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COVER NOTE

From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

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To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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ANNEX

ANNEX

to the proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the resilience of critical entities

{SEC(2020) 433 final} - {SWD(2020) 358 final} - {SWD(2020) 359 final}

ANNEX

Sectors, subsectors and types of entities

Sector	Subsector	Type of entity
1. Energy	(a) Electricity	— Electricity undertakings referred to in point (57) of Article 2 of Directive (EU) 2019/944 ¹ , which carry out the function of ‘supply’ referred to in point (12) of Article 2 of that Directive
		— Distribution system operators referred to in point (29) of Article 2 of Directive (EU) 2019/944
		— Transmission system operators referred to in point (35) of Article 2 of Directive (EU) 2019/944
		— Producers referred to in point (38) of Article 2 of Directive (EU) 2019/944
		— Nominated electricity market operators referred to in point 8 of Article 2 of Regulation (EU) 2019/943 ²
		— Electricity market participants referred to in point (25) of Article 2 of Regulation (EU) 2019/943 providing aggregation, demand response or energy storage services referred to in points (18), (20) and (59) of Article 2 of Directive (EU) 2019/944
	(b) District heating and cooling	— District heating and cooling referred to in point (19) of Article 2 of the Directive (EU) 2018/2001 ³ on the promotion of the use of energy from renewable sources
(c) Oil	— Operators of oil transmission	

¹ Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p.125)

² Regulation (EU) 2019/943 of the European Parliament and of the Council on the internal market for electricity (OJ L 158, 14.6.2019, p. 54).

³ Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).

		pipelines
		— Operators of oil production, refining and treatment facilities, storage and transmission
		— Central oil stockholding entities referred to in point (f) of Article 2 of Council Directive 2009/119/EC ⁴
	(d) Gas	— Supply undertakings referred to in point (8) of Article 2 of Directive (EU) 2009/73/EC ⁵
		— Distribution system operators referred to in point (6) of Article 2 of Directive (EU) 2009/73/EC
		— Transmission system operators referred to in point (4) of Article 2 of Directive (EU) 2009/73/EC
		— Storage system operators referred to in point (10) of Article 2 of Directive (EU) 2009/73/EC
		— LNG system operators referred to in point (12) of Article 2 of Directive (EU) 2009/73/EC
		— Natural gas undertakings referred to in point (1) of Article 2 of Directive (EU) 2009/73/EC
		— Operators of natural gas refining and treatment facilities
	(e) Hydrogen	— Operators of hydrogen production, storage and transmission
2. Transport	(a) Air	— Air carriers referred to in point (4) of Article 3 of Regulation (EC) No 300/2008 ⁶

⁴ Council Directive 2009/119/EC of 14 September 2009 imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products (OJ L 265, 9.10.2009, p.9).

⁵ Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94).

		<p>— Airport managing bodies referred to in point (2) of Article 2 of Directive 2009/12/EC⁷, airports referred to in point (1) of Article 2 of that Directive, including the core airports listed in Section 2 of Annex II to Regulation (EU) No 1315/2013⁸, and entities operating ancillary installations contained within airports</p>
		<p>— Traffic management control operators providing air traffic control (ATC) services referred to in point (1) of Article 2 of Regulation (EC) No 549/2004⁹</p>
	(b) Rail	<p>— Infrastructure managers referred to in point (2) of Article 3 of Directive 2012/34/EU¹⁰</p>
		<p>— Railway undertakings referred to in point (1) of Article 3 of Directive 2012/34/EU, including operators of service facilities referred to in point (12) of Article 3 of Directive 2012/34/EU</p>
	(c) Water	<p>— Inland, sea and coastal passenger and freight water transport companies, referred to for maritime transport in Annex I to Regulation (EC) No 725/2004¹¹, not including the individual vessels operated by those companies</p>
		<p>— Managing bodies of ports</p>

⁶ Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (OJ L 97, 9.4.2008, p.72).

⁷ Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges (OJ L 70, 14.3.2009, p.11).

⁸ Regulation (EC) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p.1).

⁹ Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) (OJ L 96, 31.3.2004, p.1).

¹⁰ Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343, 14.12.2012, p.32).

