AMENDMENTS
10 - 130

Draft opinion
Angel Dzhambazki
(PE692.636v01-00)

Resilience of critical entities

Proposal for a directive
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 11
Alviina Alametsä

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 such as high speed rail or air traffic management, protective measures relating to individual assets alone are insufficient to prevent all disruptions from taking place. Therefore, it is necessary to shift the approach towards ensuring the resilience of critical entities, that is, their ability to mitigate, absorb, accommodate to and recover from incidents that have the potential to disrupt the operations of the critical entity and the functioning of the internal market.


\textsuperscript{18} SWD(2019) 308.

Or. en
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) Despite existing measures at Union\(^1\) 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.

Amendment

(2) Despite existing measures at Union\(^1\) 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, as well as the free movement and safety of citizens. 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 often not recognised consistently as critical in all Member States which can mean a lack of adequate coordination between Member States in the protection of important cross-border and intersectoral critical infrastructures such as those in the transport and energy sectors.

---

19 European Programme for Critical Infrastructure Protection (EPCIP).

---

Amendment 12

PE693.634v01-00 4/68 AM\1232647EN.docx
Roman Haider

Proposal for a directive
Recital 2

Text proposed by the Commission

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

---

19 European Programme for Critical Infrastructure Protection (EPCIP).

Amendment

(2) Despite existing measures at 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 the performance of vital societal functions or economic activities, including traffic and transport. This is due to a tangible threat landscape with an evolving terrorist threat and growing interdependencies between infrastructures and sectors, as well as an increased risk due to natural disasters and extreme weather events that can reduce the capacity and efficiency of certain infrastructure types if measures to improve resilience or adaptation to the changing requirements 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. de

Amendment 13
Ondřej Kovařík, Dominique Riquet, Caroline Nagtegaal, Vlad Gheorghe

Proposal for a directive
Recital 2

Text proposed by the Commission

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.

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

Amendment 14
Tom Berendsen, Marian-Jean Marinescu, Barbara Thaler, Elżbieta Katarzyna Łukacijewska, Gheorghe Falcă, Henna Virkkunen, Jörgen Warborn, Markus Ferber, Cláudia Monteiro de Aguiar

Proposal for a directive
Recital 2

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 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 such as certain transport and tourism sectors, and types of entities are not recognised consistently as critical in all Member States.

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

Amendment

Or. en
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 15
Maria Grapini, Isabel García Muñoz, Inma Rodríguez-Piñero, Sara Cerdas

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) Despite existing measures at Union\(^1\) 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

Amendment

(2) Despite existing measures at Union\(^1\) 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).

\textbf{Amendment 16}
\textbf{Tom Berendsen, Marian-Jean Marinescu, Barbara Thaler, Elżbieta Katarzyna Łukacijewska, Gheorghe Falcă, Henna Virkkunen, Jörgen Warborn, Markus Ferber, Cláudia Monteiro de Aguiar}

\textbf{Proposal for a directive}
\textbf{Recital 2 a (new)}

\textit{Text proposed by the Commission} \hspace{1cm} \textit{Amendment}

(2 a) The growing problem of criminal infiltration in critical transport infrastructure, in particular logistic nodes such as ports and airports, is undermining the operations of critical entities in this sector and therefore the effective provision of essential services throughout the European Union;

\textbf{Or. en}

\textbf{Amendment 17}
\textbf{Tom Berendsen, Marian-Jean Marinescu, Barbara Thaler, Elżbieta Katarzyna}
Łukacijewska, Gheorghe Falcă, Henna Virkkunen, Jörgen Warborn, Markus Ferber, Cláudia Monteiro de Aguiar

Proposal for a directive
Recital 2 b (new)

Text proposed by the Commission

(2 b) Increasing threats to the EU's critical infrastructure and economic safety arise from foreign interference, by both state and non-state actors, due to a growing influence in or control of non-European entities over critical transport infrastructure, such as ports or airports, as a result of their acquisitions of or substantial investments in strategic companies and the transfer of strategic knowledge;

Amendment

Or. en

Amendment 18
Tom Berendsen, Marian-Jean Marinescu, Barbara Thaler, Elżbieta Katarzyna Łukacijewska, Gheorghe Falcă, Henna Virkkunen, Jörgen Warborn, Markus Ferber, Cláudia Monteiro de Aguiar

Proposal for a directive
Recital 2 c (new)

Text proposed by the Commission

(2 c) The transport sector encompasses critical entities in the subsectors of road, rail, air, inland waterways, and maritime transport, including ports and terminals;

Amendment

Or. en

Amendment 19
Tom Berendsen, Marian-Jean Marinescu, Barbara Thaler, Elżbieta Katarzyna Łukacijewska, Gheorghe Falcă, Jörgen Warborn, Markus Ferber, Cláudia Monteiro de Aguiar, Henna Virkkunen

Proposal for a directive
Recital 2 d (new)
Text proposed by the Commission

(2d) Certain critical infrastructures have a pan-European dimension, such as the European aviation organisation Eurocontrol and the European global satellite positioning system Galileo;

Amendment

(2d) Certain critical infrastructures have a pan-European dimension, such as the European aviation organisation Eurocontrol and the European global satellite positioning system Galileo;

Or. en

Amendment 20
Roman Haider

Proposal for a directive
Recital 3

Text proposed by the Commission

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

Amendment

(3) Those growing interdependencies are the result of an increasingly cross-border and interdependent network of service provision using key infrastructures across the Union in the sectors of energy, transport, banking, financial market infrastructure, digital infrastructure, drinking and waste water, health, certain aspects of public administration, as well as space in as far as the provision of certain services depending on ground-based infrastructures that are owned, managed and operated either by Member States or by private parties is concerned, therefore not covering infrastructures owned, managed or operated by or on behalf of the Union as part of its space programmes. These interdependencies mean that any disruption, even one initially confined to one entity or one sector, can have cascading effects more broadly, potentially resulting in far-reaching and long-lasting negative impacts in the delivery of services across the internal market. The COVID-19 pandemic has shown the vulnerability of our increasingly interdependent societies in the face of low-probability risks and the strength of the interdependencies without which the EU-wide economy could not
(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 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.
Cláudia Monteiro de Aguiar

Proposal for a directive
Recital 3 a (new)

Text proposed by the Commission

(3 a) The COVID-19 pandemic has once more shown the transport sector's strategic importance to European society and economy in enabling the critical mobility of goods and people, underlining the need to ensure the resilience of critical transport infrastructure across the European Union;

Amendment

Or. en

Amendment 23

Ondřej Kovařík, Dominique Riquet, Caroline Nagtegaal, Vlad Gheorghe

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) The entities involved in the provision of essential services are increasingly subject to diverging requirements imposed under the laws of the Member States. The fact that some Member States have less stringent security requirements on these entities not only risks impacting negatively on the maintenance of vital societal functions or economic activities across the Union, it also leads to obstacles to the proper functioning of the internal market. Similar types of entities are considered as critical in some Member States but not in others, and those which are identified as critical are subject to divergent requirements in different Member States. This results in additional and unnecessary administrative burdens for companies operating across borders, notably for companies active in Member States with more stringent requirements.

