



2026/0011(COD)

13.10.2026

AMENDMENTS

765 - 1004

Draft report

Markéta Gregorová

(PE792.222v01-00)

European Union Agency for Cybersecurity (ENISA), the European cybersecurity certification framework, and ICT supply chain security and repealing Regulation (EU) 2019/881 (The Cybersecurity Act 2)

Proposal for a regulation

(COM(2026)0011 – 2026/0011(COD))

Amendment 765

Tomas Tobé, Christian Ehler, Aura Salla, Jörgen Warborn, Andrea Wechsler, Dimitris Tsiodras, Pilar del Castillo Vera

Proposal for a regulation

Article 100 – paragraph 4 – subparagraph 1 – point f

Text proposed by the Commission

(f) participate in any activities under Union funding programmes and instruments implemented in direct and indirect management in accordance with Article 136 Regulation (EU, Euratom) 2024/2509 and Union sector-specific rules as well as in any Union funding activities implemented in shared management in relation to the provision of ICT components or components that include ICT components to be used in key ICT assets as identified in accordance with Article 102.

Amendment

(f) participate in any activities under Union funding programmes and instruments implemented in direct and indirect management in accordance with Article 136 Regulation (EU, Euratom) 2024/2509 and Union sector-specific rules as well as in any Union funding activities implemented in shared management in relation to the provision of ICT components or components that include ICT components to be used in key ICT assets as identified in accordance with Article 102 ***or listed as key ICT assets in an Annex to this Regulation.***

Or. en

Amendment 766

Markus Buchheit

Proposal for a regulation

Article 100 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The authorities in charge of the procedures referred to in points (a) to (f) shall conduct the necessary assessments for the purpose of this paragraph. The authorities ***may also*** rely for this purpose on the list referred to in Article 104.

Amendment

The authorities in charge of the procedures referred to in points (a) to (f) shall conduct the necessary assessments for the purpose of this paragraph. The authorities ***shall only*** rely for this purpose on the list referred to in Article 104.

Or. de

Amendment 767

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Majbritt Birkholm, Pierre-Romain Thionnet

**Proposal for a regulation
Article 100 – paragraph 4 a (new)**

Text proposed by the Commission

Amendment

4a. This Article shall not stand in the way of the adoption or maintenance by the Member States, in accordance with Article 1b, of more extensive restrictions in relation to providers based in third countries or controlled by a third country where said restrictions are necessary for the protection of national security or the essential security interests of the Member States.

Or. fr

**Amendment 768
Jens Geier**

**Proposal for a regulation
Article 100 – paragraph 4 a (new)**

Text proposed by the Commission

Amendment

4a. For the purposes of paragraph 4, point (f), an open-source project, repository or non-profit open-source steward shall not be excluded from Union funding solely because individual contributors are established in or are nationals of a third country designated pursuant to paragraph 2.

Or. en

**Amendment 769
Francesco Torselli**

**Proposal for a regulation
Article 100 – paragraph 5**

Text proposed by the Commission

5. In cases where a high-risk supplier has already obtained a European cybersecurity certificate pursuant to Title **III**, the competent authority shall withdraw it without undue delay.

Amendment

5. 5. In cases where a high-risk supplier has already obtained a European cybersecurity certificate pursuant to Title **III**, the competent authority shall withdraw it without undue delay. ***The implementing act referred to in paragraph 2 shall provide for appropriate transition periods for the application of paragraph 4 and of this paragraph. A withdrawal under this paragraph shall not, of itself, place an entity of the type referred to in Annexes I and II to Directive (EU) 2022/2555 in breach of its obligations under Union law in respect of components already installed.***

Or. en

Justification

Article 100(5) as drafted removes overnight the legal basis on which operators rely to demonstrate compliance with NIS2 and the Cyber Resilience Act for equipment already installed and functioning. Legal certainty requires that operators are given adequate time to adapt.

More critically, replacing inverters, PCS, BMS and EMS requires taking generation and storage assets offline. If designation triggers simultaneous replacement obligations across the Union, hundreds of gigawatts of capacity could be withdrawn from the grid in a compressed timeframe, creating a security of supply crisis of the kind this Regulation is designed to prevent.

Transition periods and the clarification that withdrawal of a certificate does not of itself place an operator in breach are the minimum necessary to ensure designation is implemented in a coordinated, grid-safe manner.

Amendment 770
Ondřej Krutílek

Proposal for a regulation
Article 100 a (new)

Text proposed by the Commission

Amendment

Article 100a

Designation of high-risk suppliers

1. Where a Union-level coordinated security risk assessment conducted in accordance with Article 99(1) identifies a significant non-technical cybersecurity risk in relation to a critical ICT supply chain, the Commission may assess whether a specific supplier presents a high risk in relation to key ICT assets designated in accordance with Article 102.

2. For the purposes of paragraph 1, the Commission shall assess the supplier-specific non-technical cybersecurity risks, on the basis of objective, reliable and sufficiently substantiated information, and in close cooperation with the Member States and, where necessary, ENISA and other relevant stakeholders. In particular, the Commission should consult the High Representative of the Union for Foreign Affairs and Security Policy (the “High Representative”). The assessment shall take into account, where relevant:

(a) the legal system applicable to the supplier, including laws or practices requiring disclosure to public authorities of non-public information concerning software or hardware vulnerabilities or confidential customer data;

(b) the availability of effective judicial remedies and independent and democratic oversight capable of addressing the risks identified;

(c) the ownership and control structure of the supplier and the possibility of direct or indirect influence by public authorities of a third country;

(d) substantiated information concerning malicious cyber activities materially supported, directed or controlled by a third country with which the supplier has relevant links, including through its place of establishment, ownership or control, and the ability and willingness of that third country to cooperate with the Union and the Member States in addressing the risk;

(e) relevant information stemming from Union-level coordinated security risk assessments, reports and public attributions by Member States, Union institutions, bodies, offices and agencies, international organisations and independent sources;

(f) substantiated information relating to the risk that the supplier may be compelled to introduce vulnerabilities, facilitate unauthorised access, interfere with the secure operation of key ICT assets, or transfer customer data to a third-country public authority.

3. Before submitting a proposal pursuant to paragraph 5, the Commission shall assess the anticipated impacts of the designation, including the consequences arising pursuant to Article 102c(1), in close cooperation with the Member States and, where necessary, ENISA and other relevant stakeholders. The assessment shall take into account, in particular: (a) the level of risk associated with the use, installation or integration of the supplier's ICT components or components that include ICT components in key ICT assets; (b) the expected cybersecurity benefits of the designation; (c) the direct economic and societal impacts of the designation, including its impact on SMEs and on the market; (d) the impact of the designation on the resilience and continuity of the critical ICT supply chain concerned; (e) the availability and capacity of alternative suppliers; and (f) the potential disruption of cross-border economic and societal activities.

4. Before submitting a proposal pursuant to paragraph 5, the Commission shall consult the High Representative on the anticipated impacts of the designation on the Common Foreign and Security Policy (CFSP) and Common Security and Defence Policy (CSDP).

5. Before submitting a proposal pursuant to paragraph 5, the Commission shall

ensure that the supplier concerned is given the opportunity to exercise its right to be heard. The Commission shall take the observations submitted by the supplier into account in its final assessment. Information received by the Commission shall be used only for the purpose for which it was acquired.

6. Where, on the basis of paragraphs 1 to 4, the Commission concludes that the supplier presents a significant non-technical cybersecurity risk and that designation is necessary and proportionate, it shall submit to the Council a proposal for an implementing act designating that supplier as a high-risk supplier. The proposal shall be accompanied by the security risk assessment referred to in paragraph 1, the supplier-specific assessment referred to in paragraph 2, the impact and dependency assessment referred to in paragraph 3, and the observations submitted by the supplier together with the Commission's assessment thereof.

7. Together with Commission's proposal, the High Representative shall submit to the Council their reasoned opinion on the impact of the designation and its alignment with the CFSP and CSDP, including recommendations for considerations by the Member States.

8. The Council may, acting by qualified majority on a proposal from the Commission, adopt an implementing act designating the supplier as a high-risk supplier. T[A1] he implementing act shall state the reasons for the designation by reference to the assessments referred to in paragraphs 1 to 3 and may lay down a fixed duration for the designation. The Council shall decide on the Commission proposal without undue delay and in any event within 24 weeks of its submission.

9. The implementing acts referred to in paragraph 6 shall be reviewed at least every 36 months. The Commission shall also review the assessments underlying

the designation whenever there is a significant change in the relevant circumstances. Where the conditions for designation are no longer fulfilled, or where the designation is no longer necessary or proportionate, the Commission shall submit to the Council a proposal to amend or repeal the implementing act.

10. The high-risk supplier concerned may request a review of its designation where it provides substantiated evidence of a significant change in the circumstances on which the designation was based. The Commission shall assess the request and, where appropriate, submit to the Council a proposal to amend or repeal the implementing act. [A1]Rozhodnutí, původní čl. 104/1

Or. en

Amendment 771

Eszter Lakos

Proposal for a regulation

Article 101 – paragraph 1

Text proposed by the Commission

Where the NIS Cooperation Group has conducted a Union-level coordinated security risk assessment pursuant to Article 99(1) of this Regulation, or after the completion of the procedure in case of significant cyber threat pursuant to Article 99(3) for an ICT supply chain, the Commission may take measures provided for in Articles 102 and 103(1) and (2).

Amendment

Where the NIS Cooperation Group has conducted a Union-level coordinated security risk assessment pursuant to Article 99(1) of this Regulation, or after the completion of the procedure in case of significant cyber threat pursuant to Article 99(3) for an ICT supply chain, the Commission may take measures provided for in Articles 102 and 103(1) and (2). ***Key ICT assets other than those referred to in Article 110(1) shall be identified exclusively in accordance with Article 102. No prohibition or mitigating measure pursuant to Article 103 shall apply in respect of an ICT supply chain unless a security risk assessment covering that ICT supply chain has been completed in***

accordance with Article 99 and the key ICT assets concerned have been identified in accordance with Article 102.

Or. en

Justification

Makes explicit the sequence of risk assessment, identification of key ICT assets, then measures. Obligations should not attach to assets of a given supply chain before that supply chain has been assessed.

Amendment 772

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Majbritt Birkholm, Pierre-Romain Thionnet

Proposal for a regulation

Article 101 – paragraph 1

Text proposed by the Commission

Where the NIS Cooperation Group has conducted a Union-level coordinated security risk assessment pursuant to Article 99(1) of this Regulation, or after the completion of the procedure in case of significant cyber threat pursuant to Article 99(3) for an ICT supply chain, the Commission may take measures provided for in Articles 102 and 103(1) and (2).

Amendment

Where the NIS Cooperation Group has conducted a Union-level coordinated security risk assessment pursuant to Article 99(1) of this Regulation, or after the completion of the procedure in case of significant cyber threat pursuant to Article 99(3) for an ICT supply chain, the Commission may take measures provided for in Articles 102 and 103(1) and (2), *after having taken due account of the conclusions of the assessment as well as the observations of the Member States.*

Or. fr

Amendment 773

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Pierre-Romain Thionnet

Proposal for a regulation

Article 102 – paragraph 1

Text proposed by the Commission

1. Where the risk assessment

Amendment

1. Where the risk assessment

conducted in accordance with Article 99(1) or (3) indicates significant cybersecurity risks in relation to an ICT supply chain, the Commission is empowered to adopt implementing acts identifying key ICT assets used for the manufacturing of products or the provision of services by entities of the type referred to in Annexes I and II to Directive (EU) 2022/2555. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 118(2) of this Regulation.

conducted in accordance with Article 99(1) or (3) indicates significant cybersecurity risks in relation to an ICT supply chain, the Commission is empowered to adopt implementing acts identifying key ICT assets used for the manufacturing of products or the provision of services by entities of the type referred to in Annexes I and II to Directive (EU) 2022/2555. ***A Member State may ask the Commission to include among the key ICT assets an ICT asset located on its territory provided that it can demonstrate that this asset is necessary for the operation of critical infrastructure or an essential service or for the protection of its national security or its essential security interests. If the Commission decides not to grant this request, it shall duly give a statement to the relevant Member State of the reasons for doing so.*** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 118(2) of this Regulation.

Or. fr

Amendment 774 **Adina Vălean**

Proposal for a regulation **Article 102 – paragraph 1**

Text proposed by the Commission

1. Where the risk assessment conducted in accordance with Article 99(1) ***or (3)*** indicates significant cybersecurity risks in relation to an ICT supply chain, the Commission is empowered to adopt implementing acts identifying key ICT assets used for the manufacturing of products or the provision of services by entities of the type referred to in Annexes I and II to Directive (EU) 2022/2555. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 118(2) of this

Amendment

1. Where the risk assessment conducted in accordance with Article 99(1) indicates significant cybersecurity risks in relation to an ICT supply chain, the Commission is empowered to adopt implementing acts identifying key ICT assets used for the manufacturing of products or the provision of services by entities of the type referred to in Annexes I and II to Directive (EU) 2022/2555, ***on the basis of the coordinated risk assessment pursuant to Article 99(1), which shall identify, inter alia, critical key assets.***

Regulation.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 118(2) of this Regulation.

Or. en

Amendment 775
Ondřej Krutílek

Proposal for a regulation
Article 102 – paragraph 1

Text proposed by the Commission

1. Where the risk assessment conducted in accordance with Article 99(1) or (3) indicates significant cybersecurity risks in relation to an ICT supply chain, the Commission is empowered to adopt implementing acts identifying key ICT assets used for the manufacturing of products or the provision of services by entities *of the type referred to in Annexes I and II to Directive (EU) 2022/2555*. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 118(2) of this Regulation.

Amendment

1. Where the risk assessment conducted in accordance with Article 99(1) or (3) indicates significant cybersecurity risks in relation to an ICT supply chain, the Commission is empowered to adopt implementing acts identifying key ICT assets used for the manufacturing of products or the provision of services by *NIS2* entities. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 118(2) of this Regulation.

Or. en

Amendment 776
Katri Kulmuni, Eero Heinäluoma

Proposal for a regulation
Article 102 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall initiate the identification of key ICT assets pursuant to paragraph 1 for each category listed in Annex IIa by ... [12 months of the entry into force of this Regulation], and shall inform the European Parliament and the

Council of the outcome of each assessment.

Where a risk assessment conducted in accordance with Article 99(1) or (3) indicates significant cybersecurity risks in relation to an ICT supply chain, the Commission may adopt implementing acts identifying key ICT assets used for the manufacturing of products or the provision of services by entities referred to in Annexes I and II to Directive (EU) 2022/2555. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 118(2).

Or. en

Justification

Member States should be involved throughout this process via the comitology procedure for implementing acts and defining key ICT assets should be linked to the risk assessment process.

Amendment 777

Andrea Wechsler, Christian Ehler

Proposal for a regulation

Article 102 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In conducting the assessments under Article 99, the Commission shall prioritise risks affecting electricity generation from solar photovoltaic installations and electricity storage in stationary battery systems. The assessment shall cover the relevant inverters and systems used to manage energy flows and battery operation. It shall consider the combined capacity exposed to disruption through shared mechanisms for remote access, operational control or software updates.

Or. en

Justification

Stationary battery storage supports essential electricity system functions and should receive the same assessment priority as photovoltaic generation. The assessment should capture risks arising from the coordinated manipulation of multiple installations through shared control or update mechanisms

Amendment 778

Tomas Tobé, Christian Ehler, Aura Salla, Jörgen Warborn, Andrea Wechsler, Dimitris Tsiodras, Pilar del Castillo Vera

Proposal for a regulation

Article 102 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall give priority to solar photovoltaic generation, including inverters, in the risk assessments referred to in Article 99. Where those assessments indicate significant cybersecurity risks, the Commission shall adopt the implementing acts referred to in paragraph 1 as regards solar photovoltaic generation by 12 months after the date of entry into force of this Regulation.

