citizens. The COVID-19 pandemic has shown the vulnerability of our increasingly interdependent societies in the face of low-probability risks.

Amendment 54
Lukas Mandl

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) Those growing interdependencies are the result of an increasingly cross-border and interdependent network of service provision using key infrastructures across the Union in the sectors of energy, transport, banking, financial market infrastructure, digital infrastructure, drinking and waste water, health, certain aspects of public administration, as well as space in as far as the provision of certain services depending on ground-based infrastructures that are owned, managed and operated either by Member States or by private parties is concerned, therefore not covering infrastructures owned, managed or operated by or on behalf of the Union as part of its space programmes. These interdependencies mean that any disruption, even one initially confined to one entity or one sector, can have cascading effects more broadly, potentially resulting in far-reaching and long-lasting negative impacts in the delivery of services across the internal market as well as on the security of Union citizens. The COVID-19 pandemic has shown the vulnerability of our increasingly interdependent societies in the face of low-probability risks.

Amendment

(3) Those growing interdependencies are the result of an increasingly cross-border and interdependent network of service provision using key infrastructures across the Union in the sectors of energy, transport, banking, financial market infrastructure, digital infrastructure, drinking and waste water, food production, processing and delivery, 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
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.

resulting in far-reaching and long-lasting negative impacts in the delivery of services across the internal market. The COVID-19 pandemic has shown the vulnerability of our increasingly interdependent societies in the face of low-probability risks.

Or. en

Amendment 55
Pernando Barrena Arza

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) Those growing interdependencies are the result of an increasingly cross-border and interdependent network of service provision using key infrastructures across the Union in the sectors of energy, transport, banking, financial market infrastructure, digital infrastructure, drinking and waste water, health, certain aspects of public administration, as well as space in as far as the provision of certain services depending on ground-based infrastructures that are owned, managed and operated either by Member States or by private parties is concerned, therefore not covering infrastructures owned, managed or operated by or on behalf of the Union as part of its space programmes. These interdependencies mean that any disruption, even one initially confined to one entity or one sector, can have cascading effects more broadly, potentially resulting in far-reaching and long-lasting negative impacts in the delivery of services across the internal market. The COVID-19 pandemic has shown the vulnerability of our increasingly interdependent societies in the face of low-probability risks.

Amendment

(3) Those growing interdependencies are the result of an increasingly cross-border and interdependent network of service provision using key infrastructures across the Union in the sectors of energy, transport, banking, financial market infrastructure, digital infrastructure, drinking and waste water, health, certain aspects of public administration, as well as space in as far as the provision of certain services depending on ground-based infrastructures that are owned, managed and operated either by Member States or by private parties is concerned, therefore not covering infrastructures owned, managed or operated by or on behalf of the Union as part of its space programmes. These interdependencies mean that any disruption, even one initially confined to one entity or one sector, can have cascading effects more broadly, potentially resulting in far-reaching and long-lasting negative impacts in the delivery of services across the internal market and on the human wellbeing. The COVID-19 pandemic has shown the vulnerability of our increasingly interdependent societies in the face of low-probability risks.

Or. en
(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

(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. The resilience of critical entities gives investors and companies reliability and trust, something that are cornerstones of a well-working internal market. It also ensures that essential social services are not interrupted, thereby contributing to protecting the weakest in society. 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.

Thus, the Member States and the Commission should aim at reaching a common understanding of classifications with a view to achieving the highest possible level of protection of critical entities across the Union.

Or. en

Amendment 58
Patryk Jaki
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 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. Thus, the Member States and the Commission should aim at reaching a common understanding of classifications with a view to achieving the highest possible level of protection of critical entities across the Union.

Amendment

(4) The entities involved in the provision of essential services are 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
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

Justification

It is clear from the impact assessment and Staff Working Document that the divergent approach at Member State level and the inconsistent approach in EU legislation hinders more effective critical infrastructure protection. It is not clear, however, that this divergence is increasing. This amendment seeks to align the legal text with the available evidence.

Amendment 59
Pernando Barrena Arza
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

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. 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 60
Patryk Jaki

Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

(4a) At Union level there is no single recognised list of critical infrastructure sectors and different pieces of legislation cover different sets of sectors.

Amendment

Or. en

Justification

The Commission Staff Working Document points out that there is no consistent approach towards critical infrastructure in existing EU legislation.

Amendment 61
Lukas Mandl

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) It is therefore necessary to lay down harmonised minimum rules to ensure the provision of essential services in the internal market, enhance the resilience of critical entities, and improve in particular
cross-border cooperation of competent authorities.

Amendment 62
Patryk Jaki
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) 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. It is essential that those rules are future-proof.

Justification

In order for this Directive to be effective, it must have built-in ways to deal with novel threats.

Amendment 63
Pernando Barrena Arza
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) It is therefore necessary to lay down harmonised minimum rules to ensure the provision of essential services to the population and enhance the resilience of critical entities.

Amendment 64
Lukas Mandl

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) In order to achieve that objective, Member States should identify critical entities that should be subject to specific requirements and oversight, but also particular support and guidance aimed at achieving a high level of resilience in the face of all relevant risks.

Amendment

(6) In order to achieve that objective, Member States should identify critical entities that should be subject to specific requirements and oversight, but also particular support and guidance aimed at achieving a high level of resilience in the face of all relevant risks. At the same time, Member States should limit the amount of additional bureaucratic measures they impose on critical entities to the absolute minimum and should make sure that national and international notification requirements do not duplicate notification requirements at Union level.

Or. en

Amendment 65
Peter Pollák

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) In order to achieve that objective, Member States should identify critical entities that should be subject to specific requirements and oversight, but also particular support and guidance aimed at achieving a high level of resilience in the face of all relevant risks.

Amendment

(6) In order to achieve that objective, Member States should identify critical entities that should be subject to specific requirements and oversight, but also particular support and guidance aimed at achieving a high level of resilience in the face of all relevant risks. To this end, mutual information and cooperation between Member States should be improved.

Or. sk
Amendment 66  
Patryk Jaki  
Proposal for a directive  
Recital 6

Text proposed by the Commission

(6) In order to achieve that objective, Member States should identify critical entities that should be subject to specific requirements and oversight, but also particular support and guidance aimed at achieving a high level of resilience in the face of *all relevant* risks.

Amendment

(6) In order to achieve that objective, Member States should identify critical entities that should be subject to specific requirements and oversight, but also particular support and guidance aimed at achieving a high level of resilience in the face of *current and future* risks.

Or. en

**Justification**

*In order for this Directive to be effective, it must have built-in ways to deal with novel threats.*

Amendment 67  
Pernando Barrena Arza  
Proposal for a directive  
Recital 6 a (new)

**Text proposed by the Commission**

(6a) Account should be taken of the fact that the operations of many critical entities are limited to the local or regional level, including EU regions. In accordance with Member States’ constitutional order and requirements, Member States should be able to delegate tasks under this Directive to territorial entities, as appropriate, in order to better guarantee the provision of essential services to their entire population.

Amendment

(6a) Account should be taken of the fact that the operations of many critical entities are limited to the local or regional level, including EU regions. In accordance with Member States’ constitutional order and requirements, Member States should be able to delegate tasks under this Directive to territorial entities, as appropriate, in order to better guarantee the provision of essential services to their entire population.

Or. en

Amendment 68
Proposal for a directive
Recital 7

Text proposed by the Commission

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

Amendment

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

Or. en

Proposal for a directive
Recital 9

Text proposed by the Commission

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

Amendment 70
Lukas Mandl
Proposal for a directive
Recital 10

Text proposed by the Commission

(10) In view of ensuring a comprehensive approach to the resilience of critical entities, each Member State should have a strategy setting out objectives and policy measures to be implemented. To achieve this, Member States should ensure that their cybersecurity strategies provide for a policy framework for enhanced coordination between the competent authority under this Directive and the NIS 2 Directive in the context of information sharing on incidents and cyber threats and the exercise of supervisory tasks.

Amendment

(10) In view of ensuring a comprehensive approach to the resilience of critical entities, each Member State should have a strategy setting out objectives and policy measures to be implemented. To achieve this, Member States should ensure that their cybersecurity strategies provide for a policy framework for enhanced coordination between the competent authorities of different Member States under this Directive and between the competent authorities under this Directive and the NIS 2 Directive in the context of information sharing on incidents and cyber threats and the exercise of supervisory tasks.
(10) In view of ensuring a comprehensive approach to the resilience of critical entities, each Member State should have a strategy setting out objectives and policy measures to be implemented. To achieve this, Member States should ensure that their cybersecurity strategies provide for a policy framework for enhanced coordination between the competent authority under this Directive and the NIS 2 Directive in the context of information sharing on incidents and cyber threats and the exercise of supervisory tasks. Such requirements should not translate into excessive burdens for operators.

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

Amendment 73
Dragoş Tudorache
Proposal for a directive
Recital 11

Text proposed by the Commission

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

The Commission should also be able to support critical entities based in third countries with advisory expertise, at their request;

Amendment

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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.

order to avoid a shortage of critical resources needed for the development of the infrastructure in question. When carrying out those risk assessments, Member States should take into account other general or sector-specific risk assessment carried out pursuant to other acts of Union law and should consider the dependencies between sectors, including from other Member States and third countries. The outcomes of the risk assessment should be used in the process of identification of critical entities and to assist those entities in meeting the resilience requirements of this Directive.

Amendment 74
Patryk Jaki
Proposal for a directive
Recital 11

Text proposed by the Commission

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

Amendment

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

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.

Justification

Sabotage, including by insiders or own personnel, is an age-old threat which is difficult but essential to address.

Amendment 75
Annalisa Tardino

Proposal for a directive
Recital 11

Text proposed by the Commission

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

Amendment

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

process of identification of critical entities and to assist those entities in meeting the resilience requirements of this Directive.

Amendment 76
Petar Vitanov, Łukasz Kohut, Elena Yoncheva, Maria Grapini

Proposal for a directive
Recital 12

(12) In order to ensure that all relevant entities are subject to those requirements and to reduce divergences in this respect, it is important to lay down harmonised rules allowing for a consistent identification of critical entities across the Union, while also allowing Member States to reflect national specificities. Therefore, criteria to identify critical entities should be laid down. In the interest of effectiveness, efficiency, consistency and legal certainty, appropriate rules should also be set on notification and cooperation relating to, as well as the legal consequences of, such identification. In order to enable the Commission to assess the correct application of this Directive, Member States should submit to the Commission, in a manner that is as detailed and specific as possible, relevant information and, in any event, the list of essential services, the number of critical entities identified for each sector and subsector referred to in the Annex and the essential service or services that each entity provides and any thresholds applied.