Amendment

(4) The entities involved in the provision of essential services are increasingly subject to diverging requirements imposed under the laws of the Member States. The fact that some Member States have less stringent security requirements on these entities not only risks impacting negatively on the maintenance of vital societal functions or economic activities across the Union, it also leads to obstacles to the proper functioning of the internal market. The resilience of critical entities gives investors and companies reliability and trust, which are cornerstones to a well-working internal market. Similar types of entities are considered as critical in some Member States but not in others, and those which are identified as critical are subject to divergent requirements in different Member States. This results in additional and unnecessary administrative burdens for
companies operating across borders, notably for companies active in Member States with more stringent requirements.

Or. en

Amendment 24
Roman Haider

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) The entities involved in the provision of essential services are increasingly subject to diverging requirements imposed under the laws of the Member States. The fact that some Member States have less stringent security requirements on these entities not only risks impacting negatively on the maintenance of vital societal functions or economic activities across the Union, it also leads to obstacles to the proper functioning of the internal market. Similar types of entities are considered as critical in some Member States but not in others, and those which are identified as critical are subject to divergent requirements in different Member States. This results in additional and unnecessary administrative burdens for companies operating across borders, notably for companies active in Member States with more stringent requirements.

Amendment

(4) The entities involved in the provision of essential services are increasingly subject to diverging requirements imposed under the laws of the Member States. The fact that some Member States have less stringent security requirements on these entities not only risks impacting negatively on the maintenance of vital societal functions or economic activities across the Union, it also leads to obstacles to the proper functioning of the internal market and can pose a threat to EU citizens. 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. de

Amendment 25
Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 5
(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 26
Maria Grapini, Isabel García Muñoz, Inma Rodríguez-Piñero, Sara Cerdas
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 whilst also ensuring the need to dedicate significant resources to the maintenance of existing critical infrastructure, such as rail connections, roads and ports, in order to maximise their life times and ensure their resilience in face of climate change. Special focus should be given to cross-border links, such as regional cross-border rail connections or disused rail links, that might have been neglected in the absence of a concerted union level approach.

Or. en

Amendment 27
Tom Berendsen, Marian-Jean Marinescu, Barbara Thaler, Elżbieta Katarzyna Łukacijewska, Henna Virkkunen, Jörgen Warborn, Markus Ferber, Cláudia Monteiro de Aguiar, Gheorghe Falcă
Proposal for a directive
Recital 6

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 rules for all critical entities from all Member States to ensure the provision of essential services in the internal market and enhance the resilience of critical entities.

Or. en
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.

Or. en

Amendment 28
Roman Haider

Proposal for a directive
Recital 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.

Or. de

Amendment 29
Roman Haider

Proposal for a directive
Recital 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.
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.

Or. de

Amendment 30
Tom Berendsen, Marian-Jean Marinescu, Barbara Thaler, Elżbieta Katarzyna Łukacijewska, Gheorghe Falcă, Henna Virkkunen, Jörgen Warborn, Markus Ferber, Cláudia Monteiro de Aguiar

Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

(8 a) The swift technological development in and digitalisation of the transport sector, via the growing use of smart mobility systems such as cooperative intelligent transport systems, connected and automated mobility, and mobility as a service, underline the interconnectedness between the physical and digital world in this sector and calls for an effective approach to allow for resilient digital transport infrastructure in Europe;

Or. en

Amendment 31
Ondřej Kovařík, Dominique Riquet, Caroline Nagtegaal, Vlad Gheorghe

Proposal for a directive
Recital 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 32
Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 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

Or. en

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. Such assessments should be based on and regularly updated with latest scientific knowledge on evolving threats such as climate change in order to ensure
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.

timely adaption to an evolving threat landscape. 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 33
Ondřej Kovařík, Dominique Riquet, Caroline Nagtegaal, Vlad Gheorghe

Proposal for a directive
Recital 11

Text proposed by the Commission

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

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, for example multi-modal hubs for transport, rail infrastructure or air traffic management. 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.
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 34**

Tom Berendsen, Marian-Jean Marinescu, Barbara Thaler, Elżbieta Katarzyna Łukacijewska, Gheorghe Falcă, Henna Virkkunen, Jörgen Warborn, Markus Ferber, Cláudia Monteiro de Aguiar

**Proposal for a directive**

**Recital 11**

*Text proposed by the Commission*

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

*Amendment*

(11) The actions of Member States to identify and help ensure the resilience of critical entities should follow a risk-based approach that targets efforts to the entities most relevant for the performance of vital societal functions or economic activities. In order to ensure such a targeted approach, each Member State should carry out, within a harmonised framework, an assessment of all relevant natural and man-made risks that may affect the provision of essential services, including accidents, natural disasters, public health emergencies such as pandemics, criminal infiltration, and antagonistic threats, including foreign interference 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.
Amendment 35
Tom Berendsen, Marian-Jean Marinescu, Barbara Thaler, Elżbieta Katarzyna Łukacijewska, Gheorghe Falcă, Henna Virkkunen, Jörgen Warborn, Markus Ferber, Cláudia Monteiro de Aguiar

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) Entities pertaining to the digital infrastructure sector are in essence based on network and information systems and fall within the scope of the NIS 2 Directive, which addresses the physical security of such systems as part of their cybersecurity risk management and reporting obligations. Since those matters are covered by the NIS 2 Directive, the obligations of this Directive do not apply to such entities. However, considering the importance of the services provided by entities in the digital infrastructure sector for the provision of other essential services, Member States should identify, based on the criteria and using the procedure provided for in this Directive mutatis mutandis, entities pertaining to the digital infrastructure sector that should be treated as equivalent to critical entities for the purposes of Chapter II only, including the provision on Member States’ support in enhancing the resilience of these entities. Consequently, such entities should not be subject to the obligations laid down in Chapters III to VI. Since the obligations for critical entities laid down in Chapter II to provide certain information to the competent authorities relate to the application of Chapters III and IV, those entities should not be subject to those obligations either.