¹¹ Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security (OJ L 129, 29.4.2004, p.6).

		referred to in point (1) of Article 3 of Directive 2005/65/EC ¹² , including their port facilities referred to in point (11) of Article 2 of Regulation (EC) No 725/2004, and entities operating works and equipment contained within ports
		— Operators of vessel traffic services referred to in point (o) of Article 3 of Directive 2002/59/EC ¹³ of the European Parliament and of the Council
	(d) Road	— Road authorities referred to in point (12) of Article 2 of Commission Delegated Regulation (EU) 2015/962 ¹⁴ responsible for traffic management control
		— Operators of Intelligent Transport Systems referred to in point (1) of Article 4 of Directive 2010/40/EU ¹⁵
3. Banking		Credit institutions referred to in point (1) of Article 4 of Regulation (EU) No 575/2013 ¹⁶
4. Financial market infrastructures		— Operators of trading venues referred to in point (24) of Article 4 of Directive 2014/65/EU ¹⁷
		— Central counterparties (CCPs) referred to in point (1) of Article 2 of

¹² Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security (OJ L 310, 25.11.2005, p. 28).

¹³ Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p.10).

¹⁴ Commission Delegated Regulation (EU) 2015/962 of 18 December 2014 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of EU-wide real-time traffic information services (OJ L 157, 23.6.2015, p. 21).

¹⁵ Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (OJ L 207, 6.8.2010, p. 1).

¹⁶ Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).

¹⁷ Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).

		Regulation (EU) No 648/2012 ¹⁸
5. Health		— Healthcare providers referred to in point (g) of Article 3 of Directive 2011/24/EU ¹⁹
		— EU reference laboratories referred to in Article 15 of Regulation [XX] on serious cross borders threats to health ²⁰
		— Entities carrying out research and development activities of medicinal products referred to in Article 1 point 2 of Directive 2001/83/EC ²¹
		— Entities manufacturing basic pharmaceutical products and pharmaceutical preparations referred to in section C division 21 of NACE Rev. 2
		— Entities manufacturing medical devices considered as critical during a public health emergency ('the public health emergency critical devices list') referred to in Article 20 of Regulation XXXX ²²
6. Drinking water		Suppliers and distributors of water intended for human consumption referred to in point (1)(a) of Article 2 of Council Directive 98/83/EC ²³ but excluding distributors for whom distribution of water for human consumption is only part of their general activity of distributing other

¹⁸ Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1).

¹⁹ Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88, 4.4.2011, p. 45).

²⁰ [Regulation of the European Parliament and of the Council on serious cross-border threats to health and repealing Decision No 1082/2013/EU, reference to be updated once the proposal COM(2020) 727 final is adopted].

²¹ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p.67).

²² [Regulation on a reinforced role for the European Medicines Agency in crisis preparedness and management for medicinal products and medical devices COM(2020) 725 final] reference once the proposal is updated].

²³ Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption (OJ L 330, 5.12.1998, p. 32).

		commodities and goods which are not considered essential or important services
7. Waste water		Undertakings collecting, disposing or treating urban, domestic and industrial waste water referred to in points (1) to (3) of Article 2 of Council Directive 91/271/EEC ²⁴
8. Digital infrastructure		— Providers of Internet Exchange Point [referred to in point (X) of Article 4 of NIS 2 Directive]
		— DNS service providers [referred to in point (X) of Article 4 of NIS 2 Directive]
		— TLD name registries [referred to in point (X) of Article 4 of NIS 2 Directive]
		— Providers of Cloud computing service [referred to in point (X) of Article 4 of NIS 2 Directive]
		— Providers of Data centre service [referred to in point (X) of Article 4 of NIS 2 Directive]
		— Providers of Content delivery network [referred to in point (X) of Article 4 of NIS 2 Directive]
		— Trust service providers referred to in point (19) of Article 3 of Regulation (EU) No 910/2014 ²⁵
		— Providers of public electronic communications networks referred to in

²⁴ Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment (OJ L 135, 30.5.1991, p.40).

²⁵ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p.73).

		point (8) of Article 2 of Directive (EU) 2018/1972 ²⁶ or providers of electronic communications services within the meaning of point (4) of Article 2 of Directive (EU) 2018/1972 insofar as their services are publicly available
9. Public administration		— Public administration entities, [referred to in point (X) of Article 4 of NIS 2 Directive], of central governments
		— Public administration entities, [referred to in point (X) of Article 4 of NIS 2 Directive], of NUTS level 1 regions listed in Annex I to Regulation (EC) No 1059/2003 ²⁷
		— Public administration entities, [referred to in point (X) of Article 4 of NIS 2 Directive], of NUTS level 2 regions listed in Annex I to Regulation (EC) No 1059/2003
10. Space		— Operators of ground-based infrastructure, owned, managed and operated by Member States or by private parties, that support the provision of space-based services, excluding providers of public electronic communications networks within the meaning of point (8) of Article 2 of Directive (EU) 2018/1972

²⁶ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communication Code (OJ L 321, 17.12.2018, p. 36).

²⁷ Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

[ANNEX \[...\]](#)

[ANNEX \[...\]](#)