Amendment

(12) In order to ensure that all relevant entities are subject to those requirements and to reduce divergences in this respect, it is important to lay down harmonised rules allowing for a consistent identification of critical entities across the Union, while also allowing Member States to reflect national specificities. Therefore, \textit{common criteria} to identify critical entities, based on minimum indicators and methodologies for each sector and sub-sector, should be laid down. In the interest of effectiveness, efficiency, consistency and legal certainty, appropriate rules should also be set on notification and cooperation relating to, as well as the legal consequences of, such identification. In order to enable the Commission to assess the correct application of this Directive, Member States should submit to the Commission, in a manner that is as detailed and specific as possible, relevant information and, in any event, the list of essential services, the number of critical entities identified for each sector and subsector referred to in the Annex and the essential service or services that each entity provides and any thresholds applied.
Amendment 77
Patryk Jaki

Proposal for a directive
Recital 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.

Justification

It is important to note here that (1) Member States may go further than the obligations stipulated in this Directive, and (2) details regarding critical infrastructure may be extremely sensitive and must be handled accordingly.

Amendment 78
Lukas Mandl

(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 minimum 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 and taking into account security requirements, relevant information and, in any event, the list of essential services, the number of critical entities identified for each sector and subsector referred to in the Annex and the essential service or services that each entity provides and any thresholds applied.

Or. en
Proposal for a directive
Recital 12

Text proposed by the Commission

(12) In order to ensure that all relevant entities are subject to those requirements and to reduce divergences in this respect, it is important to lay down harmonised rules allowing for a consistent identification of critical entities across the Union, while also allowing Member States to reflect national specificities. Therefore, criteria to identify critical entities should be laid down. In the interest of effectiveness, efficiency, consistency and legal certainty, appropriate rules should also be set on notification and cooperation relating to, as well as the legal consequences of, such identification. In order to enable the Commission to assess the correct application of this Directive, Member States should submit to the Commission, in a manner that is as detailed and specific as possible, relevant information and, in any event, the list of essential services, the number of critical entities identified for each sector and subsector referred to in the Annex and the essential service or services that each entity provides and any thresholds applied.

Amendment

Pernando Barrena Arza

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) The EU financial services acquis establishes comprehensive requirements on financial entities to manage all risks they face, including operational risks and ensure business continuity. This includes

Amendment

deleted

(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 a transparent manner. 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.
Regulation (EU) No 648/2012 of the European Parliament and of the Council\textsuperscript{22}, Directive 2014/65/EU of the European Parliament and of the Council\textsuperscript{23} and Regulation (EU) No 600/2014 of the European Parliament and of the Council\textsuperscript{24} as well as Regulation (EU) No 575/2013 of the European Parliament and of the Council\textsuperscript{25} and Directive 2013/36/EU of the European Parliament and of the Council\textsuperscript{26}. The Commission has recently proposed to complement this framework with Regulation XX/YYYY of the European Parliament and of the Council [proposed Regulation on digital operational resilience for the financial sector (hereafter “DORA Regulation”)]\textsuperscript{27}, which lays down requirements for financial firms to manage ICT risks, including the protection of physical ICT infrastructures. Since the resilience of entities listed in points 3 and 4 of the Annex is comprehensively covered by the EU financial services acquis, those entities should also be treated as equivalent to critical entities for the purposes of Chapter II of this Directive only. To ensure a consistent application of the operational risk and digital resilience rules in the financial sector, Member States’ support to enhancing the overall resilience of financial entities equivalent to critical entities should be ensured by the authorities designated pursuant to Article 41 of [DORA Regulation], and subject to the procedures set out in that legislation in a fully harmonised manner.


Amendment 80
Lukas Mandl

Proposal for a directive
Recital 16

Text proposed by the Commission

Amendment

(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.

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

Amendment

(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, including across
authorities should also cooperate more generally with other relevant authorities, both at national and Union level.

**Borders.** All competent authorities should also cooperate more generally with other relevant authorities, both at national and Union level.

**Justification**

_It is important to make sure that a diverging institutional architecture does not create problems for cross-border communication and cooperation._

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**Amendment 82**

**Pernando Barrena Arza**

**Proposal for a directive**

**Recital 16**

(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.

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**Amendment 83**

**Annalisa Tardino**

(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 territorial arrangements, 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.
Proposal for a directive
Recital 17 a (new)

Text proposed by the Commission

(17a) Security Liaison Officers should be identified for all designated critical entities in order to facilitate cooperation and communication with relevant national critical infrastructure protection authorities.

Or. en

Amendment 84
Lukas Mandl

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) Entities identified as critical entities under this Directive, 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. For this reason, the competent authorities designated under the two Directives should cooperate, particularly in relation to cybersecurity and physical security risks and incidents affecting those entities.

Or. en

Amendment 85
Lukas Mandl

Proposal for a directive
Recital 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 particular those that qualify as small or medium-sized companies, 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.
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.

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 87
Dragoș Tudorache

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, 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 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 88
Petar Vitanov, Łukasz Kohut, Elena Yoncheva, Maria Grapini

Proposal for a directive
Recital 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, taking into account assessments made by police, defence and other national authorities involved in public security.
Proposal for a directive
Recital 20

Text proposed by the Commission

(20) In order to be able to ensure their resilience, critical entities should have a comprehensive understanding of all relevant risks to which they are exposed and analyse those risks. To that aim, they should carry out risks assessments, whenever necessary in view of their particular circumstances and the evolution of those risks, yet in any event every four years. The risk assessments by critical entities should be based on the risk assessment carried out by Member States.

Amendment

(20) In order to be able to ensure their resilience, critical entities should have a comprehensive understanding of all relevant risks to which they are exposed and analyse those risks. To that aim, they should carry out risks assessments, whenever necessary in view of their particular circumstances and the evolution of those risks, yet in any event every two years. The risk assessments by critical entities should be based on the risk assessment carried out by Member States.

Amendment 91
Annalisa Tardino

Proposal for a directive
Recital 20 a (new)

Text proposed by the Commission

(20a) This directive should apply without prejudice to Member States’ competences with respect to the maintenance of public security, defence and national security in full compliance with Union law.

Amendment
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, and by the concerning 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. *Staff in charge of recruitment should be adequately trained to detect potential security threats.*

Or. en

Amendment 94  
Petar Vitanov, Łukasz Kohut, Elena Yoncheva, Maria Grapini

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 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, *in particular in full respect of Regulation (EU) 2016/679.*

Or. en

Amendment 95  
Lukas Mandl

Proposal for a directive  
Recital 24
(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.

Or. en

Amendment 96
Petar Vitanov, Łukasz Kohut, Elena Yoncheva, Maria Grapini

Proposal for a directive
Recital 25

(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

Amendment

(25) Critical entities should notify, as soon as reasonably possible under the given circumstances and in any case within 24 hours after having become aware of an incident, Member States’ competent authorities of incidents that significantly disrupt or have the potential to significantly disrupt their operations. Critical entities should also notify the users of their services of incidents, their consequences and, if possible, any safety measures or remedies that could be taken. 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
potential cross-border impacts of such disruptions, a procedure should be established for Member States to inform other affected Member States via single points of contacts.

Or. en

Amendment 97
Lukas Mandl

Proposal for a directive
Recital 25

(25) Critical entities should notify, as soon as reasonably possible under the given circumstances, Member States’ competent authorities of incidents that significantly disrupt or have the potential to significantly disrupt their operations. The notification should allow the competent authorities to respond to the incidents rapidly and adequately and to have a comprehensive overview of the overall risks that critical entities face. For that purpose, a procedure should be established for the notification of certain incidents and parameters should be provided for to determine when the actual or potential disruption is significant and the incidents should thus be notified. Given the potential cross-border impacts of such disruptions, a procedure should be established for Member States to inform other affected Member States via single points of contacts.

Amendment

(25) Critical entities should notify, as soon as reasonably possible under the given circumstances, Member States’ competent authorities of incidents that significantly disrupt or have the potential to significantly disrupt their provision of essential operations. Whenever necessary and in the public interest, the competent authorities should inform the public and affected users of the nature and further relevant details of an incident. 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

without undue delay.

Or. en

Amendment 98
Annalisa Tardino

Proposal for a directive
Recital 25

Text proposed by the Commission

(25) Critical entities should notify, as soon as reasonably possible under the given circumstances, Member States’ competent authorities of incidents that significantly disrupt or have the potential to significantly disrupt their operations. The notification should allow the competent authorities to respond to the incidents rapidly and adequately and to have a comprehensive overview of the overall risks that critical entities face. For that purpose, a procedure should be established for the notification of certain incidents and parameters should be provided for to determine when the actual or potential disruption is significant and the incidents should thus be notified. Given the potential cross-border impacts of such disruptions, a procedure should be established for Member States to inform other affected Member States via single points of contacts.

Amendment

(25) Critical entities should notify, as soon as reasonably possible under the given circumstances, Member States’ competent authorities of incidents that significantly disrupt or have the potential to significantly disrupt their operations. The notification should allow the competent authorities to respond to the incidents rapidly and adequately and to have a comprehensive overview of the overall risks that critical entities face. 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. In light of the sensitivity of certain incidents, appropriate confidentiality should be ensured.

Or. en
Recital 25

Text proposed by the Commission

(25) Critical entities should notify, as soon as reasonably possible under the given circumstances, Member States’ competent authorities of incidents that significantly disrupt or have the potential to significantly disrupt their operations. The notification should allow the competent authorities to respond to the incidents rapidly and adequately and to have a comprehensive overview of the overall risks that critical entities face. For that purpose, a procedure should be established for the notification of certain incidents and parameters should be provided for to determine when the actual or potential disruption is significant and the incidents should thus be notified. Given the potential cross-border impacts of such disruptions, a procedure should be established for Member States to inform other affected Member States via single points of contacts.

Amendment

(25) Critical entities should notify, as soon as reasonably possible under the given circumstances but no later than 24 hours after the discovery, 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.