Amendment

(14) Entities pertaining to the digital infrastructure sector are in essence based on network and information systems and fall within the scope of the NIS 2 Directive, which addresses the physical security of such systems as part of their cybersecurity risk management and reporting obligations. Since those matters are covered by the NIS 2 Directive, the obligations of this Directive do not apply to such entities. However, considering the importance of the services provided by entities in the digital infrastructure sector for the provision of other essential services, such as critical transport services, Member States should identify, based on the criteria and using the procedure provided for in this Directive mutatis mutandis, entities pertaining to the digital infrastructure sector that should be treated as equivalent to critical entities for the purposes of Chapter II only, including the provision on Member States’ support in enhancing the resilience of these entities. Consequently, such entities should not be subject to the obligations laid down in Chapters III to VI. Since the obligations for critical entities laid down in Chapter II to provide certain information to the competent authorities relate to the application of Chapters III and IV, those entities should not be subject to those obligations either.

Or. en
Amendment 36
Tom Berendsen, Marian-Jean Marinescu, Barbara Thaler, Elżbieta Katarzyna Łukacijewska, Gheorghe Falcă, Henna Virkkunen, Jörgen Warborn, Markus Ferber, Cláudia Monteiro de Aguiar

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, raise awareness, 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, raise awareness, 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.

Or. en

Amendment 37
Maria Grapini, Isabel García Muñoz, Petar Vitanov, Sara Cerdas

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, raise awareness, 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, raise awareness, 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.
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 38
Tom Berendsen, Marian-Jean Marinescu, Barbara Thaler, Elżbieta Katarzyna Łukacijewska, Gheorghe Falcă, Henna Virkkunen, Jörgen Warborn, Markus Ferber, Cláudia Monteiro de Aguiar

Proposal for a directive
Recital 19 a (new)

Text proposed by the Commission

(19 a) In their implementation of this Directive, Member States should take all the necessary actions to prevent any excessive administrative burdens, particularly on SMEs, and avoid duplications or unnecessary obligations. Member States should assist and facilitate adequate support to SMEs when requested in taking the technical and organisational measures required under this Directive.

Amendment 39
Vlad Gheorghe

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

Further harmonisation of security and safety standards and certification requirements is urgently necessary for critical infrastructure sectors, such as safe parking areas and rest areas, where divergent interpretations persist. Welcomes in this regard the standard certification rating system for Safe and Secure Truck Parking Areas.

Justification

An EU-wide standard for truck parking areas has the potential to create greater transparency and build trust amongst users. Having a commonly recognised standard with long-term EU backing will also help to guarantee the right conditions for private sector investment by parking operators and financial investors.

Amendment 40
Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 20

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

Amendment 41
Maria Grapini, Isabel García Muñoz, Inma Rodríguez-Piñero, Sara Cerdas

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, analyse those risks and establish measures to combat them. 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 three years. The risk assessments by critical entities should be based on the risk assessment carried out by Member States.

Or. en

Amendment 42
Vlad Gheorghe

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) Regulation (EC) No 300/2008 of

Amendment

(23) Regulation (EC) No 300/2008 of
the European Parliament and of the Council\textsuperscript{28}, Regulation (EC) No 725/2004 of the European Parliament and of the Council\textsuperscript{29} and Directive 2005/65/EC of the European Parliament and of the Council\textsuperscript{30} establish requirements applicable to entities in the aviation and maritime transport sectors to prevent incidents caused by unlawful acts and to resist and mitigate the consequences of such incidents. While the measures required in this Directive are broader in terms of risks addressed and types of measures to be taken, critical entities in those sectors should reflect in their resilience plan or equivalent documents the measures taken pursuant to those other Union acts. Moreover, when implementing resilience measures under this Directive, critical entities may consider referring to non-binding guidelines and good practices documents developed under sectorial workstreams, such as the EU Rail Passenger Security Platform\textsuperscript{31}.

Additionally, Member States should recognise essential transport services, such as heavy vehicle parking areas, as an intrinsic part of transport infrastructure conformity with the EU safety and security standards i.a. in line with the Directive 2008/96/EC on road infrastructure safety management. Member States should provide a sufficient number of safe rest areas for the sake of crime prevention and road safety. Nationally adopted provisions of safe parking areas and rest areas shall be subject to audit.


facility security (OJ L 129, 29.4.2004, p. 6.).


Or. en

Justification

Directive 2008/96/EC on road infrastructure safety management recognises that a sufficient number of safe rest areas is important for crime prevention and road safety. This legislation also ensures through road safety impact assessments and audits, that when new road sections are built, adequate and safe parking areas are foreseen.

Yet 2019 Commission’s Study on Safe and Secure Parking Places for Trucks showed a serious implementation gap: "On the supply side, a total of 5,000 parking areas have been identified, out of which only 57 are currently classified as certified secure".

Amendment 43
Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 23

Text proposed by the Commission


Amendment

should reflect in their resilience plan or equivalent documents the measures taken pursuant to those other Union acts. Moreover, when implementing resilience measures under this Directive, critical entities may consider referring to non-binding guidelines and good practices documents developed under sectorial workstreams, such as the EU Rail Passenger Security Platform\(^\text{31}\).


Or. en

Amendment 44
Tom Berendsen, Marian-Jean Marinescu, Barbara Thaler, Elżbieta Katarzyna Łukacijewska, Gheorghe Falcă, Henna Virkkunen, Jörgen Warborn, Markus Ferber, Cláudia Monteiro de Aguiar

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

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.

Amendment 45
Tom Berendsen, Marian-Jean Marinescu, Barbara Thaler, Elżbieta Katarzyna Łukacijewska, Gheorghe Falcă, Henna Virkkunen, Jörgen Warborn, Markus Ferber, Cláudia Monteiro de Aguiar

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

Amendment

(25) Critical entities should notify, as soon as reasonably possible under the given circumstances, Member States’ competent authorities, as well as to other entities on a voluntary basis, 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
disruptions, a procedure should be
established for Member States to inform
other affected Member States via single
points of contacts.

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 46
Maria Grapini, Isabel García Muñoz, Sara Cerdas

Proposal for a directive
Recital 28

Text proposed by the Commission
(28) In order to support the Commission and facilitate strategic cooperation and the exchange of information, including best practices, on issues relating to this Directive, a Critical Entities Resilience Group, which is a Commission expert group, should be established. Member States should endeavour to ensure effective and efficient cooperation of the designated representatives of their competent authorities in the Critical Entities Resilience Group. The group should begin to perform its tasks from six months after the entry into force of this Directive, so as to provide additional means for appropriate cooperation during the transposition period of this Directive.