Or. en

Amendment 779

Ondřej Krutílek

Proposal for a regulation

Article 102 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. When ***identifying the*** key ICT assets ***referred to in*** paragraph 1, the Commission shall ***take into account the following*** elements:

2. When ***designating*** key ICT assets ***pursuant to*** paragraph 1, the Commission shall ***designate them from among the assets identified in the security risk assessment conducted in accordance with Article 99(1), after verifying that those assets continue to meet the*** elements ***referred to in Article 99(3a).***

Amendment 780

Ondřej Krutílek

Proposal for a regulation

Article 102 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) whether those assets have essential and sensitive functions for the functioning of products manufactured or services provided by the entity of the type referred to in Annexes I and II to Directive (EU) 2022/2555; *deleted*

Or. en

Amendment 781

Bart Groothuis, Ivars Ijabs, Anna Stürgh, Morten Løkkegaard, Martin Hojsík, Barry Andrews, João Cotrim De Figueiredo, Elisabetta Gualmini

Proposal for a regulation

Article 102 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) whether those assets have essential and sensitive functions for the functioning of products manufactured or services provided by the entity of the type referred to in Annexes I and II to Directive (EU) 2022/2555;

(a) whether those assets have essential and sensitive functions for the functioning **or management** of products manufactured or services provided by the entity of the type referred to in Annexes I and II to Directive (EU) 2022/2555;

Or. en

Amendment 782

Ondřej Krutílek

Proposal for a regulation

Article 102 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) whether incidents, including such caused by exploited vulnerabilities concerning those assets can lead to serious disruptions of ICT supply chains across the internal market or lead to exfiltration of data; *deleted*

Or. en

Amendment 783

Bart Groothuis, Ivars Ijabs, Anna Stürgh, Morten Løkkegaard, Martin Hojsík, Barry Andrews, João Cotrim De Figueiredo, Elisabetta Gualmini

Proposal for a regulation

Article 102 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) whether incidents, including such caused by exploited vulnerabilities concerning those assets can lead to serious disruptions of ICT supply chains across the internal market or lead to exfiltration of data;

(b) whether incidents, including such caused by exploited vulnerabilities concerning those assets can lead to serious disruptions of ICT supply chains across the internal market or lead to exfiltration of data, *sensitive information, trade secrets or intellectual property*;

Or. en

Amendment 784

Ondřej Krutílek

Proposal for a regulation

Article 102 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) whether there is a dependency on a limited number of suppliers of those assets; *deleted*

Or. en

Amendment 785

Ondřej Krutílek

Proposal for a regulation
Article 102 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) the results of the risk assessments referred to in Article 99.

deleted

Or. en

Amendment 786
Eszter Lakos

Proposal for a regulation
Article 102 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall not identify as key ICT assets ICT assets which are not connected to the network and information systems of a transmission or distribution system operator or of another entity of the type referred to in Annexes I and II to Directive (EU) 2022/2555, or which are installed behind the metering point of a final customer and are not subject to direct dispatch or control by a system operator, where incidents affecting those assets cannot lead to a serious disruption of the provision of essential services.

Or. en

Justification

Excludes behind-the-meter and non-grid-connected installations whose compromise does not carry systemic risk.

Amendment 787
Andrea Wechsler, Christian Ehler

Proposal for a regulation
Article 103 – paragraph 1

1. The Commission is empowered to adopt implementing acts establishing, where necessary to ensure high level of cybersecurity, cyber resilience and trust within the Union, that specific type of entities referred to in Annex I and II to Directive (EU) 2022/2555 shall be prohibited to use, install or integrate in any form ICT components or components that include ICT components from high-risk suppliers as identified in accordance with Article 104 in key ICT assets identified in accordance with Article 102. Such implementing acts shall provide for appropriate transition periods, during which the Commission shall publish the list of high-risk suppliers referred to in Article 104, as well as additional time periods for phasing out the relevant ICT components and components that include ICT components. Such implementing act may also specify these ICT component or components that include ICT components.

1. The Commission is empowered to adopt implementing acts establishing, where necessary to ensure high level of cybersecurity, cyber resilience and trust within the Union, that specific type of entities referred to in Annex I and II to Directive (EU) 2022/2555 shall be prohibited to use, install or integrate in any form ICT components or components that include ICT components from high-risk suppliers as identified in accordance with Article 104 in key ICT assets identified in accordance with Article 102. Such implementing acts shall provide for appropriate transition periods, during which the Commission shall publish the list of high-risk suppliers referred to in Article 104, as well as additional time periods for phasing out the relevant ICT components and components that include ICT components. ***When determining the transition and phasing-out periods, the Commission shall take into account the severity and urgency of the identified risks, the technical feasibility of replacement, the availability of alternative suppliers, procurement and installation lead times, and the continuity of essential services. It shall distinguish between components already installed, components covered by binding procurement contracts concluded before the adoption of the implementing act, and new procurement.*** Such implementing act may also specify these ICT component or components that include ICT components.

Or. en

Justification

Transition periods should reflect both the urgency of the security risk and the practical requirements of implementation. Differentiating existing installations and binding commitments from new procurement enables an orderly replacement without compromising essential services

Proposal for a regulation
Article 103 – paragraph 1

Text proposed by the Commission

1. The Commission is empowered to adopt implementing acts establishing, where necessary to ensure high level of cybersecurity, cyber resilience and trust within the Union, that specific type of entities referred to in Annex I and II to Directive (EU) 2022/2555 shall be prohibited to use, install or integrate **in** any form ICT components or components that include ICT components from high-risk suppliers as identified in accordance with Article 104 in key ICT assets identified in accordance with Article 102. Such implementing acts shall provide for appropriate transition periods, during which the Commission shall publish the list of high-risk suppliers referred to in Article 104, as well as additional time periods for phasing out the relevant ICT components and components that **include** ICT components. Such implementing act may also specify these ICT **component** or components that include ICT components.

Amendment

1. The Commission is empowered to adopt implementing acts establishing, where necessary to ensure high level of cybersecurity, cyber resilience and trust within the Union, that specific type of entities referred to in Annex I and II to Directive (EU) 2022/2555 shall be prohibited to use, install or integrate **into** any form ICT components or components that include ICT components from high-risk suppliers as identified in accordance with Article 104 in key ICT assets identified in accordance with Article 102. Such implementing acts shall provide for appropriate transition periods, during which the Commission shall publish the list of high-risk suppliers referred to in Article 104, as well as additional time periods for phasing out the relevant ICT components and components that **includes** ICT components. Such implementing act may also specify these ICT **components** or components that include ICT components.”
“For non-critical or non-immediate threats, such implementing acts shall prioritise proportionate transition periods over immediate prohibition, allowing affected operators sufficient time to adapt while minimising operational disruption.”

Or. en

Justification

Immediate restrictions may create avoidable market disruption and unintended operational consequences affecting European industrial competitiveness.

Critical sectors operate complex and long-life systems that may require dedicated transition paths. The proposed drafting suggestion ensures that cybersecurity measures strengthen

resilience without creating unintended risks for essential capabilities and strategic programmes.

Amendment 789

Letizia Moratti

Proposal for a regulation

Article 103 – paragraph 1

Text proposed by the Commission

1. The Commission is empowered to adopt implementing acts establishing, where necessary to ensure high level of cybersecurity, cyber resilience and trust within the Union, that specific type of entities referred to in Annex I and II to Directive (EU) 2022/2555 shall be prohibited to use, install or integrate in any form ICT components or components that include ICT components from high-risk suppliers as identified in accordance with Article 104 in key ICT assets identified in accordance with Article 102. Such implementing acts shall provide for appropriate transition periods, during which the Commission shall publish the list of high-risk suppliers referred to in Article 104, as well as additional time periods for phasing out the relevant ICT components and components that include ICT components. Such implementing act may also specify these ICT component or components that include ICT components.

Amendment

1. “The Commission is empowered to adopt implementing acts establishing, where necessary to ensure high level of cybersecurity, cyber resilience and trust within the Union, that specific type of entities referred to in Annex I and II to Directive (EU) 2022/2555 shall be prohibited to use, install or integrate in any form ICT components or components that include ICT components from high-risk suppliers as identified in accordance with Article 104 in key ICT assets identified in accordance with Article 102. Such implementing acts shall provide for appropriate transition periods, during which the Commission shall publish the list of high-risk suppliers referred to in Article 104, as well as additional time periods for phasing out the relevant ICT components and components that include ICT components. Such implementing act may also specify these ICT component or components that include ICT components.”
“For non-critical or non-immediate threats, such implementing acts shall prioritise proportionate transition periods over immediate prohibition, allowing affected operators sufficient time to adapt while minimising operational disruption.”

Or. en

Amendment 790
Adina Vălean

Proposal for a regulation
Article 103 – paragraph 1

Text proposed by the Commission

1. The Commission is empowered to adopt implementing acts establishing, where necessary to ensure high level of cybersecurity, cyber resilience and trust within the Union, that specific type of entities referred to in Annex I and II to Directive (EU) 2022/2555 shall be prohibited to use, install or integrate in any form ICT components or components that include ICT components from high-risk suppliers as identified in accordance with Article 104 in key ICT assets identified in accordance with Article 102. Such implementing acts shall provide for appropriate transition periods, during which the Commission shall publish the list of high-risk suppliers referred to in Article 104, as well as additional time periods for phasing out the relevant ICT components and components that include ICT components. Such implementing act may also specify these ICT component or components that include ICT components.

Amendment

1. The Commission, ***following a prior consultation of the entities concerned,*** is empowered to adopt implementing acts establishing, where necessary to ensure high level of cybersecurity, cyber resilience and trust within the Union, that specific type of entities referred to in Annex I and II to Directive (EU) 2022/2555 shall be prohibited to use install or integrate in any form ICT components or components that include ICT components from high-risk suppliers as identified in accordance with Article 104 in key ICT assets identified in accordance with Article 102 ***and shall phase out such components already installed within the time periods referred to in the second subparagraph.*** Such implementing acts shall provide for appropriate transition periods, during which the Commission shall publish the list of high-risk suppliers referred to in Article 104, as well as additional time periods for phasing out the relevant ICT components and components that include ICT components. Such implementing act may also specify these ICT component or components that include ICT components.

Or. en

Justification

Prohibitions should be adopted after consulting the entities concerned. The prohibition should target new installations, while components already installed must be phased out within the periods laid down in the implementing act.

Amendment 791
Diego Solier, Mariateresa Vivaldini

Proposal for a regulation
Article 103 – paragraph 1

Text proposed by the Commission

1. The Commission is empowered to adopt implementing acts establishing, where necessary to ensure high level of cybersecurity, cyber resilience and trust within the Union, that specific type of entities referred to in Annex I and II to Directive (EU) 2022/2555 shall be prohibited to use, install or integrate in any form ICT components or components that include ICT components from high-risk suppliers as identified in accordance with Article 104 in key ICT assets identified in accordance with Article 102. Such implementing acts shall provide for appropriate transition periods, during which the Commission shall publish the list of high-risk suppliers referred to in Article 104, as well as additional time periods for phasing out the relevant ICT components and components that include ICT components. Such implementing act may also specify these ICT component or components that include ICT components.

Amendment

1. The Commission is empowered to adopt implementing acts establishing, where necessary to ensure high level of cybersecurity, cyber resilience and trust within the Union, that specific type of entities referred to in Annex I and II to Directive (EU) 2022/2555 shall be prohibited to use, install or integrate in any form ICT components or components that include ICT components from **direct source** high-risk suppliers **(from the list of high risk-suppliers** as identified in accordance with Article 104) in key ICT assets identified in accordance with Article 102. Such implementing acts shall provide for appropriate transition periods, during which the Commission shall publish the list of high-risk suppliers referred to in Article 104, as well as additional time periods for phasing out the relevant ICT components and components that include ICT components. Such implementing act may also specify these ICT component or components that include ICT components.

Or. en

Justification

This amendment is necessary to achieve, and consistent with, the justification set out in respect of Amendment 005.

Amendment 792

Tomas Tobé, Christian Ehler, Aura Salla, Jörgen Warborn, Andrea Wechsler, Dimitris Tsiodras, Pilar del Castillo Vera

Proposal for a regulation
Article 103 – paragraph 1

Text proposed by the Commission

1. The Commission is empowered to adopt implementing acts establishing,

Amendment

1. The Commission is empowered to adopt implementing acts establishing,

where necessary to ensure high level of cybersecurity, cyber resilience and trust within the Union, that specific type of entities referred to in Annex I and II to Directive (EU) 2022/2555 shall be prohibited to use, install or integrate in any form ICT components or components that include ICT components from high-risk suppliers as identified in accordance with Article 104 in key ICT assets identified in accordance with Article 102. Such implementing acts shall provide for appropriate transition periods, during which the Commission shall publish the list of high-risk suppliers referred to in Article 104, as well as additional time periods for phasing out the relevant ICT components and components that include ICT components. Such implementing act may also specify these ICT component or components that include ICT components.

where necessary to ensure **a** high level of cybersecurity, cyber resilience and trust within the Union, that specific type of entities referred to in Annex I and II to Directive (EU) 2022/2555 shall be prohibited to use, install or integrate in any form ICT components or components that include ICT components from high-risk suppliers as identified in accordance with Article 104 in key ICT assets identified in accordance with Article 102. Such implementing acts shall provide for appropriate transition periods, during which the Commission shall publish the list of high-risk suppliers referred to in Article 104, as well as additional time periods for phasing out the relevant ICT components and components that include ICT components. Such implementing act may also specify these ICT component or components that include ICT components.

Or. en

Amendment 793

Ewa Zajączkowska-Hernik

Proposal for a regulation

Article 103 – paragraph 1

Text proposed by the Commission

1. The **Commission** is empowered to **adopt implementing acts establishing**, where necessary to ensure high level of cybersecurity, cyber resilience and trust within the Union, that specific type of entities referred to in Annex I and II to Directive (EU) 2022/2555 shall be prohibited to use, install or integrate in any form ICT components or components that include ICT components from high-risk suppliers as identified in accordance with Article 104 in key ICT assets identified in accordance with Article 102. Such implementing acts shall provide for appropriate transition periods, during which the Commission shall publish the

Amendment

1. The **the Council, acting unanimously**, is empowered to **establish**, where necessary to ensure high level of cybersecurity, cyber resilience and trust within the Union, that specific type of entities referred to in Annex I and II to Directive (EU) 2022/2555 shall be prohibited to use, install or integrate in any form ICT components or components that include ICT components from high-risk suppliers as identified in accordance with Article 104 in key ICT assets identified in accordance with Article 102. Such implementing acts shall provide for appropriate transition periods, during which the Commission shall publish the

list of high-risk suppliers referred to in Article 104, as well as additional time periods for phasing out the relevant ICT components and components that include ICT components. Such implementing act may also specify these ICT component or components that include ICT components.

list of high-risk suppliers referred to in Article 104, as well as additional time periods for phasing out the relevant ICT components and components that include ICT components. Such implementing act may also specify these ICT component or components that include ICT components.

Or. en

Amendment 794
Eszter Lakos

Proposal for a regulation
Article 103 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. An entity of the type referred to in Annexes I and II to Directive (EU) 2022/2555 which, in respect of ICT components or components that include ICT components from high-risk suppliers installed in its key ICT assets within the meaning of paragraph 1b, implements the mitigating measures referred to in paragraph 2, points (b) and (c), and whose effective implementation of those measures has been verified by an independent third-party audit, shall be deemed to comply with a prohibition established in to paragraph 1 or paragraph 7 in respect of those components. Such an entity shall not be required to replace those components, and the presence of those components shall not constitute a ground for restricting or suspending the entity's connection to, or access to, any transmission or distribution system or other network and information system. The implementing acts referred to in paragraph 1 shall specify the technical and methodological requirements applicable to the audit referred to in this paragraph, taking into account the type of key ICT asset concerned.

Or. en

Justification

Converts the technical mitigating measures already provided for in Article 103(2), points (b) and (c), into a verifiable compliance route for installed equipment. Audited mitigation addresses the identified non-technical risk (remote access, data transfer, firmware control, etc.) at a lower cost and disruption of replacement, and gives operators and their financiers legal certainty.

Amendment 795

Diego Solier, Mariateresa Vivaldini

Proposal for a regulation

Article 103 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. A prohibition under paragraph 1 may be adopted only where the Commission has established, on the basis of specific and substantiated evidence, that the identified risk cannot be adequately addressed through one or more of the mitigating measures referred to in paragraph 2. Any prohibition shall be necessary and proportionate to the risk identified.

Or. en

Justification

A prohibition should be used only where less restrictive measures cannot adequately address the identified cybersecurity risk. This ensures that supply-chain measures remain targeted and proportionate.