Or. en

Justification

It is important to give a clear deadline. Member States can opt for shorter deadlines as a horizontal or sector-specific requirement, if they deem this appropriate.

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
significantly disrupt or have the potential to significantly disrupt their operations. The notification should allow the competent authorities to respond to the incidents rapidly and adequately and to have a comprehensive overview of the overall risks that critical entities face. For that purpose, a procedure should be established for the notification of certain incidents and parameters should be provided for to determine when the actual or potential disruption is significant and the incidents should thus be notified. Given the potential cross-border impacts of such disruptions, a procedure should be established for Member States to inform other affected Member States via single points of contacts.

Amendment 101
Lukas Mandl

Proposal for a directive
Recital 26

Text proposed by the Commission

(26) While critical entities generally operate as part of an increasingly interconnected network of service provision and infrastructures and often provide essential services in more than one Member State, some of those entities are of particular significance for the Union because they provide essential services to a large number of Member States, and therefore require specific oversight at Union level. Those rules are without prejudice to the rules on supervision and enforcement set out in this Directive.

Amendment

(26) While critical entities generally operate as part of an increasingly interconnected network of service provision and infrastructures and often provide essential services in more than one Member State, some of those entities are of particular significance for the Union because they provide essential services to more than three Member States, and therefore require specific oversight at Union level. Those rules are without prejudice to the rules on supervision and enforcement set out in this Directive.
Proposal for a directive
Recital 26

Text proposed by the Commission

(26) While critical entities generally operate as part of an increasingly interconnected network of service provision and infrastructures and often provide essential services in more than one Member State, some of those entities are of particular significance for the Union because they provide essential services to a large number of Member States, and therefore require specific oversight at Union level. Rules on the specific oversight in respect of such critical entities of particular European significance should therefore be established. Those rules are without prejudice to the rules on supervision and enforcement set out in this Directive.

Amendment

(26) While critical entities generally operate as part of an increasingly interconnected network of service provision and infrastructures and often provide essential services in more than one Member State, some of those entities are of particular significance for the Union because they provide essential services to a number of Member States, and therefore require specific oversight at Union level. Rules on the specific oversight in respect of such critical entities of particular European significance should therefore be established. Those rules are without prejudice to the rules on supervision and enforcement set out in this Directive.

Proposal for a directive
Recital 33

Text proposed by the Commission

(33) Since the objectives of this Directive, namely to ensure the provision in the internal market of services essential for the maintenance of vital societal functions or economic activities and to enhance the resilience of critical entities providing such services, cannot be

Amendment

(33) Since the objectives of this Directive, namely to ensure the provision to the population of services essential for the maintenance of vital societal functions or economic activities and to enhance the resilience of critical entities providing such services, cannot be sufficiently achieved by
sufficiently achieved by the Member States, but can rather, by reason of the effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality as set out in that Article 5, this Directive does not go beyond what is necessary in order to achieve those objectives.

Amendment 104
Pernando Barrena Arza
Proposal for a directive
Recital 33 a (new)

Text proposed by the Commission

Amendment

(33a) This Directive complies with the Charter of Fundamental Rights of the European Union (the ‘Charter’). Obligations put on the Member States should not have the effect of putting in place measures that do not fully comply with the Charter.

Amendment 105
Diana Riba i Giner
Proposal for a directive
Article 1 – paragraph 1 – introductory part

1. This Directive:

Text proposed by the Commission

Amendment

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

To that end, this Directive:

Or. en

Amendment 106
Pernando Barrena Arza

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 specified measures aimed at protecting people and 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;

Or. en

Amendment 107
Patryk Jaki

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 specified 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; and to enable them to meet their obligations;  

Or. en

**Justification**

Replacing 'certain' by 'specified' makes it clear that these measures must have be targeted and well-defined.

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**Amendment 108**  
Lukas Mandl

**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 rights and obligations for critical entities aimed at enhancing their resilience and improving their ability to provide those services in the internal market;  

Or. en

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**Amendment 109**  
Lukas Mandl

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

*Text proposed by the Commission*  
(c) establishes rules on supervision and enforcement of critical entities, and specific oversight of critical entities considered to be of particular European significance.  

*Amendment*  
(c) establishes harmonised rules on supervision and enforcement of critical entities, and specific oversight of critical entities considered to be of particular European significance.  

Or. en

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**Amendment 110**
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 of critical entities.

Annalisa Tardino

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

(1) “critical entity” means a public or private entity of a type referred to in the Annex, which has been identified as such by a Member State in accordance with Article 5;

Amendment

(1) “critical entity” means an asset, system or part thereof located in Member States which is essential for the maintenance of vital societal functions, health, safety, security, economic or social well-being of people, and the disruption or destruction of which would have a significant impact in a Member State as a result of the failure to maintain those functions;
Amendment 112
Dragoș Tudorache

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

Text proposed by the Commission
(1) “critical entity” means a public or private entity of a type referred to in the Annex, which has been identified as such by a Member State in accordance with Article 5;

Amendment
(1) “critical entity” means a public or private entity of a type referred to in the Annex, which has been identified as such by a Member State or the Commission in accordance with Article 5;

Or. en

Amendment 113
Petar Vitanov, Łukasz Kohut, Elena Yoncheva, Maria Grapini

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, mitigate, manage, 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 114
Petar Vitanov, Łukasz Kohut, Elena Yoncheva, Maria Grapini

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

Or. en

Amendment 115
Lukas Mandl

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 having the potential to disrupt, or that disrupts the provision of essential services by the critical entity;

Or. en

Amendment 116
Patryk Jaki

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

Text proposed by the Commission
(4) “infrastructure” means an asset, system or part thereof, which is necessary for the delivery of an essential service;

Amendment
(4) “infrastructure” means assets, including facilities, systems and equipment, or parts thereof, which are necessary for the delivery of an essential service;

Or. en

Justification
A more precise definition of 'infrastructure'.

Amendment 117
Petar Vitanov, Łukasz Kohut, Elena Yoncheva, Maria Grapini

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 the people and for the maintenance of vital societal functions or economic activities, public safety, protecting the environment or the rule of law;

Or. en

Amendment 118
Diana Riba i Giner

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

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

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

Or. en

Amendment 119
Lukas Mandl

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 with respect to the proper functioning of the essential services they provide;
Amendment 120  
Patryk Jaki  

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 ability of critical entities to perform their function;  

Justification  
A risk does not threaten the resilience. A risk threatens the ability to perform a function. Improved resilience is the answer to such a risk.

Amendment 121  
Pernando Barrena Arza  

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 provision of essential services by critical entities;  

Amendment 122  
Dragoș Tudorache  

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

(6) “risk” means any 

vulnerability, circumstance or event having a potential adverse effect on the resilience of critical entities;

Or. en

Amendment 123
Petar Vitanov, Łukasz Kohut, Elena Yoncheva, Maria Grapini

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

(7) “risk assessment” means a methodology to determine the nature and extent of a risk by analysing potential threats and hazards and evaluating existing conditions of vulnerability that could disrupt the operations of the critical entity.

(7) “risk assessment” means a methodology to determine the nature and extent of a risk by assessing the extent of potential threats and hazards against the resilience of a 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.

Or. en

Amendment 124
Lukas Mandl

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

(7) “risk assessment” means a methodology to determine the nature and extent of a risk by analysing potential threats and hazards and evaluating existing conditions of vulnerability that could disrupt the operations of the critical entity.

(7) “risk assessment” means a methodology to determine the nature and extent of a risk by analysing potential threats and hazards and evaluating existing conditions of vulnerability that could disrupt the provision of essential
services by the critical entity.

Amendment 125
Annalisa Tardino

Proposal for a directive
Article 2 – paragraph 1 – point 7 a (new)

Text proposed by the Commission

Amendment

(7a) "Security Liaison Officer" means a point of contact for security related issues between the owner or operator of the critical entity and the relevant Member State authority.

Or. en

Amendment 126
Lukas Mandl

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

Amendment

1. Following consultations that are open to all affected entities in the respective Member State, 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.

Or. en
Amendment 127
Dragoş Tudorache

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 [one year 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.

Or. en

Amendment 128
Pernando Barrena Arza

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

Text proposed by the Commission

Amendment

Where in a Member State several regional strategies are adopted, the provisions of this Article shall apply mutatis mutandis.

Or. en

Amendment 129
Annalisa Tardino

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

Text proposed by the Commission

Amendment

(a) strategic objectives and priorities for the purposes of enhancing the overall

(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; resilience of critical entities and their supply chain taking into account cross-border and cross-sectoral interdependencies;

Amendment 130
Annalisa Tardino

Proposal for a directive
Article 3 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission
(b) a governance framework to achieve the strategic objectives and priorities, including a description of the roles and responsibilities of the different authorities, critical entities and other parties involved in the implementation of the strategy;

Amendment
(b) a governance framework to achieve the strategic objectives and priorities, including a description of the roles and responsibilities of the different authorities, critical entities (public and private) and other parties involved in the implementation of the strategy, especially police, defence and other national authorities involved in national security.

Amendment 131
Annalisa Tardino

Proposal for a directive
Article 3 – paragraph 2 – subparagraph 1 – point d

Text proposed by the Commission
(d) a policy framework for enhanced coordination between the competent authorities designated pursuant to Article 8 of this Directive and pursuant to [the NIS 2 Directive] for the purposes of information sharing on incidents and cyber threats and the exercise of supervisory tasks.

Amendment
(d) a policy framework for enhanced coordination between the competent authorities designated pursuant to Article 8 of this Directive and pursuant to [the NIS 2 Directive] aimed at simplifying the reporting procedures and strengthening the effectiveness of information sharing among private and public entities identified as critical entities and the designated authorities, and among the
designated authorities in interdependent cross-national and cross-sectoral domains on incidents and cyber threats, while streamlining the exercise of supervisory tasks.