Amendment
(28) In order to support the Commission and facilitate strategic cooperation and the exchange of information, including best practices, on issues relating to this Directive, a Critical Entities Resilience Group, which is a Commission expert group, should be established. Member States should endeavour to ensure effective and efficient cooperation of the designated representatives of their competent authorities in the Critical Entities Resilience Group. The group should begin to perform its tasks from four months after the entry into force of this Directive, so as to provide additional means for appropriate cooperation during the transposition period of this Directive.

Amendment 47
Maria Grapini, Isabel García Muñoz, Inma Rodríguez-Piñero, Petar Vitanov, Sara Cerdas

Proposal for a directive
Recital 30

Text proposed by the Commission
(30) Member States should ensure that

Amendment
(30) Member States should ensure that
their competent authorities have certain specific powers for the proper application and enforcement of this Directive in relation to critical entities, where those entities fall under their jurisdiction as specified in this Directive. Those powers should include, notably, the power to conduct inspections, supervision and audits, require critical entities to provide information and evidence relating to the measures they have taken to comply with their obligations and, where necessary, issue orders to remedy identified infringements. When issuing such orders, Member States should not require measures which go beyond what is necessary and proportionate to ensure compliance of the critical entity concerned, taking account of in particular the seriousness of the infringement and the economic capacity of the critical entity. More generally, those powers should be accompanied by appropriate and effective safeguards to be specified in national law, in accordance with the requirements resulting from Charter of Fundamental Rights of the European Union. When assessing the compliance of a critical entity with its obligations under this Directive, competent authorities designated under this Directive should be able to request the competent authorities designated under the NIS 2 Directive to assess the cybersecurity of those entities. Those competent authorities should cooperate and exchange information for that purpose.

Amendment 48
Tom Berendsen, Marian-Jean Marinescu, Barbara Thaler, Elżbieta Katarzyna Łukacijewska, Gheorghe Falcă, Henna Virkkunen, Jörgen Warborn, Markus Ferber, Cláudia Monteiro de Aguiar

Proposal for a directive
Recital 30
(30) Member States should ensure that their competent authorities have certain specific powers for the proper application and enforcement of this Directive in relation to critical entities, where those entities fall under their jurisdiction as specified in this Directive. Those powers should include, notably, the power to conduct inspections, supervision and audits, require critical entities to provide information and evidence relating to the measures they have taken to comply with their obligations and, where necessary, issue orders to remedy identified infringements. When issuing such orders, Member States should not require measures which go beyond what is necessary and proportionate to ensure compliance of the critical entity concerned, taking account of in particular the seriousness of the infringement and the economic capacity of the critical entity. More generally, those powers should be accompanied by appropriate and effective safeguards to be specified in national law, in accordance with the requirements resulting from Charter of Fundamental Rights of the European Union. When assessing the compliance of a critical entity with its obligations under this Directive, competent authorities designated under this Directive should be able to request the competent authorities designated under the NIS 2 Directive to assess the cybersecurity of those entities. Those competent authorities should cooperate and exchange information for that purpose.

(30) Member States should ensure that their competent authorities have certain specific powers for the proper application and enforcement of this Directive in relation to critical entities, where those entities fall under their jurisdiction as specified in this Directive. Those powers should include, notably, the power to conduct inspections, supervision and audits, raise awareness, require critical entities to provide information and evidence relating to the measures they have taken to comply with their obligations and, where necessary, issue orders to remedy identified infringements. When issuing such orders, Member States should not require measures which go beyond what is necessary and proportionate to ensure compliance of the critical entity concerned, taking account of in particular the seriousness of the infringement and the economic capacity of the critical entity. More generally, those powers should be accompanied by appropriate and effective safeguards to be specified in national law, in accordance with the requirements resulting from Charter of Fundamental Rights of the European Union. When assessing the compliance of a critical entity with its obligations under this Directive, competent authorities designated under this Directive should be able to request the competent authorities designated under the NIS 2 Directive to assess the cybersecurity of those entities. Those competent authorities should cooperate and exchange information for that purpose.

Or. en
(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 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, this Directive does not go beyond what is necessary in order to achieve those objectives.

Amendment 50
Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 34 a (new)

Text proposed by the Commission

(34 a) Member States and the Commission should ensure the necessary training and tools are in place for authorities and wider stakeholders to successfully implement this Directive with a special attention to rapidly evolving risks such as those related to cyber security and climate change.

Amendment

(34 a) Since the objectives of this Directive, namely to ensure the **safe, undisturbed** 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 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, this Directive does not go beyond what is necessary in order to achieve those objectives.

Or. en
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 34 b (new)

Text proposed by the Commission

(34 b) In order to fully ensure an adequate approach is being taken to reduce vulnerabilities and increase the resilience of Member States in view of the threats to critical entities, it is important to recognise the role of local communities and local authorities in being able to provide and offer safeguards in the case of a significant disruption or disruptions to critical entities. Member States and the Commission should therefore consider the local level context, and in particular the decentralisation of energy and the role of alternative energy networks, in the implementation of this Directive to ensure a comprehensive approach is being taken to reduce all risks that threaten societal and economic activities.

Amendment 52
Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 34 c (new)

Text proposed by the Commission

(34 c) In accordance with applicable Union and national law, including Regulation 2019/452 that provides a framework for the screening of foreign direct investments into the Union, the potential threat posed by foreign ownership of critical infrastructures within the Union must be acknowledged as services, the economy, free movement and the safety of EU citizens depends on the proper functioning of critical
Member States and the Commission should remain vigilant to the financial investments being made by foreign countries into the operation of critical entities within the Union and the consequences that such investments could have on the ability to prevent significant disruptions.

Amendment 53
Ondřej Kovařík, Dominique Riquet, Caroline Nagtegaal, Vlad Gheorghe

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

Text proposed by the Commission
1. This Directive:  

Amendment
1. To that end, this Directive:

Or. en

Amendment 54
Roman Haider

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

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

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

Or. de

Amendment 55
Ondřej Kovařík, Dominique Riquet, Caroline Nagtegaal, Vlad Gheorghe

Proposal for a directive
Article 1 a (new)
Text proposed by the Commission

Amendment

Article 1 a

To be placed before Paragraph 1

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 improve the functioning of the internal market.