Amendment 796

Eszter Lakos

Proposal for a regulation

Article 103 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. For ICT components or components that include ICT components shall be considered to be installed in a key ICT asset where, before the date of

publication of the list of high-risk suppliers referred to in Article 104 relevant for the prohibition concerned:

(a) they have been installed in, or integrated into, that key ICT asset;

(b) the key ICT asset in which they are to be installed or integrated was under construction, or a final investment decision in respect of it had been taken; or

(c) a binding contract for their supply or installation had been concluded by the entity concerned.

Or. en

Justification

Defines the reference date for installed equipment. Projects under construction, with a final investment decision taken or with equipment under binding contract have been financed and designed around specific components; treating them as new procurement would retroactively upset investments made in good faith, contrary to the principles of legal certainty.

Amendment 797
Eszter Lakos

Proposal for a regulation
Article 103 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. *Where an implementing act adopted pursuant to paragraph 1 or paragraph 7 requires the replacement of ICT components or components that include ICT components installed within the meaning of paragraph 1b, the time period for phasing out those components shall be determined for each type of key ICT asset on the basis of an assessment taking due account of the degree of security risk, the remaining technical and economic lifetime of the components concerned, the economic impact of their removal on the entities concerned and the capacity of alternative suppliers to deliver replacement components on the Union*

market, and shall not be shorter than 60 months from the date of publication of the relevant list referred to in Article 104

Or. en

Justification

Article 103(1) already requires implementing acts to provide for transition and phase-out periods but gives no criteria. This paragraph supplies them, using the same criteria the Commission proposes for fixed and satellite networks in recital 157. The minimum period reflects the lifetime and depreciation profile of energy generation and storage equipment.

Amendment 798

Adina Vălean

Proposal for a regulation

Article 103 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Commission is empowered to adopt implementing acts establishing, where necessary to ensure a high level of cybersecurity, cyber resilience and trust within the Union, that specific type of entities referred to in Annexes I and II to Directive (EU) 2022/2555 shall be subject to one or several of the following mitigating measures in relation to their ICT supply chain and in particular to key ICT assets identified in accordance with Article 102, to mitigate risks identified in the security risk assessments conducted pursuant to Article 99:

Amendment

2. The Commission is empowered to adopt implementing acts establishing, where necessary to ensure a high level of cybersecurity, cyber resilience and trust within the Union, that specific type of entities referred to in Annexes I and II to Directive (EU) 2022/2555 shall be subject to one or several of the following mitigating measures in relation to their ICT supply chain and in particular to key ICT assets identified in accordance with Article 102, to mitigate risks identified in the security risk assessments conducted pursuant to Article 99. ***Such measures shall be risk-based and proportionate, taking into account the nature and severity of the identified risks, the effectiveness of available mitigation measures, their technical feasibility, operational impact and associated costs, and may include:***

Or. en

Justification

There should be no limitation on the range of mitigation measures that can be considered. The most proportionate measure should be selected on the basis of the coordinated risk assessment and an assessment of its impact, with appropriate transition periods and compensation where measures require the early replacement of equipment.

Amendment 799

Ewa Zajączkowska-Hernik

Proposal for a regulation

Article 103 – paragraph 2 – introductory part

Text proposed by the Commission

2. The **Commission** is empowered to adopt implementing acts establishing, where necessary to ensure a high level of cybersecurity, cyber resilience and trust within the Union, that specific type of entities referred to in Annexes I and II to Directive (EU) 2022/2555 shall be subject to one or several of the following mitigating measures *in relation to their ICT supply chain and in particular to key ICT assets identified in accordance with Article 102, to mitigate risks identified in the security risk assessments conducted pursuant to Article 99*:

Amendment

2. The **Council** is empowered to adopt implementing acts establishing, where necessary to ensure a high level of cybersecurity, cyber resilience and trust within the Union, that specific type of entities referred to in Annexes I and II to Directive (EU) 2022/2555 shall be subject to one or several of the following mitigating measures:

Or. en

Amendment 800

Jens Geier

Proposal for a regulation

Article 103 – paragraph 2 – point a

Text proposed by the Commission

(a) *application of transparency requirements concerning the provision of information to the competent authority about the suppliers in the ICT supply chain for key ICT assets designated in accordance with Article 102;*

Amendment

deleted

Justification

Points (a) and (b) are not removed in substance, but strengthened and relocated to paragraph 2a as cumulative baseline safeguards. Whenever implementing acts are adopted under paragraph 2, supplier transparency, restrictions on data transfers and remote processing, and independently audited restrictions on high-risk supplier access must apply rather than remain optional measures.

Amendment 801

Bart Groothuis, Ivars Ijabs, Anna Stürgh, Morten Løkkegaard, Martin Hojsík

Proposal for a regulation**Article 103 – paragraph 2 – point a**

Text proposed by the Commission

Amendment

(a) application of transparency requirements concerning the provision of information to the competent authority about the suppliers in the ICT supply chain for key ICT assets designated in accordance with Article 102; *deleted*

Justification

A transparency requirement should not qualify as a mitigating measure.

Amendment 802

Adina Vălean

Proposal for a regulation**Article 103 – paragraph 2 – point a**

Text proposed by the Commission

Amendment

(a) application of transparency requirements concerning the provision of information to the competent authority about the suppliers in the ICT supply chain for key ICT assets designated in accordance with Article 102;

(a) application of transparency requirements concerning the provision of information to the competent authority about the suppliers in the ICT supply chain for key ICT assets designated in accordance with Article 102; *The provision of information shall not apply where it could compromise national*

security, defence or the vital interests of the State, in accordance with applicable Union or national law;

Or. en

Amendment 803

Diego Solier, Mariateresa Vivaldini

Proposal for a regulation

Article 103 – paragraph 2 – point a

Text proposed by the Commission

(a) application of transparency requirements concerning the provision of information to the competent authority about the suppliers in the ICT supply chain for key ICT assets designated in accordance with Article 102;

Amendment

(a) application of transparency requirements concerning the provision of information to the competent authority about the ***direct source high-risk*** suppliers in the ICT supply chain for key ICT assets designated in accordance with Article 102;

Or. en

Justification

This amendment is necessary to achieve, and consistent with, the justification set out in respect of Amendment 005. It is disproportionate (if not impractical or impossible given the absence of legal control by a covered entity throughout an entire supply chain) for a covered entity to be required to provide accurate or verifiable transparency-related information in relation to all supply chain participants.

Amendment 804

Jens Geier

Proposal for a regulation

Article 103 – paragraph 2 – point b

Text proposed by the Commission

(b) ***prohibition related to transfers of data to third countries and remote data processing from a third country;***

Amendment

deleted

Or. en

Justification

Points (a) and (b) are not removed in substance, but strengthened and relocated to paragraph 2a as cumulative baseline safeguards. Whenever implementing acts are adopted under paragraph 2, supplier transparency, restrictions on data transfers and remote processing, and independently audited restrictions on high-risk supplier access must apply rather than remain optional measures.

Amendment 805 **Markus Buchheit**

Proposal for a regulation **Article 103 – paragraph 2 – point b**

Text proposed by the Commission

(b) prohibition related to transfers of **data** to third countries and remote data processing from a third country;

Amendment

(b) prohibition related to transfers of ***security-related operational and control data of key ICT assets identified in accordance with Article 102*** to third countries ***designated in accordance with Article 100*** and remote data processing from ***such*** a third country;

Or. de

Amendment 806 **Bart Groothuis, Ivars Ijabs, Anna Stürgh, Morten Løkkegaard, Martin Hojsík, Barry Andrews**

Proposal for a regulation **Article 103 – paragraph 2 – point b**

Text proposed by the Commission

(b) prohibition related to transfers of data to third countries and remote data processing ***from*** a third country;

Amendment

(b) prohibition related to transfers of data to third countries and ***their entities, and*** remote data ***access and*** processing ***by*** a third country ***and its entities***;

Or. en

Amendment 807 **Adina Vălean**

Proposal for a regulation
Article 103 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) prohibition related to ***transfers of data to third countries and*** remote data processing ***from a third country***;

(b) prohibition related to remote data processing ***and transfers of data to specific third countries***;

Or. en

Amendment 808
Jens Geier

Proposal for a regulation
Article 103 – paragraph 2 – point c – point iii

Text proposed by the Commission

Amendment

(iii) ***the disabling of any remote or physical access to key ICT assets***;

deleted

Or. en

Justification

Points (a) and (b) are not removed in substance, but strengthened and relocated to paragraph 2a as cumulative baseline safeguards. Whenever implementing acts are adopted under paragraph 2, supplier transparency, restrictions on data transfers and remote processing, and independently audited restrictions on high-risk supplier access must apply rather than remain optional measures.

Amendment 809
Adina Vălean

Proposal for a regulation
Article 103 – paragraph 2 – point c – point v

Text proposed by the Commission

Amendment

(v) operational network monitoring;

(v) operational ***systems and*** network monitoring;

Or. en

Amendment 810
Ewa Zajączkowska-Hernik

Proposal for a regulation
Article 103 – paragraph 2 – point d

Text proposed by the Commission

(d) restrictions related to operational control, including outsourcing of organisational functions to managed service providers;

Amendment

(d) restrictions related to operational control, including outsourcing of organisational functions to managed service providers ***where such restrictions are directly linked to identified cybersecurity risks;***

Or. en

Amendment 811
Ewa Zajączkowska-Hernik

Proposal for a regulation
Article 103 – paragraph 2 – point e

Text proposed by the Commission

(e) ***restrictions related to the contractual relations of the entity with its suppliers;***

Amendment

deleted

Or. en

Amendment 812
Francesco Torselli

Proposal for a regulation
Article 103 – paragraph 2 – point e

Text proposed by the Commission

(e) restrictions ***related to the*** contractual relations ***of*** the entity ***with*** its suppliers;

Amendment

(e) restrictions ***on*** contractual relations ***between*** the entity ***and*** its suppliers, ***in particular with regard to clauses whereby the former transfers cybersecurity obligations to the latter, expressly or implicitly excluding the own responsibilities respect a ICTprocesses,***

*services or products with a risk classified
how tall o substantive within the meaning
of Article 82;*

Or. en

Justification

Liability dumping jeopardizes the legal and economic sustainability of MSMEs, burdening them

with burdens that go beyond their position in the value chain and therefore beyond their actual

capacity to intervene. Consistent with the principle that responsibilities must follow control, there

is therefore a need for provisions limiting undue transfer of responsibility, especially in relation to

critical digital products. The European Commission should take this into account when designing

mitigation measures.

Amendment 813

Diego Solier, Mariateresa Vivaldini

Proposal for a regulation

Article 103 – paragraph 2 – point e

Text proposed by the Commission

(e) restrictions related to the contractual relations of the entity with its suppliers;

Amendment

(e) restrictions related to the contractual relations of the entity with its **direct source high-risk** suppliers;

Or. en

Justification

This amendment is necessary to achieve, and consistent with, the justification set out in respect of Amendment 005. A covered entity has no effective means by which to implement (or police) any such contractual mitigation measure other than in respect of those suppliers with which it has a direct contractual arrangement.

Amendment 814

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Pierre-Romain Thionnet

Proposal for a regulation

Article 103 – paragraph 2 – point f

Text proposed by the Commission

(f) requirement for the service to be operated, managed, maintained or supported by personnel vetted by the relevant national competent authorities;

Amendment

(f) requirement for the service to be operated, managed, maintained or supported by personnel vetted by the relevant national competent authorities ***and located within the Union, excluding any personnel under the jurisdiction of a third country posing concerns within the meaning of Article 100;***

Or. fr

Amendment 815

Adina Vălean

Proposal for a regulation

Article 103 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

(-a) a prohibition on the installation or integration in any form of ICT components or components that include ICT components from high-risk suppliers identified in accordance with Article 104 in key ICT assets identified in accordance with Article 102;

Or. en

Justification

This subparagraph goes before point (a).

Amendment 816

Jens Geier

Proposal for a regulation

Article 103 – paragraph 2 a (new)

2a. Where the Commission adopts implementing acts pursuant to paragraph 2 with regard to entities referred to in Annexes I and II to Directive (EU) 2022/2555, it shall in each case establish that those entities are subject to all of the following baseline mitigating measures in relation to key ICT assets identified in accordance with Article 102:

(a) transparency requirements regarding the provision of information to the competent authority on suppliers in the ICT supply chain for key ICT assets;

(b) a prohibition of data transfers to third countries and remote data processing from a third country;

(c) the disabling of any remote or physical access to key ICT assets by the high-risk supplier, through a technical measure to be audited by a third party.

Or. en

Justification

Points (a) and (b) are not removed in substance, but strengthened and relocated to paragraph 2a as cumulative baseline safeguards. Whenever implementing acts are adopted under paragraph 2, supplier transparency, restrictions on data transfers and remote processing, and independently audited restrictions on high-risk supplier access must apply rather than remain optional measures.

Amendment 817

Adina Vălean

Proposal for a regulation

Article 103 – paragraph 2 a (new)

2a. The measures adopted shall be based on specific risks identified in the relevant coordinated risk assessment and shall be proportionate, duly considering the potential disruption of cross-border economic and societal activities by

interruptions of the services provided in the absence of adequate alternative supply. The implementing acts shall provide for appropriate transition periods and compensation mechanisms where costs negatively affect industry investments, in particular through requirements to remove equipment before the end of its lifecycle or out of sync with the investment cycles of the entities concerned.

Or. en

Justification

There should be no limitation on the range of mitigation measures that can be considered. The most proportionate measure should be selected on the basis of the coordinated risk assessment and an assessment of its impact, with appropriate transition periods and compensation where measures require the early replacement of equipment.

Amendment 818

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Pierre-Romain Thionnet

Proposal for a regulation

Article 103 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. If an identified risk can be mitigated in an equivalent fashion by means of a European cybersecurity certification scheme, an extension profile, a label or the requirements provided for under Title III, the Commission shall take these safeguards into account before adopting the measures referred to in paragraphs 1 and 2.

Or. fr

Amendment 819

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, András Gyürk, Christophe Bay, Pierre-Romain Thionnet

Proposal for a regulation
Article 103 – paragraph 3

Text proposed by the Commission

3. When introducing measures referred to in paragraph 2, the Commission may lay down technical and methodological requirements for the measures.

Amendment

3. When introducing measures referred to in paragraph 2, the Commission may lay down technical and methodological requirements for the measures, ***without prejudice to the competences of the national competent authorities.***

Or. fr

Amendment 820
Angelika Winzig

Proposal for a regulation
Article 103 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Before adopting measures pursuant to paragraph 1, the Commission shall assess whether the identified cybersecurity risks can be adequately mitigated through less restrictive technical and organisational measures, including those referred to in paragraph 2.

Such assessment shall take into account, in particular, independent security audits, cybersecurity certification, network segmentation, zero-trust architectures, enhanced access controls, restrictions on remote access, continuous security monitoring, operational redundancy, supplier diversification and effective operator control over critical network functions.

Prohibitions or mandatory replacement obligations shall be imposed only where the Commission establishes, on the basis of substantiated evidence, that less restrictive measures would not adequately address the identified risks.

The Commission shall provide a reasoned assessment of the necessity and proportionality of such prohibitions or replacement obligations, taking into account their impact on security, operational continuity, supplier diversity, competition and the investment capacity of affected operators.

Or. en

Justification

Supplier exclusion should be a measure of last resort, applied only where cybersecurity risks cannot be adequately mitigated through technical and organisational safeguards. Assessing less restrictive alternatives ensures proportionate regulation while safeguarding competition, innovation and network resilience.