Or. en

Amendment 132
Fabienne Keller

Proposal for a directive
Article 3 – paragraph 2 – subparagraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) a policy framework addressing the specific needs of critical entities, taking into account the specificities of the sector and the nature of the critical entities, such as public or private entities and large, small or medium-sized enterprises);

Or. en

Amendment 133
Lukas Mandl

Proposal for a directive
Article 3 – paragraph 2 – subparagraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) a policy framework addressing the specific needs and characteristics of small and medium-sized enterprises identified as critical entities to improve their resilience;

Or. en

Amendment 134
Annalisa Tardino
Proposal for a directive
Article 3 – paragraph 2 – subparagraph 1 – point d a (new)

Text proposed by the Commission

(da) a list of all national and cross-border authorities involved in the implementation of the strategy on multiple and inter-dependent sectors;

Or. en

Amendment 135
Lukas Mandl

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

Text proposed by the Commission

The strategy shall be updated where necessary and at least every four years.

Amendment

Following a consultation that is open to all affected entities in the respective Member State, the strategy shall be updated where necessary and at least every four years.

Or. en

Amendment 136
Patryk Jaki

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

Text proposed by the Commission

The strategy shall be updated where necessary and at least every four years.

Amendment

The strategy shall be updated where necessary and shall be completely reviewed at least every four years.

Or. en
Justification

In a fast-changing threat environment, it is good to not take existing strategies and approaches for granted, but organize a thorough review at least every four years.

Amendment 137
Dragoș Tudorache

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

Text proposed by the Commission

The strategy shall be updated where necessary and at least every four years.

Amendment

The strategy shall be updated where necessary and at least every two years.

Or. en

Amendment 138
Petar Vitanov, Łukasz Kohut, Elena Yoncheva, Maria Grapini

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

Text proposed by the Commission

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

Amendment

1. Competent authorities designated pursuant to Article 8 shall establish a list of essential services in the sectors referred to in the Annex. They shall carry out by [three years after entry into force of this Directive], and subsequently where necessary, and at least every four years, an assessment, based on common specifications and methodologies containing specific indicators established for each sector covered, of all relevant risks that may affect the provision of those essential services, with a view to identifying critical entities in accordance with Article 5(1), and assisting those critical entities to take measures pursuant to Article 11. The assessments shall include a minimum number of indicators, in order to avoid divergences between
Member States.

Amendment 139
Lukas Mandl

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

Text proposed by the Commission

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

Amendment

1. Competent authorities designated pursuant to Article 8 shall establish, in close coordination with the Commission, 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 140
Dragoş Tudorache

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

Text proposed by the Commission

1. Competent authorities designated pursuant to Article 8 shall establish a list of essential services in the sectors referred to in the Annex. They shall carry out by [three years after entry into force of this Directive], and subsequently where necessary, and at least every four years, an assessment of all relevant risks that may

Amendment

1. Competent authorities designated pursuant to Article 8 shall establish a list of essential services in the sectors referred to in the Annex. They shall carry out by [one year after entry into force of this Directive], and subsequently where necessary, and at least every two 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 141
Patryk Jaki

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

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.


Justification

Sabotage, including by insiders or own personnel, is an age-old threat which is difficult but essential to address.

Amendment 142
Pernando Barrena Arza
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[^34].


Amendment

The risk assessment shall account for all relevant natural and man-made risks, including accidents, natural disasters, public health emergencies, antagonistic threats, including terrorist offences pursuant to **Title II** of the Directive (EU) 2017/541 of the European Parliament and of the Council[^34].


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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[^34].


Amendment

The risk assessment shall account for all relevant natural and man-made risks, including accidents, natural disasters, public health emergencies, antagonistic threats, including terrorist offences pursuant to Directive (EU) 2017/541 of the European Parliament and of the Council[^34].


Amendment 144
Lukas Mandl

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

Text proposed by the Commission

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.

Amendment

For the purposes of point (c) of the first subparagraph, Member States shall cooperate with the competent authorities of other Member States, third countries and the Commission, as appropriate.

Amendment 145
Dragoș Tudorache

Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

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.

Amendment

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 [one year after entry into force of this Directive] and subsequently where necessary and at least every two years.

Amendment 146
Patryk Jaki
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* develop a voluntary common reporting template for the purposes of complying with paragraph 4.

Or. en

*Justification*

In order for the provisions of this Directive to be applied in a coherent manner, there is clear added value to a voluntary common reporting template.

Amendment 147
Lukas Mandl

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.

Or. en

Amendment 148
Petar Vitanov, Łukasz Kohut, Elena Yoncheva, Maria Grapini

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

1. By [three years and three months after entry into force of this Directive] Member States shall identify for each

Amendment

1. By [three years and three months after entry into force of this Directive] Member States shall identify for each
sector and subsector referred to in the Annex, other than points 3, 4 and 8 thereof, the critical entities.

sector and subsector referred to in the Annex, other than points 3, 4 and 8 thereof, the critical entities, when applicable.

Amendment 149
Pernando Barrena Arza

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

1. By [three years and three months after entry into force of this Directive] Member States shall identify for each sector and subsector referred to in the Annex, other than points 3, 4 and 8 thereof, the critical entities.

Amendment

1. By [three years and three months after entry into force of this Directive] Member States shall identify for each sector and subsector referred to in the Annex, other than points 8 and 9 thereof, the critical entities.

Or. en

Amendment 150
Dragoş Tudorache

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

1. By [three years and three months after entry into force of this Directive] Member States shall identify for each sector and subsector referred to in the Annex, other than points 3, 4 and 8 thereof, the critical entities.

Amendment

1. By [one year and six months after entry into force of this Directive] Member States shall identify for each sector and subsector referred to in the Annex, other than points 3, 4 and 8 thereof, the critical entities.

Or. en

Amendment 151
Lukas Mandl
Proposal for a directive
Article 5 – paragraph 2 – point b

Text proposed by the Commission

(b) the provision of that essential service depends on infrastructure located in the Member State; and

Amendment

(b) the provision of that essential service depends on infrastructure located in the Member State; and

Or. en

Amendment 152
Lukas Mandl

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

Amendment

(c) an incident would have significant disruptive effects on the provision of the essential service or of other essential services in the sectors referred to in the Annex that depend on the service.

Or. en

Amendment 153
Lukas Mandl

Proposal for a directive
Article 5 – paragraph 5

Text proposed by the Commission

5. Following the notification referred in paragraph 3, Member States shall ensure that critical entities provide information to their competent authorities designated pursuant to Article 8 of this Directive on whether they have been identified as a critical entity in one or more other Member States. Where an entity has been identified as critical by two or more Member States, these Member States shall engage in

Amendment

5. Following the notification referred in paragraph 3, Member States shall ensure that critical entities provide information to their competent authorities designated pursuant to Article 8 of this Directive on whether they have been identified as a critical entity in one or more other Member States. Where an entity has been identified as critical by two or more Member States, these Member States shall engage in
consultation with each other with a view to reduce the burden on the critical entity in regard to the obligations pursuant to Chapter III.

Amendment 154
Pernando Barrena Arza

Proposal for a directive
Article 5 – paragraph 5

5. **Following the notification referred in paragraph 3**, Member States shall ensure that critical entities provide information to their competent authorities designated pursuant to Article 8 of this Directive on whether they have been identified as a critical entity in one or more other Member States. Where an entity has been identified as critical by two or more Member States, these Member States shall engage in consultation with each other with a view to reduce the burden on the critical entity in regard to the obligations pursuant to Chapter III.

Amendment

5. Member States shall ensure that critical entities provide information to their competent authorities designated pursuant to Article 8 of this Directive on whether they have been identified as a critical entity in one or more other Member States. Where an entity has been identified as critical by two or more Member States, these Member States shall engage in consultation with each other with a view to reduce the burden on the critical entity in regard to the obligations pursuant to Chapter III and to achieve a comparable level of resilience across the border.

Or. en

Amendment 155
Petar Vitanov, Łukasz Kohut, Elena Yoncheva, Maria Grapini

Proposal for a directive
Article 5 – paragraph 6

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**

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 156
Lukas Mandl
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 157
Pernando Barrena Arza
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

Amendment

6. For the purposes of Chapter IV, Member States shall ensure that critical entities, following the notification referred

Or. en
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.

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 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 158
Dragoș Tudorache

Proposal for a directive
Article 5 – paragraph 7 – subparagraph 1

Text proposed by the Commission
7. Member States shall, where necessary and in any event at least every four years, review and, where appropriate, update the list of identified critical entities.

Amendment
7. Member States shall, where necessary and in any event at least every two years, review and, where appropriate, update the list of identified critical entities.

Or. en

Amendment 159
Dragoș Tudorache

Proposal for a directive
Article 5 – paragraph 7 – subparagraph 2

Text proposed by the Commission
Where those updates lead to the identification of additional critical entities, paragraphs 3, 4, 5 and 6 shall apply. In addition, Member States shall ensure that entities that are no longer identified as critical entities pursuant to any such update are notified thereof and are informed that they are no longer subject to the obligations pursuant to Chapter III as from

Amendment
Where those updates lead to the identification of additional critical entities, paragraphs 3, 4, 5 and 6 shall apply. In addition, Member States shall ensure that entities that are no longer identified as critical entities pursuant to any such update are notified thereof and are informed in due time that they are no longer subject to the obligations pursuant to Chapter III as
the reception of that information.

Or. en

Amendment 160
Lukas Mandl

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

Text proposed by the Commission

(a) the number of users relying on the service provided by the entity;

Amendment

(a) the number of users relying on the essential service provided by the entity;

Or. en

Amendment 161
Pernando Barrena Arza

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

Text proposed by the Commission

(a) the number of users relying on the service provided by the entity;

Amendment

(a) the number of persons relying on the service provided by the entity;

Or. en

Amendment 162
Lukas Mandl

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

Text proposed by the Commission

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

Amendment

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

Or. en
Amendment 163
Pernando Barrena Arza

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 the provision of essential services to the affected population, economic and societal activities, the environment and public safety;

Or. en

Amendment 164
Diana Riba i Giner

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, the rule of law and fundamental rights;

Or. en

Amendment 165
Annalisa Tardino

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 health and public safety;

Or. en

Amendment 166
Lukas Mandl

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

(f) the importance of the entity in maintaining a sufficient level of the service, taking into account the availability of alternative means for the provision of that service.

Amendment

(f) the importance of the entity in maintaining a sufficient level of the essential service, taking into account the availability of alternative means for the provision of that essential service.

Or. en

Amendment 167
Dragoș Tudorache

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

Text proposed by the Commission

(fa) the scarcity of the resources needed to produce components of the infrastructure necessary for the provision of the service.