Or. en

Amendment 56
Roman Haider

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, absorb, accommodate to and recover from an incident that disrupts, has the potential to disrupt or interrupts the operations of a critical entity;

Or. de

Amendment 57
Roman Haider

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 an asset, system or part thereof, which is necessary for the smooth delivery of an essential service;

Or. de
Amendment 58
Ondřej Kovařík, Dominique Riquet, Caroline Nagtegaal, Vlad Gheorghe

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, following consultation with critical entities, adopt by [four 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 59
Maria Grapini, Isabel García Muñoz, Inma Rodríguez-Piñero, Sara Cerdas

Proposal for a directive
Article 3 – paragraph 1

(Text proposed by the Commission)

1. Each Member State shall adopt by [three years after entry into force of this Directive] a strategy for reinforcing the resilience of critical entities. This strategy shall set out strategic objectives and policy measures with a view to achieving and maintaining a high level of resilience on the part of those critical entities and covering at least the sectors referred to in the Annex.

(Amendment)

1. Each Member State shall adopt by [two years after entry into force of this Directive] a strategy for reinforcing the resilience of critical entities. This strategy shall set out strategic objectives and policy measures with a view to achieving and maintaining a high level of resilience on the part of those critical entities and covering at least the sectors referred to in the Annex.

Or. en

Amendment 60
Maria Grapini, Isabel García Muñoz, Inma Rodríguez-Piñero, Petar Vitanov, Sara Cerdas

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

Text proposed by the Commission

(a) strategic objectives and priorities for the purposes of enhancing the overall resilience of critical entities taking into account cross-border and cross-sectoral interdependencies;

Amendment

(a) strategic objectives and priorities for the purposes of enhancing the overall resilience of critical entities taking into account cross-border and cross-sectoral interdependencies and the need for the exchange of information between entities;

Or. en

Amendment 61
Alviina Alametsä on behalf of the Verts/ALE Group

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

Text proposed by the Commission

(c) a description of measures necessary to enhance the overall resilience of critical entities, including a national risk assessment, the identification of critical entities and of entities equivalent to critical entities, and the measures to support critical entities taken in accordance with this Chapter;

Amendment

(c) a description of measures necessary to enhance the overall resilience of critical entities, including a national risk assessment, the identification of critical entities and of entities equivalent to critical entities, the maintenance requirements associated with critical entities, and the measures to support critical entities taken in accordance with this Chapter;

Or. en

Justification

The adequate maintenance of critical entities plays an essential role in their upkeep and therefore resilience to risks. This is particularly important in the transport sector for modes such as rail that demand high maintenance requirements.

Amendment 62
Alviina Alametsä
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

(\textit{d a}) an approach to increasing the resilience of local and regional communities in Member States and which recognises, but is not limited to, the role of decentralised local renewable energy supplies, energy storage systems and back-up energy storage systems such as battery electric vehicles, in offering alternative access to energy should a critical entity in the energy sector be significantly disrupted.

Amendment 63
Maria Grapini, Isabel García Muñoz, Inma Rodríguez-Piñero, Sara Cerdas

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

Text proposed by the Commission

The strategy shall be updated where necessary and at least every \textit{four} years.

Amendment

The strategy shall be updated where necessary and at least every \textit{three} years.

Amendment 64
Alviina Alametsä
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

\textit{a roadmap that details the necessary measures to be taken by the critical entities in order for them to increase their}
Resilience to the impacts of climate change by way of achieving climate neutral operations by 2050 at the latest, and to meet national and Union objectives for climate adaptation.

Amendment 65
Alviina Alametsä
Proposal for a directive
Article 3 – paragraph 2 a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 a. Incorporation of the latest scientific understanding of risks posed to critical entities. In particular, the strategies should fully incorporate for the latest scientific evidence concerning future climate change impacts on critical entities.</td>
<td></td>
</tr>
</tbody>
</table>

Amendment 66
Alviina Alametsä on behalf of the Verts/ALE Group
Proposal for a directive
Article 3 – paragraph 3

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Member States shall communicate their strategies, and any updates of their strategies, to the Commission within three months from their adoption.</td>
<td>3. Member States shall communicate their strategies, and any updates of their strategies, to the Commission within three months from their adoption, and be made publicly available.</td>
</tr>
</tbody>
</table>

Amendment 67
Ondřej Kovařík, Dominique Riquet, Caroline Nagtegaal, Vlad Gheorghe

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

Text proposed by the Commission

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

Amendment

1. Competent authorities designated pursuant to Article 8 shall establish a list of essential services in the sectors referred to in the Annex. They shall carry out by [four 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.

Or. en

Amendment 68
Maria Grapini, Isabel García Muñoz, Inma Rodríguez-Piñero, Sara Cerdas

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

Text proposed by the Commission

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

Amendment

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

Or. en
Amendment 69
Alviina Alametsä
on behalf of the Verts/ALE Group

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

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

Amendment
The risk assessment shall account for all relevant natural and man-made risks, including accidents, natural disasters, climate change, public health emergencies, antagonistic threats, including terrorist offences pursuant to Directive (EU) 2017/541 of the European Parliament and of the Council34. The risk assessment must be based on most recent scientific knowledge on evolving threats such as climate change in order to ensure timely adaptation to an evolving threat landscape.

_________________


Amendment 70
Tom Berendsen, Marian-Jean Marinescu, Barbara Thaler, Elżbieta Katarzyna Łukacijewska, Gheorghe Falcă, Henna Virkkunen, Jörgen Warborn, Markus Ferber, Cláudia Monteiro de Aguiar

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

Text proposed by the Commission
The risk assessment shall account for all relevant natural and man-made risks, including accidents, natural disasters, public health emergencies, antagonistic

Amendment
The risk assessment shall account for all relevant natural and man-made risks, including accidents, natural disasters, public health emergencies, criminal

_________________
Amendment 71
Roman Haider

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

Text proposed by the Commission


Amendment


Amendment 72
Maria Grapini, Isabel García Muñoz, Inma Rodríguez-Piñero, Sara Cerdas

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

Text proposed by the Commission

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


Amendment 73
Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a directive
Article 4 – paragraph 2 – point d a (new)

Text proposed by the Commission

(d a) an assessment of existing national level plans, strategies or other initiatives designed to increase the resilience of local and regional communities in view of the potential consequences of a significant disruption or disruptions to critical entities.

Amendment

Or. en

Amendment 74
Alviina Alametsä  
on behalf of the Verts/ALE Group

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 [four years after entry into force of this Directive] and subsequently where necessary and at least every four years, and be made publicly available.