Amendment 821
Francesco Torselli

Proposal for a regulation
Article 103 – paragraph 4 – introductory part

Text proposed by the Commission

4. Before adopting the implementing acts referred to in paragraphs 1 and 2, the Commission shall assess potential risks and dependencies and in particular:

Amendment

4. Before adopting the implementing acts referred to in paragraphs 1 and 2, the Commission shall assess potential risks and dependencies and in particular: *(a) where applicable, the level of risk associated with the use, installation or integration, in any form, of ICT components or components that include ICT components from high-risk suppliers in key ICT assets; (b) the potential economic and societal impacts the obligation may have on entities of the type referred to in Annexes I and II to Directive (EU) 2022/2555; (c) the availability of alternative suppliers to highrisk ones; (d) the potential disruption of cross-border economic and societal activities caused by an incident affecting an entity's ICT supply chain. The Commission shall submit to a public consultation the result of the assessment.*

Amendment 822

Ewa Zajączkowska-Hernik

Proposal for a regulation

Article 103 – paragraph 4 – introductory part

Text proposed by the Commission

4. Before adopting the ***implementing acts*** referred to in ***paragraphs 1 and 2, the Commission*** shall ***assess potential risks and dependencies and*** in particular:

Amendment

4. Before adopting the ***measures*** referred to in ***paragraph 2, the Council*** shall ***conduct a comprehensive impact assessment and prioritize technical mitigation, assessing*** in particular:

Or. en

Amendment 823

Bart Groothuis, Ivars Ijabs, Anna Stürgh, Sigrīd Friis, Morten Løkkegaard, Martin Hojsík, Barry Andrews

Proposal for a regulation

Article 103 – paragraph 4 – point a

Text proposed by the Commission

(a) where applicable, the level of risk associated with the use, installation or integration, in any form, of ICT components or components that include ICT components from high-risk suppliers in key ICT assets;

Amendment

(a) ***the risk of dependency on a single or limited number of high-risk suppliers, and,*** where applicable, the level of risk associated with the use, installation or integration, in any form, of ICT components or components that include ICT components from high-risk suppliers in key ICT assets, ***including the risk of the unauthorised disclosure of data to third country entities;***

Or. en

Amendment 824

Ewa Zajączkowska-Hernik

Proposal for a regulation

Article 103 – paragraph 4 – point a

Text proposed by the Commission

(a) *where applicable, the level of risk associated with the use, installation or integration, in any form, of ICT components or components that include ICT components from high-risk suppliers in key ICT assets;*

Amendment

(a) *the feasibility of managing identified risks through the technical measures listed in paragraph 2;*

Or. en

Amendment 825 Francesco Torselli

Proposal for a regulation Article 103 – paragraph 4 – point b

Text proposed by the Commission

(b) the potential economic and societal impacts the obligation may have on entities of the type referred to in Annexes I and II to Directive (EU) 2022/2555;

Amendment

(b) the potential economic and societal impacts the obligation may have on entities of the type referred to in Annexes I and II to Directive (EU) 2022/2555; *including the impact on investment in very-high-capacity networks and on the attainment of Union connectivity targets, and the duration of the natural life cycle of the components concerned*

Or. en

Justification

To not weaken EU tel co networks and operators' ability to invest in gigabit networks, the capability of EU producers to cover the demand should be assessed, avoiding creating dominant positions in the market. In addition, it should be avoided the risk that current vendors will stop to supply updates and technical support during the transition period, if identified as high-risks vendors.

Amendment 826 Marc Botenga on behalf of The Left Group

Proposal for a regulation

Article 103 – paragraph 4 – point b

Text proposed by the Commission

(b) the potential economic and societal impacts the obligation may have on entities of the type referred to in Annexes I and II to Directive (EU) 2022/2555;

Amendment

(b) the potential economic and societal impacts the obligation may have on entities of the type referred to in Annexes I and II to Directive (EU) 2022/2555; **and on end-users, consumers, households and workers, including effects on the price, quality, coverage and affordability of services;**

Or. en

Amendment 827

Eszter Lakos

Proposal for a regulation

Article 103 – paragraph 4 – point c

Text proposed by the Commission

(c) the availability of alternative suppliers to high-risk ones;

Amendment

(c) the availability of alternative suppliers to high-risk ones, **including whether alternative ICT components or components that include ICT components are available on the Union market in sufficient volume, at reasonable cost and within lead times allowing the entities concerned to comply within the applicable transition and phase-out periods without interruption of the provision of their services;**

Or. en

Justification

Specifies the content of the availability assessment already required by Article 103(4), in line with recital 144, which states that the availability of alternative suppliers should be assessed in order to ensure continued provision of services.

Amendment 828

Marc Botenga

on behalf of The Left Group

Proposal for a regulation
Article 103 – paragraph 4 – point c

Text proposed by the Commission

(c) the availability of alternative suppliers to high-risk ones;

Amendment

(c) the availability of alternative suppliers to high-risk ones; ***including publicly owned, open-source and community-governed solutions***

Or. en

Amendment 829
Markus Buchheit

Proposal for a regulation
Article 103 – paragraph 4 – point d a (new)

Text proposed by the Commission

Amendment

(da) the costs of phasing out, replacing and diversifying for the entities concerned and the impact thereof on prices for consumers and businesses; (db) the impact on investment, network development, innovation and the competitiveness of the Union; (dc) the compatibility of the measures with the Union's international trade commitments. The Commission shall publish the results of that assessment and transmit them to the European Parliament and to the Council before the adoption of the implementing act.

Or. de

Amendment 830
Francesco Torselli

Proposal for a regulation
Article 103 – paragraph 4 – point d a (new)

Text proposed by the Commission

Amendment

(da) the effect of the measures on the competitiveness of the entities and sectors concerned, including on the cost and pace of investment in critical infrastructure, and the risk of countermeasures by third countries affecting the availability of the components concerned.

Or. en

Amendment 831

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Pierre-Romain Thionnet

Proposal for a regulation

Article 103 – paragraph 4 – point d a (new)

Text proposed by the Commission

Amendment

(da) the potential impact of the planned measures on the continuity of critical infrastructures, essential services, security of supply and essential security interests of the Member States;

Or. fr

Amendment 832

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Majbritt Birkholm, Pierre-Romain Thionnet

Proposal for a regulation

Article 103 – paragraph 4 – point d b (new)

Text proposed by the Commission

Amendment

(db) national measures to address identified risks which have already adopted been or are being implemented.

Or. fr

Amendment 833

Tomas Tobé, Christian Ehler, Aura Salla, Jörgen Warborn, Andrea Wechsler, Dimitris Tsiodras, Pilar del Castillo Vera

**Proposal for a regulation
Article 103 – paragraph 4 a (new)**

Text proposed by the Commission

Amendment

4a. Before adopting the implementing acts referred to in paragraphs 1 and 2, the Commission shall, at an early stage of their preparation, consult entities of the types referred to in Annexes I and II to Directive (EU) 2022/2555 potentially concerned, or organisations representing them, on the practical implementation of the measures, including the transition and phasing-out periods and the costs of implementation. The Commission shall take the results of the consultation into account when preparing those implementing acts.

Or. en

Amendment 834

Tomas Tobé, Christian Ehler, Aura Salla, Jörgen Warborn, Andrea Wechsler, Pilar del Castillo Vera

**Proposal for a regulation
Article 103 – paragraph 4 b (new)**

Text proposed by the Commission

Amendment

4b. No later than six months after the adoption of the implementing acts referred to in Article 102(1a), the Commission shall adopt implementing acts pursuant to paragraphs 1 and 2 of this Article prohibiting the installation of ICT components from high-risk suppliers in the key ICT assets concerned and laying down mitigating measures for such components already installed.

Or. en

Amendment 835

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Majbritt Birkholm, Pierre-Romain Thionnet

Proposal for a regulation

Article 103 – paragraph 5

Text proposed by the Commission

5. The implementing acts referred to in paragraphs 1 and 2 of this Article shall be adopted in accordance with the examination procedure referred to in Article 118(2) and shall be reviewed at least every 36 months.

Amendment

5. The implementing acts referred to in paragraphs 1 and 2 of this Article shall be adopted in accordance with the examination procedure referred to in Article 118(2) and shall be reviewed at least every 36 months. ***If a Member State believes that a mitigating measure adopted under this Article jeopardises its national security or its essential security interests, it may suspend the application of this measure on its territory to the extent strictly necessary for the protection of those interests. It shall inform the Commission and the other Member States thereof without delay, giving the reasons for this suspension. The Commission shall examine the reasons without undue delay.***

Or. fr

Amendment 836

Diego Solier, Mariateresa Vivaldini

Proposal for a regulation

Article 103 – paragraph 6

Text proposed by the Commission

6. In exceptional circumstances, which justify an intervention to preserve the proper functioning of the internal market and where the Commission has sufficient reason to consider that the use, installation or integration of ICT components or components that include ICT components from a specific ***entity established in or controlled by a third country or entities from a third country,***

Amendment

6. In exceptional circumstances, which justify an intervention to preserve the proper functioning of the internal market and where the Commission has ***specific and substantiated evidence giving it*** sufficient reason to consider that the use, installation or integration of ICT components or components that include ICT components from a specific ***supplier represents*** a significant non-technical

or a national from a third country represent a significant non-technical cybersecurity risk for the economic or societal activities of at least three Member States, the Commission shall without delay consult the Member States on the need to take measures at Union level.

cybersecurity risk for the economic or societal activities of at least three Member States, the Commission shall without delay consult the Member States on the need to take measures at Union level. ***In assessing that risk, the Commission shall take into account documented and verifiable mitigating measures already implemented by the supplier. The supplier's country of establishment, the nationality or geographical origin of its owners or controllers, and the general political, institutional or judicial characteristics of a country shall not, by themselves, constitute grounds for measures under paragraph 7.***

Or. en

Justification

Exceptional cybersecurity measures should be based on specific and substantiated evidence of the risk presented by the individual supplier, rather than general country-related characteristics. The Commission should also consider effective mitigating measures already implemented by the supplier before determining the need for intervention. This preserves the capacity to respond rapidly to serious cybersecurity risks while ensuring consistency with the individual, evidence-based assessment framework.

Amendment 837

Ewa Zajączkowska-Hernik

Proposal for a regulation Article 103 – paragraph 6

Text proposed by the Commission

6. In ***exceptional circumstances, which justify an intervention to preserve the proper functioning of the internal market and*** where the ***Commission*** has sufficient reason to consider that the use, ***installation or integration*** of ICT components ***or components that include ICT components from a specific entity established in or controlled by a third country or entities from a third country, or a national from a third country represent*** a significant ***non-technical***

Amendment

6. In ***cases*** where the ***Council*** has sufficient reason to consider that the use of ***specific*** ICT components ***represents*** a significant ***technical*** cybersecurity risk, ***the Council*** shall ***initiate a technical dialogue with the concerned supplier and relevant authorities of its country of establishment to resolve the issue through technical remediation.***

cybersecurity risk *for the economic or societal activities of at least three Member States, the Commission* shall *without delay consult the Member States on the need to take measures at Union level.*

Or. en

Amendment 838

Krzysztof Hetman, Mirosława Nykiel, Adam Jarubas, Kamila Gasiuk-Pihowicz, Borys Budka

Proposal for a regulation Article 103 – paragraph 6

Text proposed by the Commission

6. In exceptional circumstances, which justify an intervention to preserve the proper functioning of the internal market and where *the Commission* has sufficient reason to consider that the use, installation or integration of ICT components or components that include ICT components from a specific entity established in or controlled by a third country or entities from a third country, or a national from a third country represent a significant non-technical cybersecurity risk for the economic or societal activities *of at least three Member States, the Commission* shall *without delay consult the Member States on the need to take measures at Union level.*

Amendment

6. In exceptional circumstances, which justify an intervention to preserve the proper functioning of the internal market and where, *following a security risk assessment conducted in accordance Article 99(1) or Article 99(3) the Council* has sufficient reason to consider that the use, installation or integration of ICT components or components that include ICT components *in key assets as designated in accordance with Article 102* from a specific entity established in or controlled by a third country or entities from a third country, or a national from a third country represent a significant non-technical cybersecurity risk for the economic or societal activities, *the Council* shall *designate such entity as a high risk supplier.*

Or. en

Amendment 839

Markus Buchheit

Proposal for a regulation Article 103 – paragraph 6

6. In exceptional circumstances, which justify an intervention to preserve the proper functioning of the internal market and where the Commission **has sufficient reason to consider** that the use, installation or integration of ICT components or components that include ICT components from a specific entity established in or controlled by a third country or entities from a third country, or a national from a third country represent a significant non-technical cybersecurity risk for the economic or societal activities of **at least three** Member States, the Commission shall without delay consult the Member States on the need to take measures at Union level.

6. In exceptional circumstances, which justify an intervention to preserve the proper functioning of the internal market and where **at least three Member States demonstrate to the Commission, on the basis of objective and verifiable facts,** that the use, installation or integration of ICT components or components that include ICT components from a specific entity established in or controlled by a third country or entities from a third country, or a national from a third country represent a significant non-technical cybersecurity risk for the economic or societal activities of **those** Member States, the Commission shall without delay consult the Member States on the need to take measures at Union level.

Or. de

Amendment 840

Adina Vălean

Proposal for a regulation Article 103 – paragraph 6

6. In exceptional circumstances, which justify an intervention to preserve the proper functioning of the internal market and where the Commission has sufficient reason to consider that the **use**, installation or integration of ICT components or components that include ICT components from a specific entity established in or controlled by a third country or entities from a third country, or a national from a third country represent a significant non-technical cybersecurity risk for the economic or societal activities of at least three Member States, the Commission shall without delay consult the Member States on the need to take measures at Union level.

6. In exceptional circumstances, which justify an intervention to preserve the proper functioning of the internal market and where the Commission has sufficient reason to consider that the installation or integration of ICT components or components that include ICT components from a specific entity established in or controlled by a third country or entities from a third country, or a national from a third country represent a significant non-technical cybersecurity risk for the economic or societal activities of at least three Member States, the Commission shall without delay consult the Member States on the need to take measures at Union level.

*Justification**Alignment with the deletion of “use” in paragraph 1.***Amendment 841****Ewa Zajączkowska-Hernik****Proposal for a regulation****Article 103 – paragraph 7***Text proposed by the Commission**Amendment*

7. *The Commission is empowered to adopt implementing acts to establish that specific type of entities referred to in Annexes I and II to Directive (EU) 2022/2555 shall be prohibited to use, install or integrate ICT components or components that include ICT components from an entity referred to in paragraph 6. To that end, it shall consult the entities of the types referred to in Annexes I and II to Directive (EU) 2022/2555 potentially concerned by the prohibition. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 118(2). Where relevant, they shall include appropriate periods for the phasing out of these ICT components or components that include ICT components. Such implementing act may also specify these ICT component or components that include ICT components subject to the prohibition. This prohibition shall also concern ICT components or components including ICT components from all entities controlled by the specific entity referred to in paragraph 6.* *deleted*

Amendment 842**Diego Solier, Mariateresa Vivaldini**

Proposal for a regulation
Article 103 – paragraph 7

Text proposed by the Commission

7. The Commission is empowered to adopt implementing acts to establish that specific type of entities referred to in Annexes I and II to Directive (EU) 2022/2555 shall be prohibited to use, install or integrate ICT components or components that include ICT components from an entity referred to in paragraph 6. To that end, it shall consult the entities of the types referred to in Annexes I and II to Directive (EU) 2022/2555 potentially concerned by the prohibition. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 118(2). Where relevant, they shall include appropriate periods for the phasing out of these ICT components or components that include ICT components. Such implementing act may also specify these ICT component or components that include ICT components subject to the prohibition. ***This prohibition shall also concern ICT components or components including ICT components from all entities*** controlled by the specific entity referred to in paragraph 6.

Amendment

7. The Commission is empowered to adopt implementing acts to establish that specific type of entities referred to in Annexes I and II to Directive (EU) 2022/2555 shall be prohibited to use, install or integrate ICT components or components that include ICT components from an entity referred to in paragraph 6. ***Such a prohibition may be adopted only where the Commission has established, on the basis of specific and substantiated evidence, that the identified risk cannot be adequately addressed through one or more of the mitigating measures referred to in paragraph 2, taking account of the urgency of the circumstances. Any prohibition shall be necessary and proportionate to the risk identified.*** To that end, it shall consult the entities of the types referred to in Annexes I and II to Directive (EU) 2022/2555 potentially concerned by the prohibition. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 118(2). Where relevant, they shall include appropriate periods for the phasing out of these ICT components or components that include ICT components. Such implementing act may also specify these ICT component or components that include ICT components subject to the prohibition. ***Any entity*** controlled by the specific entity referred to in paragraph 6 ***may be made subject to such a prohibition only where that entity has itself been individually assessed and identified as a high-risk supplier in accordance with Articles 100 and 104.***

Or. en

Justification

Exceptional prohibitions should remain available to address urgent cybersecurity threats, while respecting necessity and proportionality. The Commission should establish that effective mitigating measures cannot adequately address the identified risk before imposing a prohibition. The amendment also prevents restrictions from automatically extending to affiliated entities without an individual assessment.