Amendment

(fa) the scarcity of the resources needed to produce components of the infrastructure necessary for the provision of the service.

Or. en

Amendment 168
Dragoș Tudorache

Proposal for a directive
Article 6 – paragraph 2 – subparagraph 1 – introductory part
2. Member States shall submit to the Commission by [three years and three months after the entry into force of this Directive] the following information:

(b) the number of critical entities identified for each sector and subsector referred to in the Annex and the service or services referred to in Article 4(1) that each entity provides;

2. Member States shall submit to the Commission by [one year and six months after the entry into force of this Directive] the following information:

(b) the number of critical entities identified for each sector and subsector referred to in the Annex, and a quantitative summary of the services referred to in Article 4(1) that are provided by these entities;

Justification

It is not necessary for reporting obligations in Chapter II - national frameworks, to be so specific, also taking into account the fact that there are major security concerns involved when dealing with critical infrastructure.

Amendment 170
Dragoș Tudorache

Proposal for a directive
Article 6 – paragraph 2 – subparagraph 2

They shall subsequently submit that information where necessary, and at least every four years.

They shall subsequently submit that information where necessary, and at least every two years.
Amendment 171
Dragoș Tudorache

Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

3. The Commission *may*, after consultation of the Critical Entities Resilience Group, adopt guidelines to facilitate the application of the criteria referred to in paragraph 1, taking into account the information referred to in paragraph 2.

Amendment

3. The Commission *shall*, after consultation of the Critical Entities Resilience Group, adopt guidelines to facilitate the application of the criteria referred to in paragraph 1, taking into account the information referred to in paragraph 2.

Or. en

Amendment 172
Patryk Jaki

Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

3. The Commission *may*, after consultation of the Critical Entities Resilience Group, adopt guidelines to facilitate the application of the criteria referred to in paragraph 1, taking into account the information referred to in paragraph 2.

Amendment

3. The Commission *shall*, after consultation of the Critical Entities Resilience Group, adopt guidelines to facilitate the application of the criteria referred to in paragraph 1, taking into account the information referred to in paragraph 2.

Or. en

Justification

*Such guidelines are useful and an obligation to produce them would help Member States and critical infrastructure operators.*

Amendment 173
Pernando Barrena Arza

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Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

1. As regards the sectors referred to in points 3, 4 and 8 of the Annex, Member States shall, by [three years and three months after entry into force of this Directive], identify the entities that shall be treated as equivalent to critical entities for the purposes of this Chapter. They shall apply the provisions of Articles 3, 4, 5(1) to (4) and (7), and 9 in respect of those entities.

Amendment

1. As regards the sectors referred to in points 8 and 9 of the Annex, Member States shall, by [three years and three months after entry into force of this Directive], identify the entities that shall be treated as equivalent to critical entities for the purposes of this Chapter. They shall apply the provisions of Articles 3, 4, 5(1) to (4) and (7), and 9 in respect of those entities.

Amendment 174
Dragoș Tudorache

Proposal for a directive
Article 7 – paragraph 1

Amendment 175
Pernando Barrena Arza

Proposal for a directive
Article 7 – paragraph 2
2. In respect of the entities in the sectors referred to in points 3 and 4 of the Annex identified pursuant to paragraph 1, Member States shall ensure that, for the purposes of the application of Article 8(1), the authorities designated as competent authorities are the competent authorities designated pursuant to Article 41 of [DORA Regulation].

Amendment 176
Pernando Barrena Arza

Proposal for a directive
Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Each Member State shall designate one or more competent authorities responsible for the correct application, and where necessary enforcement, of the rules of this Directive at national level (‘competent authority’). Member States may designate an existing authority or authorities.

Amendment

1. Each Member State shall designate one or more competent authorities responsible for the correct application, and where necessary enforcement, of the rules of this Directive (‘competent authority’). Member States may designate an existing authority or authorities.

Amendment 177
Pernando Barrena Arza

Proposal for a directive
Article 8 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where they designate more than one authority, they shall clearly set out the respective tasks of the authorities concerned and ensure that they cooperate

Amendment

Where they designate more than one authority, they shall clearly set out the territorial delineation of competences and the respective tasks of the authorities
effectively to fulfil their tasks under this Directive, including with regard to the designation and activities of the single point of contact referred to in paragraph 2.

corresponding and ensure that they cooperate effectively to fulfil their tasks under this Directive, including with regard to the designation and activities of the single point of contact referred to in paragraph 2.

Amendment 178
Nicola Procaccini

Proposal for a directive
Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall publish recommendations on minimum requirements and guidelines on the functioning and governance of competent authorities.

Amendment 179
Petar Vitanov, Łukasz Kohut, Elena Yoncheva, Maria Grapini

Proposal for a directive
Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. Each Member State shall, within the competent authority, designate a single point of contact to exercise a liaison function to ensure cross-border cooperation with competent authorities of other Member States and with the Critical Entities Resilience Group referred to in Article 16 (‘single point of contact’).

2. Each Member State shall, within the competent authority, designate a single point of contact to exercise a liaison function to ensure cross-border cooperation with competent authorities of other Member States, with the Commission and with the Critical Entities Resilience Group referred to in Article 16 (‘single point of contact’).
Amendment 180
Annalisa Tardino

Proposal for a directive
Article 8 – paragraph 2 a (new)

Text proposed by the Commission

2a. Without prejudice to the provisions established under sector-specific legislative frameworks and the NIS 2 Directive, the single point of contact referred to in paragraph 2 shall be the sole point of contact for public and private critical entities operating cross-border services when reporting incidents or risks of incident happening within the Member State of the single point of contact, in order to ensure swift and simplified coordination of information.

Amendment

Or. en

Amendment 181
Dragoş Tudorache

Proposal for a directive
Article 8 – paragraph 3

Text proposed by the Commission

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).

Amendment

3. By [one year 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).

Or. en
Proposal for a directive
Article 8 – paragraph 5

Text proposed by the Commission

5. Member States shall ensure that their competent authorities, whenever appropriate, and in accordance with Union and national law, consult and cooperate with other relevant national authorities, in particular those in charge of civil protection, law enforcement and protection of personal data, as well as with relevant interested parties, including critical entities.

Amendment

5. Member States shall ensure that their competent authorities, and in accordance with Union and national law, regularly consult and cooperate with other relevant national authorities, in particular those in charge of national security, defence, civil protection, law enforcement and protection of personal data, as well as with relevant interested parties, including critical entities, and ensure effective coordination procedures to assist the critical entities and process the information provided by the critical entities.

Or. en

Proposal for a directive
Article 8 – paragraph 5

Text proposed by the Commission

5. Member States shall ensure that their competent authorities, whenever appropriate, and in accordance with Union and national law, consult and cooperate with other relevant national authorities, in particular those in charge of civil protection, law enforcement and protection of personal data, as well as with relevant interested parties, including critical entities.

Amendment

5. Member States shall ensure that their competent authorities, whenever appropriate, and in accordance with Union and national law, consult and cooperate with other relevant national authorities and the competent authorities of other Member States, in particular those in charge of civil protection, law enforcement and protection of personal data, as well as with relevant interested parties, including critical entities.

Or. en
Amendment 184
Pernando Barrena Arza

Proposal for a directive
Article 8 – paragraph 5

Text proposed by the Commission

5. Member States shall ensure that their competent authorities, whenever appropriate, and in accordance with Union and national law, consult and cooperate with other relevant national authorities, in particular those in charge of civil protection, law enforcement and protection of personal data, as well as with relevant interested parties, including critical entities.

Amendment

5. Member States shall ensure that their competent authorities, whenever appropriate, and in accordance with Union and national law, consult and cooperate with other relevant national authorities, in particular those in charge of civil protection, law enforcement and protection of personal data, as well as with relevant interested parties, including academia, civil society and critical entities.

Or. en

Amendment 185
Lukas Mandl

Proposal for a directive
Article 8 – paragraph 6

Text proposed by the Commission

6. Member States shall ensure that their competent authorities designated pursuant to this Article cooperate with competent authorities designated pursuant to [the NIS 2 Directive] on cybersecurity risks and cyber incidents affecting critical entities, as well as the measures taken by competent authorities designated under [the NIS 2 Directive] relevant for critical entities.

Amendment

6. Member States shall ensure that their competent authorities designated pursuant to this Article cooperate with competent authorities of other Member States designated under this Directive and with the competent authorities designated pursuant to [the NIS 2 Directive], on cybersecurity risks and cyber incidents affecting critical entities, as well as the measures taken by competent authorities designated under [the NIS 2 Directive] relevant for critical entities.

Or. en

Amendment 186
Pernando Barrena Arza

Proposal for a directive
Article 8 – paragraph 6

Text proposed by the Commission

6. Member States shall ensure that their competent authorities designated pursuant to this Article cooperate with competent authorities designated pursuant to [the NIS 2 Directive] on cybersecurity risks and cyber incidents affecting critical entities, as well as the measures taken by competent authorities designated under [the NIS 2 Directive] relevant for critical entities.

Amendment

6. Member States shall ensure that their competent authorities designated pursuant to this Article cooperate with competent authorities designated pursuant to [the NIS 2 Directive] on risks and incidents affecting critical entities, as well as the measures taken by competent authorities designated under [the NIS 2 Directive] relevant for critical entities.

Amendment 187
Pernando Barrena Arza

Proposal for a directive
Article 8 – paragraph 7

Text proposed by the Commission

7. Each Member State shall notify the Commission of the designation of the competent authority and single point of contact within three months from that designation, including their precise tasks and responsibilities under this Directive, their contact details and any subsequent change thereto. Each Member State shall make public its designation of the competent authority and single point of contact.

Amendment

7. Each Member State shall notify the Commission of the designation of the competent authority and single point of contact within one month from that designation, including their precise tasks and responsibilities under this Directive, their contact details and any subsequent change thereto. Each Member State shall make public its designation of the competent authority and single point of contact.

Amendment 188
Annalisa Tardino
Proposal for a directive
Article 8 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Each Member State shall implement an appropriate communication mechanism between the relevant Member State authority and the Security Liaison Officer or equivalent with the objective of exchanging relevant information concerning identified risks and threats in relation to the critical entities concerned. That communication mechanism shall be without prejudice to national requirements concerning access to sensitive and classified information.