Or. en

Amendment 75  
Ondřej Kovařík, Dominique Riquet, Caroline Nagtegaal, Vlad Gheorghe

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

Or. en

Amendment 76  
Alviina Alametsä  
on behalf of the Verts/ALE Group

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 may, in cooperation with the Member States, develop a voluntary common reporting template for the purposes of complying with paragraph 4, and shall provide a publicly available report reviewing the risk assessments made by Member States.

Or. en

Amendment 77
Maria Grapini, Isabel García Muñoz, Petar Vitanov, Sara Cerdas

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, in cooperation with the Member States, develop a common reporting template for the purposes of complying with paragraph 4.

Or. en

Amendment 78
Alviina Alametsä
on behalf of the Verts/ALE Group

Proposal for a directive
Article 4 – paragraph 5 a (new)

Text proposed by the Commission

5 a. Member States and the Commission shall ensure the necessary resources, capabilities and technologies are in place to handle the exchange of information and data pursuant to this Article. Special attention should be given to the handling of sensitive data, including by means of secure data exchange protocols, and to avoid data
misuse, whilst recognising the need for non-sensitive data to be made publicly available to ensure transparency.

Amendment 79
Ondřej Kovařík, Dominique Riquet, Caroline Nagtegaal, Vlad Gheorghe

Proposal for a directive
Article 5 – paragraph 1

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>1. By [four 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.</td>
</tr>
</tbody>
</table>

Or. en

Amendment 80
Maria Grapini, Isabel García Muñoz, Sara Cerdas

Proposal for a directive
Article 5 – paragraph 1

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>1. By [two 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.</td>
</tr>
</tbody>
</table>

Or. en

Amendment 81
Maria Grapini, Sara Cerdas

Proposal for a directive

PE693.634v01-00 46/68 AM\1232647EN.docx
Article 5 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 82
Ondřej Kovařík, Dominique Riquet, Caroline Nagtegaal, Vlad Gheorghe

Proposal for a directive
Article 5 – paragraph 3 – introductory part

Text proposed by the Commission

3. Each Member State shall establish a list of the critical entities identified and ensure that those critical entities are notified of their identification as critical entities within one month of that identification, informing them of their obligations pursuant to Chapters II and III and the date from which the provisions of those Chapters apply to them.

Amendment

3. Each Member State shall establish a list of the critical entities identified and ensure that those critical entities are notified of their identification as critical entities within two months of that identification, informing them of their obligations pursuant to Chapters II and III and the date from which the provisions of those Chapters apply to them.

Or. en

Amendment 83
Ondřej Kovařík, Dominique Riquet, Caroline Nagtegaal, Vlad Gheorghe

Proposal for a directive
Article 5 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that their competent authorities designated pursuant to Article 8 of this Directive notify the competent authorities that the Member States designated in accordance with Article 8 of [the NIS 2 Directive], of the identity of the critical entities that they

Amendment

4. Member States shall ensure that their competent authorities designated pursuant to Article 8 of this Directive notify the competent authorities that the Member States designated in accordance with Article 8 of [the NIS 2 Directive], of the identity of the critical entities that they
identified under this Article within one month of that identification.

identified under this Article within two months of that identification.

Or. en

Amendment 84
Maria Grapini, Sara Cerdas

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 two 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 85
Maria Grapini, Isabel García Muñoz, Inma Rodríguez-Piñero, Sara Cerdas

Proposal for a directive
Article 5 – paragraph 7 – introductory part

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 three years, review and, where appropriate, update the list of identified critical entities.

Or. en

Amendment 86
Roman Haider

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, **public transport**, the environment and public safety;

Amendment 87
Maria Grapini, Isabel García Muñoz, Inma Rodríguez-Piñero, Sara Cerdas

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, **security and safety**;

Or. en

Amendment 88
Ondřej Kovařík, Dominique Riquet, Caroline Nagtegaal, Vlad Gheorghe

Proposal for a directive
Article 6 – paragraph 2 – introductory part

Text proposed by the Commission

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:

Amendment

2. Member States shall submit to the Commission by [**four years and three months** after the entry into force of this Directive] the following information:

Or. en
Amendment 89  
Maria Grapini, Isabel García Muñoz, Sara Cerdas  
Proposal for a directive  
Article 6 – paragraph 2 – introductory part  

**Text proposed by the Commission**  
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:  

**Amendment**  
2. Member States shall submit to the Commission by [two years and three months after the entry into force of this Directive] the following information:  

Or. en

Amendment 90  
Maria Grapini, Isabel García Muñoz, Inma Rodríguez-Piñero, Sara Cerdas  
Proposal for a directive  
Article 6 – paragraph 2 – subparagraph 1  

**Text proposed by the Commission**  
They shall subsequently submit that information where necessary, and at least every four years.  

**Amendment**  
They shall subsequently submit that information where necessary, and at least every three years.  

Or. en

Amendment 91  
Ondřej Kovařík, Dominique Riquet, Caroline Nagtegaal, Vlad Gheorghe  
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)  

**Amendment**  
1. As regards the sectors referred to in points 3, 4 and 8 of the Annex, Member States shall, by [four 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 92
Maria Grapini, Isabel García Muñoz, Sara Cerdas

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 3, 4 and 8 of the Annex, Member States shall, by [two 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.

Or. en

Amendment 93
Roman Haider

Proposal for a directive
Article 8 – paragraph 1 – introductory part

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

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

Or. de
Amendment 94
Ondřej Kovařík, Dominique Riquet, Caroline Nagtegaal, Vlad Gheorghe

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 [four 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).

Or. en

Amendment 95
María Grapini, Isabel García Muñoz, Sara Cerdas

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 [two 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).