Amendment 843

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Pierre-Romain Thionnet

Proposal for a regulation

Article 103 – paragraph 7

Text proposed by the Commission

7. The Commission is empowered to adopt implementing acts to establish that specific type of entities referred to in Annexes I and II to Directive (EU) 2022/2555 shall be prohibited to use, install or integrate ICT components or components that include ICT components from an entity referred to in paragraph 6. To that end, it shall consult the entities of the types referred to in Annexes I and II to Directive (EU) 2022/2555 potentially concerned by the prohibition. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 118(2). Where relevant, they shall include appropriate periods for the phasing out of these ICT components or components that include ICT components. Such implementing act may also specify these ICT component or components that include ICT components subject to the prohibition. This prohibition shall also concern ICT components or components including ICT components from all entities controlled by the specific entity referred to in paragraph 6.

Amendment

7. The Commission is empowered to adopt implementing acts to establish that specific type of entities referred to in Annexes I and II to Directive (EU) 2022/2555 shall be prohibited to use, install or integrate ICT components or components that include ICT components from an entity referred to in paragraph 6. To that end, it shall consult the entities of the types referred to in Annexes I and II to Directive (EU) 2022/2555 potentially concerned by the prohibition, ***as well as the Member States, in particular those likely to be affected in terms of their critical infrastructures, essential services or essential security interests.*** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 118(2). Where relevant, they shall include appropriate periods for the phasing out of these ICT components or components that include ICT components, ***taking into account the continuity of essential services, security of supply and availability of alternative solutions.*** Such implementing act may also specify these ICT component or components that include ICT components subject to the prohibition. This prohibition shall also concern ICT components or components including ICT components

from all entities controlled by the specific entity referred to in paragraph 6.

Or. fr

Amendment 844

Adina Vălean

Proposal for a regulation

Article 103 – paragraph 7

Text proposed by the Commission

7. The Commission is empowered to adopt implementing acts to establish that specific type of entities referred to in Annexes I and II to Directive (EU) 2022/2555 shall be prohibited to *use*, install or integrate ICT components or components that include ICT components from an entity referred to in paragraph 6. To that end, it shall consult the entities of the types referred to in Annexes I and II to Directive (EU) 2022/2555 potentially concerned by the prohibition. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 118(2). Where relevant, they shall include appropriate periods for the phasing out of these ICT components or components that include ICT components. Such implementing act may also specify these ICT component or components that include ICT components subject to the prohibition. This prohibition shall also concern ICT components or components including ICT components from all entities controlled by the specific entity referred to in paragraph 6.

Amendment

7. The Commission is empowered to adopt implementing acts to establish that specific type of entities referred to in Annexes I and II to Directive (EU) 2022/2555 shall be prohibited to install or integrate ICT components or components that include ICT components from an entity referred to in paragraph 6 **and shall phase out such components already installed**. To that end, it shall consult the entities of the types referred to in Annexes I and II to Directive (EU) 2022/2555 potentially concerned by the prohibition. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 118(2). Where relevant, they shall include appropriate periods for the phasing out of these ICT components or components that include ICT components. Such implementing act may also specify these ICT component or components that include ICT components subject to the prohibition. This prohibition shall also concern ICT components or components including ICT components from all entities controlled by the specific entity referred to in paragraph 6.

Or. en

Justification

As in paragraph 1, the prohibition targets new installations, while components already installed are phased out.

Amendment 845
Markus Buchheit

Proposal for a regulation
Article 103 – paragraph 7

Text proposed by the Commission

7. The Commission is empowered to adopt implementing acts to establish that specific type of entities referred to in Annexes I and II to Directive (EU) 2022/2555 shall be prohibited to use, install or integrate ICT components or components that include ICT components from an entity referred to in paragraph 6. To that end, it shall consult the entities of the types referred to in Annexes I and II to Directive (EU) 2022/2555 potentially concerned by the prohibition. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 118(2). Where relevant, they shall include appropriate periods for the phasing out of these ICT components or components that include ICT components. Such implementing act may also specify these ICT component or components that include ICT components subject to the prohibition. This prohibition shall also concern ICT components or components including ICT components from all entities controlled by the specific entity referred to in paragraph 6.

Amendment

7. The Commission is empowered to adopt implementing acts to establish that specific type of entities referred to in Annexes I and II to Directive (EU) 2022/2555 shall be prohibited to use, install or integrate ICT components or components that include ICT components from an entity referred to in paragraph 6. To that end, it shall consult the entities of the types referred to in Annexes I and II to Directive (EU) 2022/2555 potentially concerned by the prohibition. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 118(2). Where relevant, they shall include appropriate periods for the phasing out of these ICT components or components that include ICT components. Such implementing act may also specify these ICT component or components that include ICT components subject to the prohibition. This prohibition shall also concern ICT components or components including ICT components from all entities controlled by the specific entity referred to in paragraph 6.

Or. de

Amendment 846
Krzysztof Hetman, Mirosława Nykiel, Adam Jarubas, Kamila Gasiuk-Pihowicz, Borys Budka

Proposal for a regulation
Article 103 – paragraph 7

Text proposed by the Commission

Amendment

7. The **Commission** is empowered to adopt implementing acts to establish that specific type of entities referred to in Annexes I and II to Directive (EU) 2022/2555 shall be prohibited to use, install or integrate ICT components or components that include ICT components from an entity referred to in paragraph 6. To that end, it shall consult the entities of the types referred to in Annexes I and II to Directive (EU) 2022/2555 potentially concerned by the prohibition. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 118(2). Where relevant, they shall include appropriate periods for the phasing out of these ICT components or components that include ICT components. Such implementing act may also specify these ICT component or components that include ICT components subject to the prohibition. This prohibition shall also concern ICT components or components including ICT components from all entities controlled by the specific entity referred to in paragraph 6.

7. The **Council** is empowered to adopt implementing acts to establish that specific type of entities referred to in Annexes I and II to Directive (EU) 2022/2555 shall be prohibited to use, install or integrate ICT components or components that include ICT components from an entity referred to in paragraph 6. To that end, it shall consult the entities of the types referred to in Annexes I and II to Directive (EU) 2022/2555 potentially concerned by the prohibition. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 118(2). Where relevant, they shall include appropriate periods for the phasing out of these ICT components or components that include ICT components. Such implementing act may also specify these ICT component or components that include ICT components subject to the prohibition. This prohibition shall also concern ICT components or components including ICT components from all entities controlled by the specific entity referred to in paragraph 6.

Or. en

Amendment 847

Ewa Zajączkowska-Hernik

Proposal for a regulation

Article 103 – paragraph 8

Text proposed by the Commission

8. The implementing acts referred to in paragraphs (1), (2) and (7) may also specify that the mitigation measures are only applicable to types of entities referred to in Annex I and II to Directive (EU) 2022/2555 of a specific size.

Amendment

deleted

Or. en

Amendment 848
Markus Buchheit

Proposal for a regulation
Article 103 – paragraph 8

Text proposed by the Commission

8. The implementing acts referred to in paragraphs (1), (2) and (7) may also specify that the mitigation measures are only applicable to types of entities referred to in Annex I and II to Directive (EU) 2022/2555 of a specific size.

Amendment

8. The implementing acts referred to in paragraphs (1), (2) and (7) may also specify that the mitigation measures are only applicable to types of entities referred to in Annex I and II to Directive (EU) 2022/2555 of a specific size. ***Micro and small enterprises within the meaning of Recommendation 2003/361/EC shall be exempted from those mitigation measures, unless the implementing act explicitly provides for their inclusion and provides detailed justification.***

Or. de

Amendment 849
Diego Solier, Mariateresa Vivaldini

Proposal for a regulation
Article 103 – paragraph 9

Text proposed by the Commission

9. ***Article 100(4) shall apply to the specific entity established in or controlled by a third country or an entity from a third country, or a national from a third country referred to in paragraph 7.***

Amendment

deleted

Or. en

Justification

Exceptional restrictions under Article 103(7) should remain targeted at the specific cybersecurity risk identified. The automatic extension of the broader exclusions under Article 100(4) would allow significant additional restrictions without the individual high-risk supplier designation procedure established under Articles 100 and 104. Deleting paragraph 9 ensures that those broader consequences remain linked to the ordinary designation procedure.

Amendment 850

Ewa Zajączkowska-Hernik

Proposal for a regulation

Article 103 – paragraph 9

Text proposed by the Commission

Amendment

9. Article 100(4) shall apply to the specific entity established in or controlled by a third country or an entity from a third country, or a national from a third country referred to in paragraph 7.

deleted

Or. en

Amendment 851

Ewa Zajączkowska-Hernik

Proposal for a regulation

Article 103 – paragraph 10

Text proposed by the Commission

Amendment

10. The implementing acts adopted in accordance with paragraphs (1), (2) and (7) that are applicable to type of entities referred to in Annex I point 10 to Directive (EU) 2022/2555 shall apply mutatis mutandis to the European Institution, bodies, offices and agencies.

deleted

Or. en

Amendment 852

Francesco Torselli

Proposal for a regulation

Article 103 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

10a. 11. Member States may submit to the Commission a request to deviate from the measures laid down in any

implementing act adopted pursuant to Article 103 within 6 months from the entry into force of any implementing act. Said requests shall lay down the alternative measures that ensure an adequate level of mitigation and the reasons for the deviation. The Commission shall assess such request without undue delay and may object within 6 months if the deviation is not duly justified or proportionate. Where the Commission objects, any implementing act shall apply.

Or. en

Amendment 853

Bart Groothuis, Ivars Ijabs, Anna Stürgh, Morten Løkkegaard, Martin Hojsik, Barry Andrews

Proposal for a regulation

Article 103 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

10a. Where the Commission adopts measures pursuant to paragraph 1 or 2, and the ICT components or components that include ICT components provided by high-risk suppliers are products with digital elements within the meaning of Article 3(1) of Regulation (EU) 2024/2847, the Commission shall, without undue delay, carry out an evaluation of those products in accordance with Article 56 of that Regulation, taking into consideration the non-technical risk factors identified pursuant to this Regulation.

Or. en

Justification

Makes a link between CSA2 and CRA, insofar that when mitigating measures are taken against high-risk suppliers (and their use in critical entities), the Commission starts an evaluation of the same products in the context of the CRA (use in the internal market), for which it should also take into consideration the non-technical risks identified in this

Regulation. It only triggers the evaluation established in the CRA and does not pre-empt the outcome.

Amendment 854
Dario Tamburrano

Proposal for a regulation
Article 103 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

10a. Grid operators may disconnect an installation only where an individual risk assessment demonstrates a serious cybersecurity risk that cannot be adequately addressed through less restrictive measures. Except in duly justified urgent cases, the entity concerned shall be given a reasonable period to remedy the non-compliance.

Or. en

Justification

Disconnection should remain a measure of last resort where less restrictive cybersecurity measures cannot adequately address the identified risk.

Amendment 855
Ondřej Krutílek

Proposal for a regulation
Article 104 – title

Text proposed by the Commission

Amendment

Identification of high-risk suppliers

Register of high-risk suppliers ***and designation of controlled entities***

Or. en

Amendment 856
Diego Solier, Mariateresa Vivaldini

Proposal for a regulation

Article 104 – paragraph 1

Text proposed by the Commission

1. By way of implementing acts, the Commission shall establish lists of high-risk suppliers relevant for the prohibitions laid down in the implementing acts adopted in accordance with Article 103(1), Article 103(7) or the prohibition referred to in Article 111(1).

Amendment

1. By way of implementing acts, the Commission shall establish lists of high-risk suppliers relevant for the prohibitions laid down in the implementing acts adopted in accordance with Article 103(1), Article 103(7) or the prohibition referred to in Article 111(1). ***A supplier may be included in such a list only where, following an individual assessment in accordance with Articles 100 and 104, the Commission has established on the basis of specific and substantiated evidence that the supplier poses a serious and structural non-technical risk to ICT supply chains. Before including a supplier in such a list, the Commission shall assess the effectiveness of documented and verifiable technical, operational and organisational measures implemented by the supplier to mitigate the identified risk, including, where relevant, EU-based operations and data processing, network segregation, restrictions on third-country remote access, EU-controlled privileged access, cybersecurity monitoring and independent cybersecurity certification or audits. Where the Commission considers those measures insufficient to address the identified risk, it shall state the reasons in the implementing act, without prejudice to the protection of confidential or security-sensitive information.***

Or. en

Justification

High-risk supplier designation should take into account effective security measures already implemented by the supplier. Requiring the Commission to assess documented safeguards, including operational separation, access controls and independent security assurance, ensures that designation reflects the actual residual cybersecurity risk. Where such measures are considered insufficient, the Commission should explain its reasoning. Information requests may support the individual assessment, but failure to respond should permit a conclusion on the available evidence rather than an automatic finding based on establishment, ownership or control.

Amendment 857
Ondřej Krutílek

Proposal for a regulation
Article 104 – paragraph 1

Text proposed by the Commission

1. ***By way of implementing acts***, the Commission shall establish ***lists*** of high-risk suppliers relevant ***for the prohibitions laid down in the implementing acts adopted in accordance with Article 103(1), Article 103(7) or the prohibition referred to in Article 111(1).***

Amendment

1. The Commission shall establish ***and maintain a publicly accessible register*** of high-risk suppliers. ***The register shall include:***

(a) suppliers designated as high-risk suppliers by the Council pursuant to Article 102a;

(b) entities designated as high-risk suppliers by the Commission pursuant to paragraph 1b.

The Commission shall include an entity in, or remove an entity from, the register without undue delay following the adoption, amendment, repeal or expiry of the relevant implementing act. The Commission shall also update the register without undue delay following the adoption, amendment, repeal or expiry of any prohibition or mitigation measure applicable in relation to a high-risk supplier.

Or. en

Amendment 858
Francesco Torselli

Proposal for a regulation
Article 104 – paragraph 1

Text proposed by the Commission

1. By way of implementing acts, the Commission shall establish lists of high-

Amendment

1. By way of implementing acts, the Commission shall establish lists of high-

risk suppliers relevant for the prohibitions laid down in the implementing acts adopted in accordance with Article 103(1), Article 103(7) or the prohibition referred to in Article 111(1).

risk suppliers relevant for the prohibitions laid down in the implementing acts adopted in accordance with Article 103(1), Article 103(7), ***the obligation referred to in Article 110(2), or the prohibition referred to in Article 111(1). The implementing act establishing the list of high-risk suppliers relevant for the measures referred to in Article 110(2) and Article 111(1) with regard to mobile electronic communications networks shall be adopted no later than [6 months from the date of entry into force of this Regulation].***

Or. en

Amendment 859
Ewa Zajączkowska-Hernik

Proposal for a regulation
Article 104 – paragraph 1

Text proposed by the Commission

1. ***By way of implementing acts, the Commission*** shall establish lists of high-risk suppliers relevant for the prohibitions laid down in the implementing acts adopted in accordance with Article 103(1), Article 103(7) or the prohibition referred to in Article 111(1).

Amendment

1. ***The Council, acting unanimously, following a formal technical investigation,*** shall establish lists of high-risk suppliers relevant for the prohibitions laid down in the implementing acts adopted in accordance with Article 103(1), Article 103(7) or the prohibition referred to in Article 111(1). ***The inclusion of any supplier in such lists shall be based exclusively on objective, verifiable and non-discriminatory technical criteria, and shall be considered a measure of last resort after all mitigation efforts have been exhausted.***

Or. en

Amendment 860
Jens Geier

Proposal for a regulation

Article 104 – paragraph 1

Text proposed by the Commission

1. By way of implementing acts, the Commission shall establish lists of high-risk suppliers relevant for the prohibitions laid down in the implementing acts adopted in accordance with Article 103(1), Article 103(7) or the prohibition referred to in Article 111(1).

Amendment

1. By way of implementing acts, the Commission shall establish lists of high-risk suppliers relevant for the prohibitions laid down in the implementing acts adopted in accordance with Article 103(1), Article 103(7) or the prohibition referred to in Article 111(1) **and 111b(1)**.

Or. en

Amendment 861

Diego Solier, Mariateresa Vivaldini

Proposal for a regulation

Article 104 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Inclusion in a list of high-risk suppliers shall apply only to the legal entity individually assessed. A parent company, subsidiary, affiliate, joint venture or other group entity shall not be included solely on the basis of its corporate relationship with a high-risk supplier. Any such entity may be included only following an individual assessment in accordance with this Article.

Or. en

Justification

High-risk supplier designation should be based on the risk presented by the individual legal entity concerned. Corporate affiliation may be relevant to the assessment, but should not automatically result in group-wide designation.