Or. en

Amendment 189
Dragoș Tudorache

Proposal for a directive
Article 8 – paragraph 8

Text proposed by the Commission

Amendment

8. The Commission shall publish a list of Member States’ single points of contact and encourage Member States to share best practices and collaborate via their single points of contact

Or. en

Amendment 190
Annalisa Tardino

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall support critical
entities in enhancing their resilience. That support may include developing guidance materials and methodologies, supporting the organisation of exercises to test their resilience and providing training to personnel of critical entities.

Amendment 191  
Pernando Barrena Arza

Proposal for a directive  
Article 9 – paragraph 1

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
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<tbody>
<tr>
<td>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.</td>
<td>1. Member States shall support critical entities in enhancing their resilience and ensure that such support is given at all levels of government. 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.</td>
</tr>
</tbody>
</table>

Amendment 192  
Petar Vitanov, Łukasz Kohut, Elena Yoncheva, Maria Grapini

Proposal for a directive  
Article 9 – paragraph 1

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>1. Member States shall support critical entities, including financially, in order to enhance 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.</td>
</tr>
</tbody>
</table>
resilience and providing training to personnel of critical entities.

of exercises to test their resilience and providing training to personnel of critical entities.

Or. en

**Amendment 193**

Pernando Barrena Arza

Proposal for a directive
Article 9 – paragraph 3

*Text proposed by the Commission*

3. Member States shall establish information sharing tools to support voluntary information sharing between critical entities in relation to matters covered by this Directive, in accordance with Union and national law on, in particular, competition and protection of personal data.

*Amendment*

3. Member States shall establish information sharing tools to support voluntary sharing of information that is not personal data between critical entities in relation to matters covered by this Directive, in accordance with Union and national law.

Or. en

**Amendment 194**

Dragoș Tudorache

Proposal for a directive
Article 9 – paragraph 3

*Text proposed by the Commission*

3. Member States shall establish information sharing tools to support voluntary information sharing between critical entities in relation to matters covered by this Directive, in accordance with Union and national law on, in particular, competition and protection of personal data.

*Amendment*

3. Member States shall establish information sharing tools to support information sharing between critical entities in relation to matters covered by this Directive, in accordance with Union and national law on, in particular, competition and protection of personal data.

Or. en
Amendment 195  
Lukas Mandl  
Proposition pour une directive  
Article 10 – paragraphe 1  

*Text proposed by the Commission*  
Member States shall ensure that critical entities assess within six months after receiving the notification referred to in Article 5(3), and subsequently where necessary and at least every four years, on the basis of Member States’ risk assessments and other relevant sources of information, all relevant risks that may disrupt their *operations*.

*Amendment*  
Member States shall ensure that critical entities assess within six months after receiving the notification referred to in Article 5(3), and subsequently where necessary and at least every four years, on the basis of Member States’ risk assessments and other relevant sources of information, all relevant risks that may disrupt their *provision of essential services*.

Or. en

Amendment 196  
Petar Vitanov, Elena Yoncheva, Maria Grapini  
Proposition pour une directive  
Article 10 – paragraphe 1  

*Text proposed by the Commission*  
Member States shall ensure that critical entities assess within *six* months after receiving the notification referred to in Article 5(3), and subsequently where necessary and at least every four years, on the basis of Member States’ risk assessments and other relevant sources of information, all relevant risks that may disrupt their operations.

*Amendment*  
Member States shall ensure that critical entities assess within *twelve* months after receiving the notification referred to in Article 5(3), and subsequently where necessary and at least every four years, on the basis of Member States’ risk assessments and other relevant sources of information, all relevant risks that may disrupt their operations.

Or. en

Amendment 197  
Dragoș Tudorache  
Proposition pour une directive
Article 10 – paragraph 1

Text proposed by the Commission

Member States shall ensure that critical entities assess within six months after receiving the notification referred to in Article 5(3), and subsequently where necessary and at least every four years, on the basis of Member States’ risk assessments and other relevant sources of information, all relevant risks that may disrupt their operations.

Amendment

Member States shall ensure that critical entities assess within six months after receiving the notification referred to in Article 5(3), and subsequently where necessary and at least every two years, on the basis of Member States’ risk assessments and other relevant sources of information, all relevant risks that may disrupt their operations.

Amendment 198
Annalisa Tardino

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 199
Diana Riba i Giner
Proposal for a directive
Article 11 – paragraph 1 – point a

*(Text proposed by the Commission)*

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

*(Amendment)*

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

Or. en

Amendment 200
Pernando Barrena Arza

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

*(Text proposed by the Commission)*

(d) recover from incidents, including business continuity measures and the identification of alternative supply chains;

*(Amendment)*

(d) recover from incidents, including business continuity measures and the identification of alternative supply chains *to ensure the continuation of the essential service*;

Or. en

Amendment 201
Diana Riba i Giner

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, 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. *Where*
external providers are involved in security management, critical entities should ensure their compliance with generally accepted standards and specifications;

Amendment 202
Petar Vitanov, Łukasz Kohut, Elena Yoncheva, Maria Grapini

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

**Text proposed by the Commission**

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

**Amendment**

(e) ensure adequate staff security management, including by setting out categories of personnel exercising critical functions, in compliance with applicable training requirements and qualifications, 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 203
Fabienne Keller

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, including by setting out categories of personnel exercising critical functions, ensuring appropriate training requirements and qualifications, 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 204
Dragoş Tudorache

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 205
Annalisa Tardino

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
Proposal for a directive
Article 11 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) ensure that a resilience liaison officer or an equivalent is designated for all designated critical entities in order to facilitate cooperation and communication with the relevant Member State authority and the Commission;

Or. en

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

Text proposed by the Commission

Amendment

(f) raise awareness about the measures referred to in points (a) to (e) among relevant personnel, including laying down appropriate training requirements and qualifications.

Or. en

Proposal for a directive
Article 11 – paragraph 1 – point ea (new)

Text proposed by the Commission

Amendment

(ea) evaluate critical personnel to ensure that they are fit for the job.

Or. en
**Amendment 209**  
**Pernando Barrena Arza**  
Proposal for a directive  
Article 11 – paragraph 2 a (new)

*Text proposed by the Commission*

2a. Member States shall ensure that where the measures referred to in paragraph 1 have the potential to limit the exercise of fundamental rights and freedoms of natural persons, these limitations shall be limited to what is strictly necessary and proportionate in a democratic society.

**Amendment 210**  
**Diana Riba i Giner**  
Proposal for a directive  
Article 11 – paragraph 3

*Text proposed by the Commission*

3. Upon request of the Member State that identified the critical entity and with the agreement of the critical entity concerned, the Commission shall organise advisory missions, in accordance with the arrangements set out in Article 15(4), (5), (7) and (8), to provide advice to the critical entity concerned in meeting its obligations pursuant to Chapter III. The advisory mission shall report its findings to the Commission, that Member State and the critical entity concerned. Where necessary and appropriate, the Commission may mobilise financial support for that Member State and the relevant critical entity, including from the Internal Security Fund, without prejudice to applicable budgetary procedures and
controls.

Amendment 211
Fabienne Keller

Proposal for a directive
Article 11 – paragraph 3

3. Upon request of the Member State that identified the critical entity and with the agreement of the critical entity concerned, the Commission shall organise advisory missions, in accordance with the arrangements set out in Article 15(4), (5), (7) and (8), to provide advice to the critical entity concerned in meeting its obligations pursuant to Chapter III. The advisory mission shall report its findings to the Commission, that Member State and the critical entity concerned.

Amendment

3. Upon request of the Member State that identified the critical entity and with the agreement of the critical entity concerned, the Commission shall organise advisory missions, in accordance with the arrangements set out in Article 15(4), (5), (7) and (8), to provide advice to the critical entity concerned in meeting its obligations pursuant to Chapter III. The advisory mission shall report its findings to the Commission, that Member State and the critical entity concerned. The Commission may also offer advisory missions to critical entities based in third countries at their request.

Amendment 212
Pernando Barrena Arza

Proposal for a directive
Article 11 – paragraph 3

3. Upon request of the Member State that identified the critical entity and with the agreement of the critical entity concerned, the Commission shall organise advisory missions, in accordance with the arrangements set out in Article 15(4), (5), (7) and (8), to provide advice to the critical entity concerned.

Amendment

3. Upon request of the Member State that identified the critical entity, the Commission shall organise assessment missions, in accordance with the arrangements set out in Article 15(4), (5), (7) and (8), to assess compliance of the critical entity concerned with its
entity concerned in meeting its obligations pursuant to Chapter III. The advisory mission shall report its findings to the Commission, that Member State and the critical entity concerned.

The assessment mission shall report its findings to the Commission, that Member State and the critical entity concerned.

Amendment 213
Patryk Jaki

Proposal for a directive
Article 11 – paragraph 4

Text proposed by the Commission

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.

Amendment

deleted

Justification

The option to have the Commission prescribe 'detailed rules', 'specifying' measures to be taken, is disproportionate given that this is a provision from Chapter III, where there is no significant European dimension.

Amendment 214
Nicola Procaccini

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.

Amendment 215
Petar Vitanov, Łukasz Kohut, Elena Yoncheva, Maria Grapini

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. The background checks shall be proportionate and strictly limited to what is necessary and relevant for the fulfilment of the duties of the concerned personnel.
Amendment 216
Annalisa Tardino

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 professional categories that have been established by the Member States under relevant national legislation after consultation with the critical entities, 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.

Or. en

Amendment 217
Lukas Mandl

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 and who carry out sensitive tasks, 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.

Or. en
Amendment 218
Pernando Barrena Arza

Proposal for a directive
Article 12 – paragraph 3

Text proposed by the Commission

3. In accordance with applicable Union and national law, including Regulation (EU) 2016/679, each Member State shall ensure that a background check as referred to in paragraph 1 may also be extended, on the basis of a duly justified request of the critical entity, to draw upon intelligence and any other objective information available that may be necessary to determining the suitability of the person concerned to work in the position in relation to which the critical entity has requested an extended background check.

Amendment

3. [deleted]

Or. en

Amendment 219
Lukas Mandl

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

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

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 provision of essential services. 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
entities subject to increased liability. In case that there are already national or international standards for crisis management in place which entail a notification system, Member States shall not put in place additional notification requirements.

Amendment 220
Petar Vitanov, Łukasz Kohut, Elena Yoncheva, Maria Grapini

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

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.