Or. en

Amendment 96
María Grapini, Isabel García Muñoz, Inma Rodríguez-Piñero, Sara Cerdas

Proposal for a directive

PE693.634v01-00 52/68 AM\1232647EN.docx
Article 8 – paragraph 5 a (new)

*Text proposed by the Commission*

5 a. In the event of exceptional situations and high-risk incidents where critical entities and responsible national authorities fail to ensure that the incident is absorbed and remedied, the Commission should intervene through the available levers to help the critical entity to resolve this issue;

*Or. en*

Amendment 97
Tom Berendsen, Marian-Jean Marinescu, Barbara Thaler, Elżbieta Katarzyna Łukacijewska, Gheorghe Falcă, Henna Virkkunen, Jörgen Warborn, Markus Ferber, Cláudia Monteiro de Aguiar

Proposal for a directive
Article 9 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

*Or. en*

Amendment 98
Maria Grapini, Isabel García Muñoz, Inma Rodríguez-Piñero, Sara Cerdas

Proposal for a directive
Article 10 – paragraph 1

*Text proposed by the Commission*

Member States shall ensure that critical entities assess within six months after

*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 operations.

receiving the notification referred to in Article 5(3), and subsequently where necessary and at least every three 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 99
Vlad Gheorghe, Ondřej Kovařík

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

Text proposed by the Commission

(b) ensure adequate physical protection of sensitive areas, facilities and other infrastructure, including fencing, barriers, perimeter monitoring tools and routines, as well as detection equipment and access controls;

Amendment

(b) ensure adequate physical protection of sensitive areas, facilities and other infrastructure, including fencing, barriers, perimeter monitoring tools and routines, as well as detection equipment, emergency call systems for the notification of competent authorities, and access controls;

Or. en

Justification

It is necessary to enable the users of critical entities to report incidents and get assistance, as the practice shows that incidents in extra-urban areas, such as truck parking areas, remain unaddressed for hours.

Amendment 100
Roman Haider

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

Text proposed by the Commission

(c) resist and mitigate the consequences of incidents, including the implementation of risk and crisis management procedures and protocols and

Amendment

(c) as far as possible prevent and, where necessary, effectively and quickly resist and mitigate the consequences of incidents, including the implementation of
alert routines; risk and crisis management procedures and protocols and alert routines;

Amendment 101
Roman Haider

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) *examine and evaluate damage,* recover from incidents, including business continuity measures and the identification of alternative supply chains;

Amendment 102
Tom Berendsen, Marian-Jean Marinescu, Barbara Thaler, Elżbieta Katarzyna Łukacijewska, Gheorghe Falcă, Henna Virkkunen, Jörgen Warborn, Markus Ferber, Cláudia Monteiro de Aguiar

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

*Text proposed by the Commission*  
(f) raise awareness about the measures referred to in points (a) to (e) among relevant personnel.

*Amendment*  
(f) *raise awareness about the incidents and disruptions that may occur, including criminal infiltration, as well as* measures referred to in points (a) to (e) among relevant personnel.

Amendment 103
Roman Haider

Proposal for a directive
Article 11 – paragraph 1 – point f
(f) raise awareness about the measures referred to in points (a) to (e) among relevant personnel.

(f) raise awareness about the measures referred to in points (a) to (e) among relevant personnel, who should receive regular training.

Amendment 104
Alviina Alametsä
on behalf of the Verts/ALE Group

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

(f a) ensure the adequate maintenance and upkeep of existing physical infrastructure related to the transport and energy sectors, especially in the face of increased potential for natural threats exacerbated by climate change, in order to avoid neglect and increase the lifetimes of such infrastructures which can in turn reduce costs associated with new builds and lower environmental impacts. Special focus should be given to cross-border links, such as regional cross-border rail connections or disused rail links, that might have been neglected in the absence of a concerted union level approach.

Amendment 105
Maria Grapini, Isabel García Muñoz, Sara Cerdas

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.

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 106
Roman Haider

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

Text proposed by the Commission
(b) cover any criminal records of at least the preceding five years, and for a maximum of ten years, on crimes relevant for recruitment on a specific position, in the Member State or Member States of nationality of the person and in any of the Member States or third countries of residence during that period of time;

Amendment
(b) cover any criminal records of at least the preceding five years, and for a maximum of ten years, on crimes relevant for recruitment on a specific position, in the Member State or Member States or the third country or countries of nationality of the person and in any of the Member States or third countries of residence during that period of time;

Amendment 107
Roman Haider

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

Text proposed by the Commission
(c) cover previous employments, education and any gaps in education or employment in the person’s resume during at least the preceding five years and for a maximum of ten years.

Amendment
(c) cover previous employments, certificates of service, education and any gaps in education or employment in the person’s resume during at least the preceding five years and for a maximum of
Amendment 108
Vlad Gheorghe

Proposal for a directive
Article 13 – paragraph 4

Text proposed by the Commission

4. As soon as possible upon having been notified in accordance with paragraph 1, the competent authority shall provide the critical entity that notified it with relevant information regarding the follow-up of its notification, including information that could support the critical entity’s effective response to the incident.

Amendment

4. As soon as possible upon having been notified in accordance with paragraph 1, the competent authority shall provide the critical entity that notified it with relevant information regarding the follow-up of its notification, including information that could support the critical entity’s effective response to the incident. Where the notification relates to the direct risk to human life, the competent authority shall ensure that relevant public security and safety services are mobilised and sent to the place of incident within a minimum amount of time.

Justification

In critical situations where human life is threatened, ambulance and police intervention should take place immediately.

Amendment 109
Maria Grapini, Sara Cerdas

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

Amendment

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

Amendment 110
Kateřina Konečná

Proposal for a directive
Article 15

Text proposed by the Commission

[...]

Amendment

deleted

Or. cs

Amendment 111
Maria Grapini, Isabel García Muñoz, Sara Cerdas

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

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 Member State shall also inform, without undue thorough 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.

Or. en

Amendment 112
Maria Grapini, Isabel García Muñoz, Sara Cerdas

Proposal for a directive
Article 15 – paragraph 3 – introductory part
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.

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 **60 days** after the conclusion of the advisory mission.

Or. en

**Amendment 113**

**Maria Grapini, Sara Cerdas**

**Proposal for a directive**

**Article 15 – paragraph 3 – subparagraph 3**

*Text proposed by the Commission*

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.

*Amendment*

That Member State shall take due and **objectively** 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.

Or. en

**Amendment 114**

**María Grapini, Isabel García Muñoz, Sara Cerdas**

**Proposal for a directive**

**Article 16 – paragraph 1**

*Text proposed by the Commission*

1. A Critical Entities Resilience Group is established with effect from **[six months after the entry into force of this Directive]**. It shall support the Commission and facilitate strategic cooperation and the exchange of information on issues relating to this Directive.

*Amendment*

1. A Critical Entities Resilience Group is established with effect from **[four months after the entry into force of this Directive]**. It shall support the Commission and facilitate strategic cooperation and the exchange of information on issues relating to this Directive.
Amendment 115
Roman Haider

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

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 subject-specific sectors or specialists to participate in its work. Invites must of course respect the protocols and obligation of confidentiality of the Group and be subjected to the relevant screening process.