Amendment 862

Dario Tamburrano

Proposal for a regulation

Article 104 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. A supplier shall be included in the list of high-risk suppliers only on the basis of specific and substantiated evidence relating to that supplier demonstrating a serious cybersecurity risk. Country-risk indicators and factors relating to establishment, ownership or control shall not be sufficient for inclusion in the list.

Or. en

Justification

Listing should be based on supplier-specific cybersecurity evidence and should not result solely from geopolitical, ownership or country-risk considerations.

Amendment 863

Ewa Zajączkowska-Hernik

Proposal for a regulation

Article 104 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

For that purpose, the **Commission** shall map the suppliers providing ICT components and components that include ICT components relevant for the prohibition referred to in paragraph 1.

For that purpose, the **Council** shall map the suppliers providing ICT components and components that include ICT components relevant for the prohibition referred to in paragraph 1. ***This mapping shall remain technology-neutral.***

Or. en

Amendment 864

Ondřej Krutílek

Proposal for a regulation

Article 104 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

On this basis, the Commission shall do an initial assessment to identify which of the mapped suppliers are potentially established in a third country designated

deleted

in accordance with Article 100 or controlled by such third country, by an entity established in such third country or by a national of such third country. The Commission shall also do an initial mapping on suppliers potentially controlled by the entity referred to in Article 103(6).

Or. en

Amendment 865

Ewa Zajączkowska-Hernik

Proposal for a regulation

Article 104 – paragraph 2 – subparagraph 2

Text proposed by the Commission

On this basis, the **Commission** shall do an initial assessment to identify which of the mapped suppliers are potentially established in a third country designated in accordance with Article 100 or controlled by such third country, by an entity established in such third country or by a national of such third country. The **Commission** shall also do an initial mapping on suppliers potentially controlled by the entity referred to in Article 103(6).

Amendment

On this basis, the **Council** shall do an initial assessment to identify which of the mapped suppliers are potentially established in a third country designated in accordance with Article 100 or controlled by such third country, by an entity established in such third country or by a national of such third country. The **Council** shall also do an initial mapping on suppliers potentially controlled by the entity referred to in Article 103(6).

Or. en

Amendment 866

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Pierre-Romain Thionnet

Proposal for a regulation

Article 104 – paragraph 3

Text proposed by the Commission

3. The Commission shall assess the place of establishment as well as the ownership and control structure of the suppliers initially identified in accordance

Amendment

3. The Commission shall assess the place of establishment as well as the ownership and control structure of the suppliers initially identified in accordance

with the second subparagraph of paragraph 2.

with the second subparagraph of paragraph 2. ***Where applicable, this assessment shall also take into account direct and indirect ownership, beneficial owners, voting rights, governance rights, rights of veto, contractual relations, funding related to a third country, obligations arising under the law of a third country, as well as any other mechanism allowing a third country, an entity established in a third country or a national of a third country to exercise a decisive influence on the provider.***

Or. fr

Amendment 867
Ondřej Krutílek

Proposal for a regulation
Article 104 – paragraph 3

Text proposed by the Commission

3. The Commission ***shall*** assess the place of establishment ***as well as*** the ownership and control structure of ***the suppliers initially identified in accordance with the second subparagraph*** of paragraph 2.

Amendment

3. ***Where necessary for the purposes of Article 102a, the Commission may*** assess the place of establishment ***and*** the ownership and control structure of ***a supplier. For the purposes*** of paragraph 1b, ***the Commission shall assess whether the suppliers identified pursuant to paragraph 2 are controlled by a supplier designated pursuant to Article 102a. The Commission shall carry out that assessment without undue delay following the adoption of an implementing act pursuant to Article 102a and whenever it becomes aware, including on the basis of information referred to in paragraph 8, of an entity potentially controlled by such supplier.***

Or. en

Amendment 868
Ewa Zajączkowska-Hernik

Proposal for a regulation
Article 104 – paragraph 3

Text proposed by the Commission

3. The *Commission shall assess the place of establishment as well as the ownership and control structure of the suppliers initially identified in accordance with the second subparagraph of paragraph 2.*

Amendment

3. The *Council documented security performance, adherence to international cybersecurity standards, and the effectiveness of the supplier's risk mitigation measures*, the ownership and control structure of the suppliers *should only be considered if it is proven, through clear evidence, to result in a direct and manifest technical security breach.*

Or. en

Amendment 869
Diego Solier, Mariateresa Vivaldini

Proposal for a regulation
Article 104 – paragraph 4

Text proposed by the Commission

4. For the purpose of the assessment referred to in paragraph 3, the Commission shall be entitled to request the necessary information from *the* suppliers. In case the supplier does not provide the necessary information within the established deadline, the Commission may *conclude that the supplier is established in a third country designated in accordance with Article 100 or controlled by such third country, by entities from that third country or by nationals of such third country. Where the Commission is carrying out an assessment for the purpose of Article 103(7) and the supplier does not provide the necessary information within the established deadline, the Commission may conclude that the supplier is controlled by an entity designated in line with that Article.* The competent authorities referred to in Article 112 shall also share relevant information

Amendment

4. For the purpose of the assessment referred to in paragraph 1, the Commission shall be entitled to request the necessary information from *suppliers. The deadline for suppliers to respond shall not exceed 30 working days.* In case the supplier does not provide the necessary information within the established deadline, the Commission may *reach a conclusion on the basis of the* information available. The competent authorities referred to in Article 112 shall also share relevant information with the Commission upon request.

with the Commission upon request.

Or. en

Justification

High-risk supplier designation should take into account effective security measures already implemented by the supplier. Requiring the Commission to assess documented safeguards, including operational separation, access controls and independent security assurance, ensures that designation reflects the actual residual cybersecurity risk. Where such measures are considered insufficient, the Commission should explain its reasoning. Information requests may support the individual assessment, but failure to respond should permit a conclusion on the available evidence rather than an automatic finding based on establishment, ownership or control.

Amendment 870

Ondřej Krutílek

Proposal for a regulation Article 104 – paragraph 4

Text proposed by the Commission

4. For the purpose of the assessment referred to in paragraph 3, the Commission shall be entitled to request the necessary information from the suppliers. In case the supplier does not provide the necessary information within the established deadline, the Commission may ***conclude that the supplier is established in a third country designated in accordance with Article 100 or controlled by such third country, by entities from that third country or by nationals of such third country. Where the Commission is carrying out an assessment for the purpose of Article 103(7) and the supplier does not provide the necessary information within the established deadline, the Commission may*** conclude that the supplier is controlled by an entity designated in line with ***that*** Article. The competent authorities referred to in Article 112 shall also share relevant information with the Commission upon request.

Amendment

4. For the purpose of the assessment referred to in paragraph 3, the Commission shall be entitled to request the necessary information from the suppliers. In case the supplier does not provide the necessary information within the established deadline, the Commission may, ***on the basis of the reliable and factual sources, such as expert analyses,*** conclude that the supplier is controlled by an entity designated in line with Article ***102a***. The competent authorities referred to in Article 112 shall also share relevant information with the Commission upon request.

Or. en

Amendment 871
Markus Buchheit

Proposal for a regulation
Article 104 – paragraph 4

Text proposed by the Commission

4. For the purpose of the assessment referred to in paragraph 3, the Commission shall be entitled to request the necessary information from the suppliers. In case the supplier does not provide the necessary information within ***the established*** deadline, the Commission ***may conclude*** that the supplier is established in a third country designated in accordance with Article 100 or controlled ***by such third country, by entities from that third country*** or by ***nationals of such third country***. Where the Commission is carrying out an assessment for the purpose of Article 103(7) and the supplier does not provide the necessary information within the established deadline, the Commission may conclude that the supplier is controlled by an entity designated in line with that Article. The competent authorities referred to in Article 112 shall also share relevant information with the Commission upon request.

Amendment

4. For the purpose of the assessment referred to in paragraph 3, the Commission shall be entitled to request the necessary information from the suppliers. ***Suppliers shall have at least 30 days to provide the information.*** In case the supplier does not provide the necessary information within ***this*** deadline, the Commission ***shall take a decision on the basis of the facts in its possession. The mere failure to provide information shall not in itself give rise to a presumption*** that the supplier is established in a third country designated in accordance with Article 100 or ***is*** controlled ***from there*** or by ***an entity within the meaning of Article 103(6).*** Where the Commission is carrying out an assessment for the purpose of Article 103(7) and the supplier does not provide the necessary information within the established deadline, the Commission may conclude that the supplier is controlled by an entity designated in line with that Article. The competent authorities referred to in Article 112 shall also share relevant information with the Commission upon request.

Or. de

Amendment 872
Ewa Zajączkowska-Hernik

Proposal for a regulation
Article 104 – paragraph 4

Text proposed by the Commission

Amendment

4. For the purpose of the assessment referred to in paragraph 3, the **Commission** shall be entitled to request the necessary information from the suppliers. In case the supplier does not provide the necessary information within the established deadline, the **Commission** may conclude that the supplier is established in a third country designated in accordance with Article 100 or controlled by such third country, by entities from that third country or by nationals of such third country. Where the **Commission** is carrying out an assessment for the purpose of Article 103(7) and the supplier does not provide the necessary information within the established deadline, the **Commission** may conclude that the supplier is controlled by an entity designated in line with that Article. The competent authorities referred to in Article 112 shall also share relevant information with the **Commission** upon request.

4. For the purpose of the assessment referred to in paragraph 3, the **Council** shall be entitled to request the necessary information from the suppliers. In case the supplier does not provide the necessary information within the established deadline, the **Council** may conclude that the supplier is established in a third country designated in accordance with Article 100 or controlled by such third country, by entities from that third country or by nationals of such third country. Where the **Council** is carrying out an assessment for the purpose of Article 103(7) and the supplier does not provide the necessary information within the established deadline, the **Council** may conclude that the supplier is controlled by an entity designated in line with that Article. The competent authorities referred to in Article 112 shall also share relevant information with the **Council** upon request.

Or. en

Amendment 873

Ondřej Krutílek

Proposal for a regulation

Article 104 – paragraph 5

Text proposed by the Commission

5. The Commission shall *share preliminary findings concerning the establishment, control and ownership assessment with the concerned supplier. The Commission shall grant the supplier an opportunity to be heard on those preliminary findings.*

Amendment

5. *The right to be heard in relation to designation as a high-risk supplier pursuant to Article 102a shall be governed by Article 102a. Before designating an entity as a high-risk supplier pursuant to paragraph 1b, the Commission shall communicate its preliminary findings concerning control to the entity concerned and grant that entity an opportunity to be heard. An entity designated pursuant to paragraph 1b may request the Commission to re-assess its control upon provision of evidence of*

relevant changes.

Or. en

Amendment 874

Diego Solier, Mariateresa Vivaldini

Proposal for a regulation

Article 104 – paragraph 5

Text proposed by the Commission

5. The Commission shall share preliminary findings *concerning the establishment, control and ownership assessment* with the concerned supplier. *The Commission* shall *grant* the supplier an opportunity to be heard *on those preliminary findings*.

Amendment

5. The Commission shall share preliminary findings with the concerned supplier. *Those findings* shall *set out the grounds for the proposed inclusion of* the supplier *in the list of high-risk suppliers and the evidence relied upon. The supplier shall have at least 30 working days to submit observations and, upon request, shall be given the opportunity to be heard orally before a final decision is taken.*

Or. en

Justification

A supplier facing designation as high-risk should be informed of the grounds and evidence underlying the proposed decision and have sufficient time to respond. Clear procedural safeguards strengthen the supplier's rights of defence and the robustness of the designation process.

Amendment 875

Ewa Zajączkowska-Hernik

Proposal for a regulation

Article 104 – paragraph 5

Text proposed by the Commission

5. The *Commission* shall share preliminary findings concerning the establishment, control and ownership assessment with the concerned supplier. The *Commission* shall grant the supplier

Amendment

5. The *Council* shall share preliminary findings concerning the establishment, control and ownership assessment with the concerned supplier. The *Council* shall grant the supplier an

an opportunity to be heard on those preliminary findings.

opportunity to be heard on those preliminary findings *with a minimum of 90 days*.

Or. en

Amendment 876
Angelika Winzig

Proposal for a regulation
Article 104 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The preliminary findings communicated to the supplier concerned shall set out the grounds for the proposed designation and contain sufficient information to enable the supplier to exercise effectively its right to be heard.

The supplier concerned shall be given the opportunity to submit observations and relevant supporting evidence, including information on technical and organisational security measures, independent security assessments and other risk mitigation measures.

The Commission shall duly take into account the observations and evidence submitted by the supplier concerned before adopting its decision.

The decision shall state the reasons on which it is based, including an assessment of the relevant evidence and observations submitted by the supplier concerned, without prejudice to the protection of classified information, confidential business information and legitimate security interests.

Or. en

Justification

The right of suppliers concerned to be heard should be strengthened by ensuring access to sufficient information on the grounds for a proposed designation, while safeguarding confidential and security-sensitive information. This would enable suppliers to submit

relevant evidence, correct factual inaccuracies and ensure well-founded and transparent decisions without limiting the Commission's powers.

Amendment 877

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Pierre-Romain Thionnet

Proposal for a regulation

Article 104 – paragraph 6

Text proposed by the Commission

6. The Commission may ask a competent authority to carry out the initial establishment, ownership and control assessment of a supplier, where justified in view of the characteristics of the operation of this supplier. A competent authority may offer to carry out such initial assessment. The Commission shall verify these initial findings in view of deciding whether the supplier should be included in the list of high-risk suppliers.

Amendment

6. The Commission may ask a competent authority to carry out the initial establishment, ownership and control assessment of a supplier, where justified in view of the characteristics of the operation of this supplier. A competent authority may offer to carry out such initial assessment. ***If the competent authority of a Member State believes that a provider is likely to pose a risk to the national security, critical infrastructures, essential services or essential security interests of this Member State, the Commission shall take due account of this assessment. If the Commission acts contrary to this assessment, it shall provide a statement of the reasons for doing so to the competent authority in question.*** The Commission shall verify these initial findings in view of deciding whether the supplier should be included in the list of high-risk suppliers.

Or. fr

Amendment 878

Ondřej Krutílek

Proposal for a regulation

Article 104 – paragraph 6

Text proposed by the Commission

6. The Commission may ask a competent authority to carry out the initial

Amendment

6. The Commission may ask a competent authority to carry out the initial

establishment, ownership and control assessment of a supplier, where justified in view of the characteristics of the operation of this supplier. A competent authority may offer to carry out such initial assessment. The Commission shall verify *these initial findings in view of deciding whether the supplier should be included in the list of high-risk suppliers*.

establishment, ownership and control assessment of a supplier, where justified in view of the characteristics of the operation of this supplier. A competent authority may offer to carry out such initial assessment. The Commission shall verify *the findings before relying on them for the purposes of this Article or Article 102a*.

Or. en

Amendment 879

Ewa Zajączkowska-Hernik

Proposal for a regulation Article 104 – paragraph 6

Text proposed by the Commission

6. The **Commission** may ask a competent authority to carry out the initial establishment, ownership and control assessment of a supplier, where justified in view of the characteristics of the operation of this supplier. A competent authority may offer to carry out such initial assessment. The **Commission** shall verify these initial findings in view of deciding whether the supplier should be included in the list of high-risk suppliers.

Amendment

6. The **Council** may ask a competent authority to carry out the initial establishment, ownership and control assessment of a supplier, where justified in view of the characteristics of the operation of this supplier. A competent authority may offer to carry out such initial assessment. The **Council** shall verify these initial findings in view of deciding whether the supplier should be included in the list of high-risk suppliers.

Or. en

Amendment 880

Bart Groothuis, Ivars Ijabs, Anna Stürgh, Sigrid Friis, Morten Løkkegaard, Martin Hojsík, Barry Andrews

Proposal for a regulation Article 104 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The Commission shall endeavour to complete the procedure for the identification of a high-risk supplier

under paragraphs 2 to 6 without undue delay and within 4 months. That period may be suspended for as long as the Commission awaits information requested pursuant to paragraph 4 within the deadline set.