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. An initial notification shall be submitted within 24 hours after having become aware of the incident, followed by a final detailed report not later than one month thereafter. 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.

Justification

Similar to provisions on NIS 2

Amendment 221
Pernando Barrena Arza
Proposal for a directive  
Article 13 – paragraph 1  

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.

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.

Or. en  

Justification  

All incidents should be notified.

Amendment 222  
Patryk Jaki  

Proposal for a directive  
Article 13 – paragraph 1  

1. Member States shall ensure that critical entities notify without undue delay and within 24 hours 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.

Amendment  

1. Member States shall ensure that critical entities notify without undue delay and within 24 hours 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.
entities subject to increased liability.

Justification

It is important to give a clear deadline. Member States can opt for shorter deadlines as a horizontal or sector-specific requirement, if they deem this appropriate.

Amendment 223
Nicola Procaccini

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

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.

Amendment

1. Member States shall ensure that critical entities notify within 24 hours 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.

Amendment 224
Pernando Barrena Arza

Proposal for a directive
Article 13 – paragraph 2

Text proposed by the Commission

2. In order to determine the significance of the disruption or the potential disruption to the critical entity’s operations resulting from an incident, the

Amendment

2. deleted
following parameters shall, in particular, be taken into account:

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

(b) the duration of the disruption or anticipated duration of a potential disruption;

(c) the geographical area affected by the disruption or potential disruption.

Or. en

Justification

Following the deletion above, this is not necessary if all incidents should be notified.

Amendment 225
Pernando Barrena Arza

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

Text proposed by the Commission
Amendment

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

Or. en

Amendment 226
Pernando Barrena Arza

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

Text proposed by the Commission
Amendment

(b) the duration of the disruption or anticipated duration of a potential disruption; deleted

Or. en
Amendment 227
Pernando Barrena Arza

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

Text proposed by the Commission

(c) the geographical area affected by the disruption or potential disruption.

Amendment

deleted

Or. en

Amendment 228
Pernando Barrena Arza

Proposal for a directive
Article 13 – paragraph 3 – subparagraph 1

Text proposed by the Commission

3. On the basis of the information provided in the notification by the critical entity, the competent authority, via its single point of contact, shall inform the single point of contact of other affected Member States if the incident has, or may have, a significant impact on critical entities and the continuity of the provision of essential services in one or more other Member States.

Amendment

3. On the basis of the information provided in the notification by the critical entity, the competent authority, via its single point of contact, shall inform the single point of contact of other affected Member States if the incident has, or may have, an impact on critical entities and the continuity of the provision of essential services in one or more other Member States.

Or. en

Amendment 229
Pernando Barrena Arza

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

Amendment

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 230
Petar Vitanov, Łukasz Kohut, Elena Yoncheva, Maria Grapini

Proposal for a directive
Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The competent authority concerned shall inform the public of the incident, or require the critical entity to inform the public, where the competent authority determines that it would be in the public interest to disclose the incident.

Or. en

Amendment 231
Petar Vitanov, Łukasz Kohut, Elena Yoncheva, Maria Grapini

Proposal for a directive
Article 13 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Member States shall ensure that, in the event of a particular and significant threat of an incident concerning the critical entities, the critical entities inform those users of their services that could be affected by the incident or by the disruption of the services as its consequence and, where relevant, of any possible safety measures or remedies which the users could take.

Or. en
Proposal for a directive  
Article 13 – paragraph 3 c (new)  

Text proposed by the Commission

3c. Once a year, the competent authority concerned shall submit a summary report to the Commission and to the Critical Entities Resilience Group on the notifications received and the action taken in accordance with this Article.

Amendment

Or. en

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.
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.

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 235
Pernando Barrena Arza

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

Amendment 236
Lukas Mandl

Proposal for a directive
Article 14 – paragraph 3 – subparagraph 1

Text proposed by the Commission

3. The Commission shall, without undue delay upon receiving the notification pursuant to Article 5(6), notify the entity concerned that it is considered a critical entity of particular European significance, informing that entity of its obligations pursuant to this Chapter and the date from

Amendment

3. The Commission shall, without undue delay upon receiving the notification pursuant to Article 5(6), notify the entity concerned that it is considered a critical entity of particular European significance, informing that entity of its rights and obligations pursuant to this Chapter
which those obligations apply to it. and the date from which those *rights and obligations* apply to it.

Amendment 237
Pernando Barrena Arza

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

**Text proposed by the Commission**

1. Upon request of one or more Member States or of the Commission, the Member State where the infrastructure of the critical entity of particular European significance is located, 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**

1. Upon request of one or more Member States or of the Commission, a critical entity of particular European significance shall, inform 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

Amendment 238
Patryk Jaki

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

**Text proposed by the Commission**

1. Upon request of one or more Member States or of the Commission, the Member State where the infrastructure of the critical entity of particular European significance is located shall, together with that entity, inform the Commission and the 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**

1. Upon request of one or more Member States or of the Commission, the European headquarters or principal operation 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.
Critical infrastructure operators that provide services in multiple Member States, often have a significative footprint, in terms of organisation as well as physical infrastructure, in multiple Member States. In line with other EU internal market legislation, the Member State with the primary legal or operational presence must be identified and made responsible for any actions related to this Directive.

Amendment 239
Pernando Barrena Arza

Proposal for a directive
Article 15 – paragraph 1 – subparagraph 2

Text proposed by the Commission

That Member State shall also inform, without undue delay, the Commission and the Critical Entities Resilience Group of any supervisory or enforcement actions, including any assessments of compliance or orders issued, that its competent authority has undertaken pursuant to Articles 18 and 19 in respect of that entity.

Amendment

That entity shall also inform, without undue delay, the Critical Entities Resilience Group of any supervisory or enforcement actions, including any assessments of compliance or orders issued pursuant to Articles 18 and 19 in respect of that entity.

Amendment 240
Pernando Barrena Arza

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

Amendment

2. Upon request of one or more Member States, the Commission shall organise an assessment mission to assess the measures that that entity put in place to meet its obligations pursuant to Chapter III. Where needed, the assessment missions may request specific expertise in the area of disaster risk management through the

Or. en
needed, the *advisory* missions may request specific expertise in the area of disaster risk management through the Emergency Response Coordination Centre.

**Amendment 241**

*Patryk Jaki*

**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, or at its own initiative, and in agreement with the Member State where the *European headquarters or the principal operation* 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**

*Critical infrastructure operators that provide services in multiple Member States, often have a significative footprint, in terms of organisation as well as physical infrastructure, in multiple Member States. In line with other EU internal market legislation, the Member State with the primary legal or operational presence must be identified and made responsible for any actions related to this Directive.*

**Amendment 242**

*Lukas Mandl*

**Proposal for a directive**

**Article 15 – paragraph 2**

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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, or at its own initiative, and in consultation 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 243

Petar Vitanov, Łukasz Kohut, Elena Yoncheva, Maria Grapini

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, or at its own initiative, and after informing 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 244

Pernando Barrena Arza
Proposal for a directive
Article 15 – paragraph 3 – subparagraph 1

**Text proposed by the Commission**

3. The *advisory* mission shall report its findings to the *Commission*, the Critical Entities Resilience Group and the critical entity of particular European significance concerned within a period of three months after the conclusion of the advisory mission.

**Amendment**

3. The *assessment* mission shall report its findings to the Critical Entities Resilience Group and the critical entity of particular European significance concerned within a period of three months after the conclusion of the advisory mission.

Or. en

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Amendment 245
Pernando Barrena Arza

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

**Text proposed by the Commission**

The Commission shall, **based on that advice**, communicate its views to the Member *State* where the *infrastructure of that entity is located*, the Critical Entities Resilience Group and that entity on whether that entity complies with its obligations pursuant to Chapter III and, where appropriate, which measures could be taken to improve the resilience of that entity.

**Amendment**

The Commission shall communicate the *advice* to the Member *States* where that entity operates, the Critical Entities Resilience Group and that entity on whether that entity complies with its obligations pursuant to Chapter III and, where appropriate, which measures could be taken to improve the resilience of that entity.

Or. en

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Amendment 246
Pernando Barrena Arza

Proposal for a directive
Article 15 – paragraph 3 – subparagraph 4

**Text proposed by the Commission**

**Amendment**


That Member State shall take due account of those views and provide information to the Commission and the Critical Entities Resilience Group on any measures it has taken pursuant to the communication.

The Member States shall take due account of those views and provide information to the Commission and the Critical Entities Resilience Group on any measures they have taken pursuant to the communication.

Amendment 247
Pernando Barrena Arza

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

Text proposed by the Commission

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

Amendment

4. Each assessment mission shall consist of experts from Member States and the Commission. Member States shall nominate candidates to be part of an assessment 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 assessment mission.

Amendment 248
Pernando Barrena Arza

Proposal for a directive
Article 15 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The Commission shall organise the programme of an advisory mission, in consultation with the members of the specific advisory mission and in agreement with the Member State where the infrastructure of the critical entity or

Amendment

The Commission shall organise the programme of an assessment mission, in consultation with the members of the specific advisory mission.
the critical entity of European significance concerned is located.

Amendment 249
Petar Vitanov, Łukasz Kohut, Elena Yoncheva, Maria Grapini

Proposal for a directive
Article 15 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The Commission shall organise the programme of an advisory mission, in consultation with the members of the specific advisory mission and in agreement with the Member State where the infrastructure of the critical entity or the critical entity of European significance concerned is located.

Amendment

The Commission shall organise the programme of an advisory mission, in consultation with the members of the specific advisory mission and the Member State where the infrastructure of the critical entity or the critical entity of European significance concerned is located.

Amendment 250
Pernando Barrena Arza

Proposal for a directive
Article 15 – paragraph 5

Text proposed by the Commission

5. The Commission shall adopt an implementing act laying down rules on the procedural arrangements for the conduct and reports of advisory missions. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 20(2).

Amendment

5. The Commission shall adopt an implementing act laying down rules on the procedural arrangements for the conduct and reports of assessment missions. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 20(2).

Amendment 251
Pernando Barrena Arza

Proposal for a directive
Article 15 – paragraph 6

Text proposed by the Commission

6. Member States shall ensure that the critical entity of particular European significance concerned provides the **advisory** mission with access to all information, systems and facilities relating to the provision of its essential services necessary for the performance of its tasks.