Amendment 116
Maria Grapini, Isabel García Muñoz, Petar Vitanov, Sara Cerdas

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

Text proposed by the Commission

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

Amendment

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

Amendment 117
Proposal for a directive

Article 16 – paragraph 3 – point h

Text proposed by the Commission

(h) exchanging information and best practices on research and development relating to the resilience of critical entities in accordance with this Directive;

Amendment

(h) exchanging information and best practices on **innovation**, research and development relating to the resilience of critical entities in accordance with this Directive;

Or. en

Amendment 118
Maria Grapini, Isabel García Muñoz, Sara Cerdas

Proposal for a directive

Article 16 – paragraph 4

Text proposed by the Commission

4. By [24 months after entry into force of this Directive] and every two years thereafter, the Critical Entities Resilience Group shall establish a work programme in respect of actions to be undertaken to implement its objectives and tasks, which shall be consistent with the requirements and objectives of this Directive.

Amendment

4. By [18 months after entry into force of this Directive] and every two years thereafter, the Critical Entities Resilience Group shall establish a work programme in respect of actions to be undertaken to implement its objectives and tasks, which shall be consistent with the requirements and objectives of this Directive.

Or. en

Amendment 119
Roman Haider

Proposal for a directive

Article 16 – paragraph 6

Text proposed by the Commission

6. The Commission may adopt implementing acts laying down procedural arrangements necessary for the functioning

Amendment

(6) The Commission may adopt implementing acts laying down procedural arrangements necessary for the functioning
of the Critical Entities Resilience Group.
 Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(2).

The Group may submit amendments to the procedural arrangements. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(2).

Amendment 120
Ondřej Kovařík, Dominique Riquet, Caroline Nagtegaal, Vlad Gheorghe

Proposal for a directive
Article 16 – paragraph 7

Text proposed by the Commission

7. The Commission shall provide to the Critical Entities Resilience Group a summary report of the information provided by the Member States pursuant to Articles 3(3) and 4(4) by [three years and six months after entry into force of this Directive] and subsequently where necessary and at least every four years.

Amendment

7. The Commission shall provide to the Critical Entities Resilience Group a summary report of the information provided by the Member States pursuant to Articles 3(3) and 4(4) by [four years and six months after entry into force of this Directive] and subsequently where necessary and at least every four years.

Or. de

Amendment 121
Maria Grapini, Isabel García Muñoz, Inma Rodríguez-Piñero, Sara Cerdas

Proposal for a directive
Article 16 – paragraph 7

Text proposed by the Commission

7. The Commission shall provide to the Critical Entities Resilience Group a summary report of the information provided by the Member States pursuant to Articles 3(3) and 4(4) by [three years and six months after entry into force of this Directive] and subsequently where necessary and at least every four years.

Amendment

7. The Commission shall provide to the Critical Entities Resilience Group a summary report of the information provided by the Member States pursuant to Articles 3(3) and 4(4) by [two years and six months after entry into force of this Directive] and subsequently where necessary and at least every three years.

Or. en
Amendment 122
Maria Grapini, Isabel García Muñoz, Inma Rodríguez-Piñero, Petar Vitanov, Sara Cerdas

Proposal for a directive
Article 18 – paragraph 1 – introductory part

Text proposed by the Commission

1. In order to assess the compliance of the entities that the Member States identified as critical entities pursuant to Article 5 with the obligations pursuant to this Directive, they shall ensure that the competent authorities shall have the powers and means to:

Amendment

1. In order to assess the compliance of the entities that the Member States identified as critical entities pursuant to Article 5 with the obligations pursuant to this Directive, they shall ensure that the competent authorities shall have the powers, means and human and financial resources to:

Or. en

Amendment 123
Maria Grapini, Isabel García Muñoz, Inma Rodríguez-Piñero, Petar Vitanov, Sara Cerdas

Proposal for a directive
Article 18 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States shall ensure that the competent authorities have the powers and means to require, where necessary for the performance of their tasks under this Directive, that the entities that they identified as critical entities pursuant to paragraph 5 provide, within a reasonable time period set by those authorities:

Amendment

2. Member States shall ensure that the competent authorities have the powers, means and human and financial resources to require, where necessary for the performance of their tasks under this Directive, that the entities that they identified as critical entities pursuant to paragraph 5 provide, within a reasonable time period set by those authorities:

Or. en

Amendment 124
Ondřej Kovařík, Dominique Riquet, Caroline Nagtegaal, Vlad Gheorghe
Proposal for a directive
Article 22 – paragraph 1

**Text proposed by the Commission**

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 [66 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.

Or. en

**Amendment 125**
**Maria Grapini, Isabel García Muñoz, Sara Cerdas**

Proposal for a directive
Article 22 – paragraph 1

**Text proposed by the Commission**

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 [36 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.

Or. en

**Amendment 126**
**Maria Grapini, Isabel García Muñoz, Sara Cerdas**

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

**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 to include the food production, processing and distribution sector.

Amendment 127
Tom Berendsen, Marian-Jean Marinescu, Barbara Thaler, Elżbieta Katarzyna Łukacijewska, Gheorghe Falcă, Henna Virkkunen, Jörgen Warborn, Markus Ferber, Cláudia Monteiro de Aguiar

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 [four 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.

Justification

A first review report after four - instead of six - years after the entry into force of this Directive will be prudent given the rapid developments in the areas of critical infrastructure.
Amendment 128
Ondřej Kovařík, Dominique Riquet, Caroline Nagtegaal, Vlad Gheorghe

Proposal for a directive
Article 22 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

The Commission shall, by [6 years after the entry into force of this Directive] carry out a review of the application of this Directive and sector-specific legislation. The review shall focus on identifying duplications/overlapping in the respective legislation, regulatory requirements or procedures, with a view to improve coherence and legal certainty between this Directive and the relevant sector-specific legislation. To this end, the Commission shall prepare a report which it shall transmit to the European Parliament and the Council, accompanied where necessary by a legislative proposal.

Or. en

Amendment 129
Ondřej Kovařík, Dominique Riquet, Caroline Nagtegaal, Vlad Gheorghe

Proposal for a directive
Article 24 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Member States shall adopt and publish, by [18 months after entry into force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

1. Member States shall adopt and publish, by [24 months after entry into force of this Directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

Or. en

Amendment 130
Ondřej Kovařík, Dominique Riquet, Caroline Nagtegaal, Vlad Gheorghe

Proposal for a directive  
Article 24 – paragraph 1 – subparagraph 1

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>They shall apply those provisions from [two years after entry into force of this Directive + one day].</td>
<td>They shall apply those provisions from [30 months after entry into force of this Directive + one day].</td>
</tr>
</tbody>
</table>

Or. en