Or. en

Amendment 881

Ondřej Krutílek

Proposal for a regulation

Article 104 – paragraph 7

Text proposed by the Commission

7. The Commission shall *regularly update the list of high-risk suppliers in view of removing or adding high-risk suppliers. High-risk suppliers included in the list may request the Commission to re-assess their establishment, control and ownership structure upon provision of evidence that there have been relevant changes.*

Amendment

7. *Where an implementing act adopted pursuant to paragraph 1b ceases to apply in accordance with that paragraph, the Commission shall remove the entity concerned from the register without undue delay. Where the implementing act designating the controlling supplier is amended, the Commission shall, where necessary, amend the implementing acts adopted pursuant to paragraph 1b accordingly. Where an entity designated pursuant to paragraph 1b is no longer controlled by a supplier designated pursuant to Article 102a, the Commission shall repeal the implementing act designating that entity without undue delay.*

Or. en

Amendment 882

Diego Solier, Mariateresa Vivaldini

Proposal for a regulation

Article 104 – paragraph 7

Text proposed by the Commission

7. The Commission shall regularly

Amendment

7. The Commission shall regularly

update the list of high-risk suppliers in view of removing or adding high-risk suppliers. High-risk suppliers included in the list may request the Commission to re-assess their **establishment, control and ownership structure** upon provision of evidence **that there have been** relevant changes.

update the list of high-risk suppliers in view of removing or adding high-risk suppliers. High-risk suppliers included in the list may request the Commission to re-assess **the grounds for their inclusion** upon provision of evidence **of** relevant changes **in circumstances or of a material error in the original assessment. The Commission shall complete the reassessment within six months. Where the grounds for inclusion are no longer met, the supplier shall be removed from the list without undue delay.**

Or. en

Justification

The right to reassessment should cover all grounds on which a supplier has been identified as high-risk, rather than only changes to its establishment, control or ownership. Suppliers should also be able to obtain removal where circumstances have materially changed or the original assessment contained a material error.

Amendment 883

Ewa Zajączkowska-Hernik

Proposal for a regulation

Article 104 – paragraph 7

Text proposed by the Commission

7. The **Commission** shall regularly update the list of high-risk suppliers in view of removing or adding high-risk suppliers. High-risk suppliers included in the list may request the **Commission** to re-assess their establishment, control and ownership structure upon provision of evidence that there have been relevant changes.

Amendment

7. The **Council** shall regularly update the list of high-risk suppliers in view of removing or adding high-risk suppliers. High-risk suppliers included in the list may request the **Council** to re-assess their establishment, control and ownership structure upon provision of evidence that there have been relevant changes. **A supplier shall be removed from the list within 30 days of providing evidence that the identified technical risks have been mitigated.**

Or. en

Amendment 884
Adina Vălean

Proposal for a regulation
Article 104 – paragraph 7

Text proposed by the Commission

7. The Commission shall regularly update the list of high-risk suppliers in view of removing or adding high-risk suppliers. High-risk suppliers included in the list may request the Commission to re-assess their establishment, control and ownership structure upon provision of evidence that there have been relevant changes.

Amendment

7. The Commission shall regularly update the list of high-risk suppliers in view of removing or adding high-risk suppliers, ***after consulting the NIS Cooperation Group***. High-risk suppliers included in the list may request the Commission to re-assess their establishment, control and ownership structure upon provision of evidence that there have been relevant changes.

Or. en

Justification

The NIS Cooperation Group should be consulted.

Amendment 885
Angelika Winzig

Proposal for a regulation
Article 104 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. A supplier included in the list of high-risk suppliers may submit a reasoned request for reassessment where substantiated evidence indicates a material change in the circumstances underlying its designation.

Such changes may concern, in particular, ownership or control arrangements, applicable legal obligations, governance structures, documented cybersecurity practices or other factors relevant to the original risk assessment.

Where the evidence submitted is capable of materially affecting the grounds for the designation, the Commission shall

examine the request within a reasonable period and communicate a reasoned response to the supplier concerned.

The reassessment shall be carried out in accordance with the criteria and assessment methodology laid down in this Regulation.

Where the reassessment establishes that the grounds for the designation are no longer substantiated, the Commission shall amend the relevant list of high-risk suppliers accordingly.

Or. en

Justification

Cybersecurity risks and the circumstances underlying high-risk supplier designations may change over time. Allowing suppliers to request reassessment based on substantiated material changes ensures that designations remain evidence-based, proportionate and up to date, while safeguarding legal certainty and avoiding unnecessary reassessments.

Amendment 886

Diego Solier, Mariateresa Vivaldini

Proposal for a regulation

Article 104 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. The Commission shall maintain a publicly accessible register of high-risk suppliers included in the lists referred to in paragraph 1. The register shall indicate, for each supplier, its legal name, the date of its inclusion, the grounds for its identification as a high-risk supplier and the key ICT assets or categories of ICT components to which the relevant restrictions apply. The register shall be updated without undue delay.

Or. en

Justification

Entities subject to supply-chain restrictions need clear and accessible information on which suppliers are designated as high-risk, the basis for that designation and the scope of the applicable restrictions. A public register provides legal certainty and facilitates compliance.

Amendment 887

Ondřej Krutílek

Proposal for a regulation

Article 104 – paragraph 8

Text proposed by the Commission

8. Where a competent authority becomes aware, including on the basis of information provided by an entity *of the type referred to in Annexes I and II to Directive (EU) 2022/2555 that a supplier may need to be included in a list of high-risk suppliers*, it shall inform the Commission without undue delay.

Amendment

8. Where a competent authority, *or an authority in charge of the procedures referred to in Article 102c(1), points (a) to (f)*, becomes aware, including on the basis of information provided by an *NIS2 entity, of information relevant to a possible designation pursuant to Article 102a or to the designation of an entity controlled by a designated high-risk supplier pursuant to paragraph 1b*, it shall inform the Commission without undue delay.

Or. en

Amendment 888

Ewa Zajączkowska-Hernik

Proposal for a regulation

Article 104 – paragraph 8

Text proposed by the Commission

8. Where a competent authority becomes aware, including on the basis of information provided by an entity of the type referred to in Annexes I and II to Directive (EU) 2022/2555 that a supplier may need to be included in a list of high-risk suppliers, it shall inform the **Commission** without undue delay.

Amendment

8. Where a competent authority becomes aware, including on the basis of information provided by an entity of the type referred to in Annexes I and II to Directive (EU) 2022/2555 that a supplier may need to be included in a list of high-risk suppliers, it shall inform the **Council** without undue delay.

Or. en

Amendment 889

Markéta Gregorová

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 104 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. In the assessments referred to in this Article, the inclusion of an entity in the Union list of trusted suppliers pursuant to Article 105a shall be taken into account as presumption that the entity does not present a high risk. That presumption may be rebutted on the basis of specific, substantiated and sufficiently specific elements.

Or. en

Amendment 890

Ondřej Krutílek

Proposal for a regulation

Article 105

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 891

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Pierre-Romain Thionnet

Proposal for a regulation

Article 105 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. An entity established in or controlled by entities from a third country posing cybersecurity concerns designated

1. An entity established in or controlled by entities from a third country posing cybersecurity concerns designated

in accordance with Article 100 may make a reasoned request to the Commission to be exempted:

in accordance with Article 100 may make a reasoned request to the Commission to be exempted, *on an exceptional basis and only if this exemption is strictly necessary to avoid serious disruption to continuity of an essential service or security of supply and if an alternative equivalent solution which is available in the Union or in a third country and which does not pose any cybersecurity concerns cannot be implemented within an appropriate period of time*:

Or. fr

Amendment 892

Bart Groothuis, Ivars Ijabs, Anna Stürgh, Sigrid Friis, Morten Løkkegaard, Martin Hojsík, Barry Andrews

Proposal for a regulation

Article 105 – paragraph 1 – introductory part

Text proposed by the Commission

1. *An entity established in or controlled by entities from a third country posing cybersecurity concerns designated* in accordance with Article **100** may make a reasoned request to the Commission to be exempted:

Amendment

1. *A high-risk supplier identified* in accordance with Article **104** may make a reasoned request to the Commission to be exempted:

Or. en

Amendment 893

Tomas Tobé, Christian Ehler, Aura Salla, Jörgen Warborn, Andrea Wechsler, Dimitris Tsiodras, Pilar del Castillo Vera

Proposal for a regulation

Article 105 – paragraph 1 – point b

Text proposed by the Commission

(b) from being subject to the prohibition to participate in public procurement procedures, organised in accordance with legislation transposing

Amendment

(b) from being subject to the prohibition to participate in public procurement procedures, organised in accordance with legislation transposing

Directive 2014/24/EU and Directive 2014/25/EU in relation to the provision of ICT components or components that include ICT components to be used in key ICT assets as defined in accordance with Article 102 in derogation to Article 100(4).

Directive 2014/24/EU and Directive 2014/25/EU in relation to the provision of ICT components or components that include ICT components to be used in key ICT assets as defined in accordance with Article 102 ***or listed as key ICT assets in an Annex to this Regulation*** in derogation to Article 100(4).

Or. en

Amendment 894

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Pierre-Romain Thionnet

Proposal for a regulation

Article 105 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. No exemption may be granted under this Article if the ICT components or the services in question are intended to be used in key ICT assets required for national security, defence, public safety, justice, border protection, crisis management or a Member State's essential security interests. Moreover, no exemption may be granted for a key ICT asset located on the territory of a Member State without the prior approval of that Member State.

Or. fr

Amendment 895

Bart Groothuis, Ivars Ijabs, Anna Stürgh, Morten Løkkegaard, Martin Hojsík, Barry Andrews

Proposal for a regulation

Article 105 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) demonstrate with clear evidence that effective mitigating measures ***will be***

(b) demonstrate with clear evidence that effective mitigating measures ***have***

put in place to address non-technical risks and ensure the absence of any possible exercise of undue interference by the third country designated pursuant to Article 100 in relation to the provision of ICT components or components that include ICT components for the use, installation or integration in key ICT assets of an entity of the type referred to in Annexes I and II to Directive (EU) 2022/2555.

been put in place to address non-technical risks and ensure the absence of any possible exercise of **unauthorized access to data or** undue interference **or control** by the third country designated pursuant to Article 100 in relation to the provision of ICT components or components that include ICT components for the use, installation or integration in key ICT assets of an entity of the type referred to in Annexes I and II to Directive (EU) 2022/2555.

Or. en

Justification

An exemption should rest on measures actually in place, not on promises, and the risk addressed is explicitly data access as well as interference.

Amendment 896

Diego Solier, Mariateresa Vivaldini

Proposal for a regulation

Article 105 – paragraph 2 – point b

Text proposed by the Commission

(b) demonstrate with clear evidence that effective mitigating measures will be put in place to address non-technical risks **and ensure the absence of any possible exercise of undue interference by the third country designated pursuant to Article 100** in relation to the provision of ICT components or components that include ICT components for the use, installation or integration in key ICT assets of an entity of the type referred to in Annexes I and II to Directive (EU) 2022/2555.

Amendment

(b) demonstrate with clear evidence that effective mitigating measures will be put in place to address **the** non-technical risks **on which the supplier's inclusion in a list referred to in Article 104(1) is based** in relation to the provision of ICT components or components that include ICT components for the use, installation or integration in key ICT assets of an entity of the type referred to in Annexes I and II to Directive (EU) 2022/2555.

Or. en

Justification

The exemption procedure should address the supplier-specific risks that led to inclusion in the high-risk supplier list. The assessment should therefore focus on the grounds and evidence

underlying that individual designation rather than on an obsolete country designation or a separate evaluation matrix.

Amendment 897

Diego Solier, Mariateresa Vivaldini

Proposal for a regulation

Article 105 – paragraph 4 – point a

Text proposed by the Commission

(a) the *circumstances and additional elements* referred to in Article 100(1) and (2) *in relation to the designated country posing cybersecurity concerns to ICT supply chains where the entity is established or from where it is controlled;*

Amendment

(a) the *grounds and evidence underlying the high-risk supplier's inclusion in a list* referred to in Article 104(1);

Or. en

Justification

The exemption procedure should address the supplier-specific risks that led to inclusion in the high-risk supplier list. The assessment should therefore focus on the grounds and evidence underlying that individual designation rather than on an obsolete country designation or a separate evaluation matrix.

Amendment 898

Diego Solier, Mariateresa Vivaldini

Proposal for a regulation

Article 105 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Where an exemption is subject to a specific period of time, it may be renewed upon a reasoned request where the conditions for granting the exemption continue to be fulfilled and the relevant mitigating measures remain effective.

Or. en

Justification

An exemption should remain available where the identified cybersecurity risk continues to be effectively addressed by the agreed mitigating measures. Allowing renewal avoids forcing entities back into a prohibition solely because an arbitrary time limit has expired.

Amendment 899

Markéta Gregorová

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 105 a (new)

Text proposed by the Commission

Amendment

Article 105a

Identification of trusted suppliers

1. An entity established in a third country which is not included in a list of high-risk suppliers established in accordance with Articles 100 and 104, which is not controlled by an entity so included and in respect of which no assessment pursuant to Article 104 is pending, may submit a reasoned request to the Commission to be identified as a trusted supplier. The request shall contain the documented evidence necessary to verify each of the conditions laid down in paragraph 2.

2. The Commission shall adopt delegated acts in accordance with Article 119 to supplement this Regulation by establishing and updating a Union list of trusted suppliers. The Commission shall include an entity in that list only where all of the following conditions are fulfilled: (a) the control structure of the entity excludes the possibility of undue interference by any third country in the provision and functioning of the ICT components concerned; (b) the entity holds a cybersecurity certification at entity level at assurance level ‘substantial’ or ‘high’ under a European cybersecurity certification scheme; until such a scheme provides for the certification of entities, an entity level certification under an

equivalent national scheme may be taken into account; (c) the Union based operations of the entity are able to operate, maintain and further develop the ICT components concerned independently of instruction or control from any third country; (d) the origin, transparency and resilience of the supply chains of the entity for the ICT components concerned are demonstrated by documented evidence identifying the suppliers and subcontractors of the entity for those ICT components, their place of establishment and their control structure; (e) the security operations and compliance functions relating to the ICT components concerned are located within, and controlled from, the Union.

3. Within [6] months of receipt of a complete request, the Commission shall, after verifying the evidence referred to in paragraph 1 with the assistance of ENISA, either adopt a delegated act including the entity in the list or reject the request by means of a reasoned decision addressed to the entity.

4. Every inclusion in the list shall be limited to [36] months, renewable upon a new reasoned request. The delegated act shall specify the commitments of the entity, a timeline for their fulfilment, third party audits at least annually and additional reporting obligations. Those additional reporting obligations shall apply in addition to, and shall not derogate from, the reporting obligations to which the entity is subject under Union law.

5. The Commission shall adopt without delay a delegated act removing an entity from the list or modifying its entry where there has been a material change in the facts on which the inclusion was based, where the entity acts contrary to its commitments, or where the inclusion was based on incomplete, incorrect or misleading information. Article 104(8a) and paragraph 7 of this Article shall cease

to apply in respect of that entity from the date on which the Commission enters in the register referred to in Article 107 its finding that one of those grounds applies.

6. The Commission shall enter every inclusion, renewal, rejection, modification and removal in the register referred to in Article 107 in machine readable form and shall inform the European Parliament and the Council without delay.

7. Entities of the type referred to in Annexes I and II to Directive (EU) 2022/2555 which use, install or integrate ICT components provided by trusted suppliers shall be presumed to comply with their obligations concerning supply chain security under Article 21(2), point (d), of that Directive in respect of those components for the duration of the inclusion of the trusted supplier in the list.

Or. en

Amendment 900
Ondřej Krutílek

Proposal for a regulation
Article 106 – paragraph 1

Text proposed by the Commission

The Commission shall ensure that before it adopts an implementing act pursuant to Article 103(7) or before it adopts a decision refusing the granting of exemption pursuant to Article 105(7) on the basis of elements not submitted by the applicant or before it withdraws a decision pursuant to Article 105(8), the entity concerned is given the opportunity of being heard, taking into account the need, in some cases, for an urgency procedure.