Amendment

6. Member States shall ensure that the critical entity of particular European significance concerned provides the **assessment** mission with access to all information, systems and facilities relating to the provision of its essential services necessary for the performance of its tasks.

Or. en

Amendment 252
Pernando Barrena Arza

Proposal for a directive
Article 15 – paragraph 7

Text proposed by the Commission

7. The **advisory** mission shall be carried out in compliance with the applicable national law of the Member State where that infrastructure is located.

Amendment

7. The **assessment** mission shall be carried out in compliance with the applicable national law of the Member State where that infrastructure is located.

Or. en

Amendment 253
Pernando Barrena Arza

Proposal for a directive
Article 15 – paragraph 8

Text proposed by the Commission

8. When organising the **advisory** missions, the Commission shall take into account the reports of any inspections carried out by the Commission under Regulation (EC) 300/2008 and Regulation

Amendment

8. When organising the **assessment** missions, the Commission shall take into account the reports of any inspections carried out by the Commission under Regulation (EC) 300/2008 and Regulation
(EC) 725/2004 and of the reports of any monitoring carried out by the Commission under Directive 2005/65/EC in respect of the critical entity or the critical entity of particular European significance, as appropriate.

Amendment 254
Pernando Barrena Arza

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

Text proposed by the Commission

2. The Critical Entities Resilience Group shall be composed of representatives of the Member States and the Commission. Where relevant for the performance of its tasks, the Critical Entities Resilience Group may invite representatives of interested parties to participate in its work.

Amendment

2. The Critical Entities Resilience Group shall be composed of representatives of the Member States and the Commission. Where relevant for the performance of its tasks, the Critical Entities Resilience Group shall invite representatives of interested parties, such as academia, civil society and critical entities, to participate in its work.

Or. en

Amendment 255
Lukas Mandl

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

Text proposed by the Commission

2. The Critical Entities Resilience Group shall be composed of representatives of the Member States and the Commission. Where relevant for the performance of its tasks, the Critical Entities Resilience Group may invite representatives of interested parties to participate in its work.

Amendment

2. The Critical Entities Resilience Group shall be composed of representatives of the Member States and the Commission. Where relevant for the performance of its tasks, the Critical Entities Resilience Group may invite representatives of the European Parliament and of interested parties to
participate in its work.

Amendment 256
Petar Vitanov, Łukasz Kohut, Elena Yoncheva, Maria Grapini

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

Text proposed by the Commission
2. The Critical Entities Resilience Group shall be composed of representatives of the Member States and the Commission. Where relevant for the performance of its tasks, the Critical Entities Resilience Group may invite representatives of interested parties to participate in its work.

Amendment
2. The Critical Entities Resilience Group shall be composed of representatives of the Member States, the Commission and the European Parliament. Where relevant for the performance of its tasks, the Critical Entities Resilience Group shall invite representatives of the relevant entities to participate in its work.

Or. en

Amendment 257
Pernando Barrena Arza

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

Text proposed by the Commission
The Commission’s representative shall chair the Critical Entities Resilience Group.

Amendment
The chair of the Critical Entities Resilience Group shall be elected by the Critical Entities Resilience Group.

Or. en

Amendment 258
Dragoș Tudorache

Proposal for a directive
Article 16 – paragraph 7
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.

Proposal for a directive
Article 18 – paragraph 1 – point a

(a) conduct on-site inspections of the premises that the critical entity uses to provide its essential services, and off-site supervision of critical entities’ measures pursuant to Article 11;

Proposal for a directive
Article 18 – paragraph 1 – point b

(b) conduct or order audits in respect of those entities.

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 [one year and six months after entry into force of this Directive] and subsequently where necessary and at least every four years.

Proposal for a directive
Article 18 – paragraph 1 – point a

(a) conduct unannounced on-site inspections of the premises that the critical entity uses to provide its essential services, and off-site supervision of critical entities’ measures pursuant to Article 11;

Proposal for a directive
Article 18 – paragraph 1 – point b

(b) conduct audits in respect of those entities.
Amendment 261
Nicola Procaccini

Proposal for a directive
Article 18 – paragraph 5 a (new)

Text proposed by the Commission

5a. The Commission shall establish the methodology and content of a peer-review system for monitoring and assessing the effectiveness of the Member States’ implementing measures.

Or. en

Amendment 262
Nicola Procaccini

Proposal for a directive
Article 19 – paragraph 1

Text proposed by the Commission

Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by [two years after entry into force of this Directive] at the latest and shall notify it without delay of any subsequent amendment affecting them.

Or. en

Amendment 263
Lukas Mandl

Proposal for a directive
Article 22 – paragraph 1

Member States ensure the imposition of administrative fines applicable to infringements of the obligations laid down in this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by [two years after entry into force of this Directive] at the latest and shall notify it without delay of any subsequent amendment affecting them.
By [54 months after the entry into force of this Directive], the Commission shall submit a report to the European Parliament and to the Council, assessing the extent to which the Member States have taken the necessary measures to comply with this Directive.

*Amendment*

By [54 months after the entry into force of this Directive], the Commission shall submit a report to the European Parliament and to the Council, assessing the extent to which the different Member States have taken the necessary measures to comply with this Directive. *That report shall contain separate country chapters on the concrete implementation progress in each Member State.*

Or. en

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**Proposal for a directive**

**Article 22 – paragraph 2**

*Text proposed by the Commission*

The Commission shall periodically review the functioning of this Directive, and report to the European Parliament and to the Council. The report shall in particular assess the impact and added value of this Directive on ensuring the resilience of critical entities and whether the scope of the Directive should be extended to cover other sectors or subsectors. The first report shall be submitted by [six years after the entry into force of this Directive] and shall assess in particular whether the scope of the Directive should be extended *to include the food production, processing and distribution sector.*

*Amendment*

The Commission shall periodically review the functioning of this Directive, and report to the European Parliament and to the Council. The report shall in particular assess the impact and added value of this Directive on ensuring the resilience of critical entities and whether the scope of the Directive should be extended to cover other sectors or subsectors. The first report shall be submitted by [six years after the entry into force of this Directive] and shall assess in particular whether the scope of the Directive should be extended.

Or. en

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**Amendment 265**

Dragoș Tudorache
Proposal for a directive
Article 22 – paragraph 2

Text proposed by the Commission

The Commission shall periodically review the functioning of this Directive, and report to the European Parliament and to the Council. The report shall in particular assess the impact and added value of this Directive on ensuring the resilience of critical entities and whether the scope of the Directive should be extended to cover other sectors or subsectors. The first report shall be submitted by [six years after the entry into force of this Directive] and shall assess in particular whether the scope of the Directive should be extended to include the food production, processing and distribution sector.

Amendment

The Commission shall periodically review the functioning of this Directive, and report to the European Parliament and to the Council. The report shall in particular assess the impact and added value of this Directive on ensuring the resilience of critical entities and whether the scope of the Directive should be extended to cover other sectors or subsectors. The first report shall be submitted by [two years after the entry into force of this Directive] and shall assess in particular how the scope of the Directive should be extended to include the food production, processing and distribution sector.

Amendment 266
Sylvie Guillaume

Proposal for a directive
Article 22 – paragraph 2

Text proposed by the Commission

The Commission shall periodically review the functioning of this Directive, and report to the European Parliament and to the Council. The report shall in particular assess the impact and added value of this Directive on ensuring the resilience of critical entities and whether the scope of the Directive should be extended to cover other sectors or subsectors. The first report shall be submitted by [six years after the entry into force of this Directive] and shall assess in particular whether the scope of the Directive should be extended to include the food production, processing and distribution sector.

Amendment

The Commission shall periodically review the functioning of this Directive, and report to the European Parliament and to the Council. The report shall in particular assess the impact and added value of this Directive on ensuring the resilience of critical entities and whether the scope of the Directive should be extended to cover other sectors or subsectors. The first report shall be submitted by [two years after the entry into force of this Directive] and shall assess in particular how the scope of the Directive should be extended to include the food production, processing and distribution sector.
Proposal for a directive
Annex– section 5 title

Text proposed by the Commission

5. Health
— Healthcare providers referred to in point (g) of Article 3 of Directive 2011/24/EU19
— EU reference laboratories referred to in Article 15 of Regulation [XX] on serious cross borders threats to health
— Entities carrying out research and development activities of medicinal products referred to in Article 1 point 2 of Directive 2001/83/EC
— Entities manufacturing basic pharmaceutical products and pharmaceutical preparations referred to in section C division 21 of NACE Rev. 2
— Entities manufacturing medical devices considered as critical during a public health emergency (‘the public health emergency critical devices list’) referred to in Article 20 of Regulation XXXX

Amendment

5. Health
— Healthcare providers referred to in point (g) of Article 3 of Directive 2011/24/EU19
— EU reference laboratories referred to in Article 15 of Regulation [XX] on serious cross borders threats to health
— Entities carrying out research and development activities of medicinal products referred to in Article 1 point 2 of Directive 2001/83/EC
— Entities manufacturing basic pharmaceutical products and pharmaceutical preparations referred to in section C division 21 of NACE Rev. 2
— Entities manufacturing medical devices considered as critical during a public health emergency (‘the public health emergency critical devices list’) referred to in Article 20 of Regulation XXXX
— Entities holding a distribution authorisation referred to in Article 79 of Directive 2001/83/EC

Justification

The last line to be added into the relevant part of the table.

Amendment 268
Lukas Mandl

Proposal for a directive
Annex – section 5 – subsection 6 (new)

Draft legislative resolution

— Entities holding a distribution authorisation referred to in Article 79 of Directive 2001/83/EC

Amendment

Or. en

Amendment 269
Lukas Mandl

Proposal for a directive
Annex – section 10 a (new)

Draft legislative resolution

10a. Food production, processing and distribution

— Food businesses referred to in point (2) of Article 3 of Regulation (EC) No 178/2002 (31)

Amendment

Or. en

Amendment 270
Fulvio Martusciello, Salvatore De Meo

Proposal for a directive
Annex – section 10 a (new)

Text proposed by the Commission

10a. Agri-food sector

Wholesale markets

Entities of public interest that ensure an essential service for the provision and distribution of agricultural, fishing, fresh and perishable food productions to the agri-food chain until the final consumer, for vast regional and interregional areas.