Amendment

1. Before adopting a decision under Articles 102, 103 or 105, the competent authority shall inform the entity concerned and, where directly affected, the supplier of the proposed decision, the material grounds and the evidence relied upon, and provide a reasonable opportunity to submit observations. The same safeguards shall apply, as appropriate to its limited verification role, before the Commission publishes information under Article 107 which directly affects a supplier. 2. The decision shall address material observations and shall include sufficient reasons to permit the persons concerned to understand its scope and basis and to

challenge it effectively. Non-cooperation shall not, by itself, establish a geopolitical risk or the necessity of a prohibition. 3. Disclosure may be restricted only to the extent strictly necessary to protect classified information, essential security interests, personal data or legally protected confidential information. A non-confidential account of the essence of the grounds shall be provided so that the substance of the decision can be contested. Where evidence is withheld, the decision shall identify the reason for that restriction in a manner consistent with the protection required. 4. Where prior hearing would materially prejudice an urgent protective action, it may be deferred only to that extent. The persons concerned shall be heard without undue delay after adoption of the temporary measure and before any definitive decision maintaining it. The conditions of Article 103(10) shall apply. 5. Member States shall ensure an effective remedy before an independent and impartial court or tribunal for decisions under Articles 102, 103 and 105 adopted by national authorities. The court or tribunal shall have access to the evidence necessary to review legality, the factual basis, necessity and proportionality, including protected material under appropriate procedures. It shall be able to grant effective interim relief and to review whether a refusal to disclose information is strictly necessary. 6. Judicial protection in respect of acts of Union institutions, bodies, offices and agencies shall be governed by the Treaties. This Article shall not alter the jurisdiction of Union courts or the Treaty rules applicable to review of CFSP acts.

Or. en

Amendment 901
Markus Buchheit

Proposal for a regulation

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Article 106 – paragraph 1

Text proposed by the Commission

The Commission shall ensure that before it adopts an implementing act pursuant to Article 103(7) or before it adopts a decision refusing the granting of exemption pursuant to Article 105(7) on the basis of elements not submitted by the applicant or before it withdraws a decision pursuant to Article 105(8), the entity concerned is given the opportunity ***of being heard, taking into account the need, in some cases, for*** an urgency procedure.

Amendment

The Commission shall ensure that before it adopts an implementing act pursuant to Article 103(7), ***before including a supplier in a list referred to in Article 104,*** or before it adopts a decision refusing the granting of exemption pursuant to Article 105(7) on the basis of elements not submitted by the applicant or before it withdraws a decision pursuant to Article 105(8), the entity concerned is given the opportunity ***to submit observations and consult the non-confidential parts of the file within a period of at least 30 days.*** An urgency procedure ***with a shortened time limit shall be allowed only in duly justified cases; the hearing must then be carried out without delay. The decisions must be substantiated and must include information on the right to bring legal proceedings before the Court of Justice of the European Union.***

Or. de

Amendment 902

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Pierre-Romain Thionnet

Proposal for a regulation Article 106 – paragraph 1

Text proposed by the Commission

The Commission shall ensure that before it adopts an implementing act pursuant to Article 103(7) or before it adopts a decision refusing the granting of exemption pursuant to Article 105(7) on the basis of elements not submitted by the applicant or before it withdraws a decision pursuant to Article 105(8), the entity concerned is given the opportunity of being heard, taking into account the need, in some cases, for an urgency procedure.

Amendment

The Commission shall ensure that before it adopts an implementing act pursuant to Article 103(7) or before it adopts a decision refusing the granting of exemption pursuant to Article 105(7) on the basis of elements not submitted by the applicant or before it withdraws a decision pursuant to Article 105(8), the entity concerned is given the opportunity of being heard, taking into account the need, in some cases, for an urgency procedure. ***The***

exercise of rights of defence must not result in the communication of a Member State's classified information, and must not delay a measure deemed urgent by a Member State on grounds of national security.

Or. fr

Amendment 903

Ondřej Krutílek

Proposal for a regulation

Article 107 – paragraph 1

Text proposed by the Commission

The Commission shall maintain a publicly accessible register *of its* decisions *referred to* in Article 105(5). *The register shall state the names of the entities that have been* subject to *such decisions*. The Commission shall update the register *on a regular basis*.

Amendment

Public register of common determinations and national measures 1. The Commission shall maintain a publicly accessible register ***containing: (a) the identity of suppliers meeting the conditions of Article 104(1), the relevant Council decision and the scope and duration of the determination concerning each supplier; and (b) non-confidential summaries of national decisions under Article 103, including their territorial and material scope, transition arrangements, review date and subsequent amendment or revocation.*** ***2. Before publishing information under paragraph 1, point (a), the Commission shall verify the conditions in Article 104(1), notify the supplier of its findings and provide the safeguards in Article 106 appropriate to that verification. Publication shall not create or extend the underlying status.*** ***3. Competent authorities shall transmit the information under paragraph 1, point (b), and any changes without undue delay, subject to Article 108.*** The Commission shall ***correct inaccurate information and update the register without undue delay when the underlying conditions or decisions change.*** ***4. The register shall clearly distinguish common recognition from a national measure and indicate that***

neither inclusion in the register nor a national determination automatically imposes restrictions in another Member State.

Or. en

Amendment 904

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Pierre-Romain Thionnet

Proposal for a regulation

Article 107 – paragraph 1

Text proposed by the Commission

The Commission shall maintain a publicly accessible register of its decisions referred to in Article 105(5). The register shall state the names of the entities that have been subject to such decisions. The Commission shall update the register on a regular basis.

Amendment

The Commission shall maintain a publicly accessible register of its decisions referred to in Article 105(5). The register shall state the names of the entities that have been subject to such decisions, *the third country in question, the material scope of the exemption, its duration, the categories of ICT assets or services in question, as well as the conditions imposed on the exemption, without disclosing information whose publication would jeopardise national security, public safety, cybersecurity, critical infrastructures, trade secrets or the essential security interests of the Member States.* The Commission shall update the register on a regular basis. *Information shall not be included in the publicly accessible part of the register if its publication would jeopardise the national security of a Member State or reveal exploitable vulnerabilities.*

Or. fr

Amendment 905

Ondřej Krutílek

Proposal for a regulation

Article 108 – paragraph 1

Information ***received by the Commission pursuant to Articles 105 and 106*** shall be used only for the purpose for which it was ***acquired***.

1. Information obtained under this Title shall be used only for the assessment, coordination, decision-making, review or enforcement purpose for which it was lawfully obtained. Access and disclosure shall be limited to what is necessary for that purpose. 2. The Commission, ENISA and competent authorities shall protect classified information, essential security interests, personal data and legally protected professional and commercial secrets. Exchanges between competent authorities shall take place through appropriate secure channels. 3. Protection under this Article shall not dispense with the obligation to provide the essence of the grounds under Article 106 or prevent access by the competent court or tribunal under appropriate protective procedures. Public disclosure shall be limited to the non-confidential information required under Articles 103 and 107.

Or. en

Amendment 906

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Pierre-Romain Thionnet

Proposal for a regulation Article 108 – paragraph 1

Information received by the Commission pursuant to Articles 105 and 106 shall be used only for the purpose for which it was acquired.

Information received by the Commission pursuant to Articles 105 and 106 shall be used only for the purpose for which it was acquired. ***The Commission shall ensure that the information referred to in this Article is processed and stored under conditions which guarantee that it cannot be accessed, transferred or communicated, whether directly or indirectly, to an authority in a third country in application of a law or***

injunction with extraterritorial application. To that end, it shall put in place all the necessary contractual, organisational and technical safeguards, especially as regards access control, encryption, data location and the choice of service providers involved in the processing of this information.

Or. fr

Amendment 907
Francesco Torselli, Diego Solier

Proposal for a regulation
Article 108 – paragraph 1

Text proposed by the Commission

Information *received by the Commission pursuant to Articles 105 and 106 shall be used only for the purpose for which it was acquired.*

Amendment

Confidentiality obligations under this Article shall apply to information obtained or exchanged for the purposes of the whole of Title IV, including information relating to procedures under Articles 100 to 107 and Article 111, without prejudice to applicable Union rules on access to documents and data protection.

Or. en

Justification

This amendment extends confidentiality coverage across Title IV in a coherent and technology-neutral manner.

Amendment 908
Michael McNamara

Proposal for a regulation
Article 110 – title

Text proposed by the Commission

Key ICT assets for mobile, *fixed and satellite* electronic communications networks

Amendment

Key ICT assets for mobile electronic communications networks

Justification

Fixed network and satellite electronic communications networks have not been subject to a dedicated risk assessment comparable to that of 5G networks. The Coordinated Risk Assessment of the Cybersecurity of 5G networks found that only core mobile network functions, including NFV management and management and network orchestration “MANO” are considered critical.

Amendment 909 **Ondřej Krutílek**

Proposal for a regulation **Article 110 – paragraph 1**

Text proposed by the Commission

1. *The key ICT assets for mobile, fixed **and** satellite electronic communications networks **shall be as set out in Annex II.***

Amendment

1. ***Radio access network functions and active radio network components, where their compromise could materially affect the confidentiality, integrity, availability or continuity of mobile electronic communications services.***

Transport and transmission network functions and active equipment at backbone, aggregation or interconnection level, where their compromise could materially affect the continuity or security of fixed electronic communications services.

Access network control and aggregation functions, excluding passive infrastructure and customer-premises equipment unless such equipment performs security-relevant network control, management or authentication functions.

Ground stations, complementary ground stations and control-segment systems, where used for the operation, control or security of satellite electronic communications networks.

Amendment 910
Michael McNamara

Proposal for a regulation
Article 110 – paragraph 1

Text proposed by the Commission

1. The key ICT assets for mobile, ***fixed and satellite*** electronic communications networks shall be as set out in Annex II.

Amendment

1. The key ICT assets for mobile electronic communications networks shall be as set out in Annex II.

Or. en

Justification

Fixed network and satellite electronic communications networks have not been subject to a dedicated risk assessment comparable to that of 5G networks. The Coordinated Risk Assessment of the Cybersecurity of 5G networks found that only core mobile network functions, including NFV management and management and network orchestration “MANO” are considered critical.

Amendment 911
Angelika Winzig

Proposal for a regulation
Article 110 – paragraph 2

Text proposed by the Commission

2. ICT components or components that include ICT components provided by high-risk suppliers shall be ***phased out from the*** key ICT assets of mobile, fixed and satellite electronic ***communication*** networks.

Amendment

2. ICT components or components that include ICT components provided by high-risk suppliers shall be ***subject to a risk-based assessment before their mandatory removal from*** key ICT assets of mobile, fixed and satellite electronic ***communications*** networks.

Where the competent authority determines, on the basis of substantiated evidence, that the identified cybersecurity risks cannot be adequately mitigated through effective technical and organisational safeguards, the relevant components shall be phased out.

Or. en

Justification

Mandatory removal of ICT components may create significant costs, security risks and service disruptions. Individual risk assessments ensure that removal is required only where risks cannot be adequately mitigated, while safeguarding network resilience and competition.

Amendment 912 **Francesco Torselli**

Proposal for a regulation **Article 110 – paragraph 2**

Text proposed by the Commission

2. ICT components or components that include ICT components provided by high-risk suppliers shall be phased out from the key ICT assets of mobile, fixed and satellite electronic communication networks.

Amendment

2. ICT components or components that include ICT components provided by high-risk suppliers shall be ***subject either to mitigation measures pursuant art. 103, paragraph 2 or, as measure of last resort,*** phased out from the key ICT assets of mobile, fixed and satellite electronic communication networks ***depending on the level of risk associated to the identified ICT component.***

Or. en

Justification

Not all components have the same level of risks; hence it will be contrary to the proportionality principle to automatically apply the phase out of the key ICT component. This is especially relevant for fixed networks which have a complex architecture and where there are not established practices and the experiences to build contrary to the mobile sector where there has been the 5G toolbox for several years.

Amendment 913 **Michael McNamara**

Proposal for a regulation **Article 110 – paragraph 2**

Text proposed by the Commission

2. ICT components or components that include ICT components provided by high-risk suppliers shall be phased out from the key ICT assets of mobile, ***fixed***

Amendment

2. ICT components or components that include ICT components provided by high-risk suppliers shall be phased out from the key ICT assets of mobile

and satellite electronic communication networks.

electronic communication networks.

Or. en

Justification

Fixed network and satellite electronic communications networks have not been subject to a dedicated risk assessment comparable to that of 5G networks. The Coordinated Risk Assessment of the Cybersecurity of 5G networks found that only core mobile network functions, including NFV management and management and network orchestration “MANO” are considered critical.

Amendment 914

Katri Kulmuni, Eero Heinäluoma

Proposal for a regulation

Article 110 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. With regard to fixed and satellite electronic communications networks, the obligation laid down in the paragraph 1 shall apply only following the completion of a Union-level coordinated security risk assessment covering the network category concerned pursuant to Article 99. The Commission shall request that assessment by ... [12 months after the entry into force of this Regulation].

Or. en

Amendment 915

Markus Buchheit

Proposal for a regulation

Article 110 – paragraph 3

Text proposed by the Commission

Amendment

3. The time period for the phasing out the ICT components or components that include ICT components provided by high-risk suppliers with regard to mobile

3. The time period for the phasing out the ICT components or components that include ICT components provided by high-risk suppliers with regard to mobile

electronic communications networks shall **not exceed 36** months from the publication of the list of high-risk suppliers referred to in Article 104 relevant for the mobile electronic communications networks.

electronic communications networks shall ***be determined by the Commission taking into account the lifetime of the components concerned, the usual investment and depreciation cycles and the impact on network coverage. It shall not be less than 36 months nor more than 60*** months from the publication of the list of high-risk suppliers referred to in Article 104 relevant for the mobile electronic communications networks.

Or. de

Amendment 916
Katri Kulmuni, Eero Heinäluoma

Proposal for a regulation
Article 110 – paragraph 3

Text proposed by the Commission

3. The time period for the phasing out the ICT components or components that include ICT components provided by high-risk suppliers with regard to mobile electronic communications networks shall ***not exceed 36 months*** from the publication of the list of high-risk suppliers referred to in Article 104 relevant for the mobile electronic communications networks.

Amendment

3. The time period for the phasing out the ICT components or components that include ICT components provided by high-risk suppliers with regard to mobile electronic communications networks shall ***take into account the lifecycle of the products, the replacement cycle and the availability of alternatives. The time period shall start*** from the publication of the list of high-risk suppliers referred to in Article 104 relevant for the mobile electronic communications networks.

Or. en

Amendment 917
Aura Salla

Proposal for a regulation
Article 110 – paragraph 3

Text proposed by the Commission

3. The time period for the phasing out

Amendment

3. The time period for the phasing out

the ICT components or components that include ICT components provided by high-risk suppliers with regard to mobile electronic communications networks shall not exceed **36** months from the publication of the list of high-risk suppliers referred to in Article 104 relevant for the mobile electronic communications networks.

the ICT components or components that include ICT components provided by high-risk suppliers with regard to mobile electronic communications networks shall not exceed **24** months, ***and take into account the lifecycle of the products, the replacement cycle and the availability of alternatives*** from the publication of the list of high-risk suppliers referred to in Article 104 relevant for the mobile electronic communications networks.

Or. en

Amendment 918
Angelika Winzig

Proposal for a regulation
Article 110 – paragraph 3

Text proposed by the Commission

3. The time period for the phasing out the ICT components or components that include ICT components provided by high-risk suppliers with regard to mobile electronic communications networks shall ***not exceed 36 months from the publication of the list of high-risk suppliers referred to in Article 104 relevant for the mobile electronic communications networks.***

Amendment

3. The time period for the phasing out the ICT components or components that include ICT components provided by high-risk suppliers with regard to mobile electronic communications networks shall ***be determined by the Council of the European Union in accordance with Article 103 of this Regulation.***

Or. en

Justification

The proposed 36-month deadline fails to account for operational and financial constraints, national circumstances, equipment lifecycles and the availability of suitable alternatives. A flexible, risk-based timeline is necessary to safeguard the security, resilience and continuity of critical infrastructure while avoiding disproportionate costs and service disruptions.

Amendment 919
Michael McNamara

Proposal for a regulation

Article 110 – paragraph 3

Text proposed by the Commission

3. The time period for the phasing out the ICT components or components that include ICT components provided by high-risk suppliers ***with regard to mobile electronic communications networks shall not exceed 36 months from the publication of the list of high-risk suppliers*** referred to in Article 104 relevant for the mobile electronic communications networks.

Amendment

3. ***The Commission shall be empowered to adopt delegated acts in accordance with Article 119 on the time period for the phasing out the ICT components or components that include ICT components provided by high-risk suppliers referred to in Article 104 relevant for the mobile electronic communications networks.***

Or. en

Amendment 920

Ondřej Krutílek

Proposal for a regulation

Article 110 – paragraph 3

Text proposed by the Commission

3. The time period for the phasing out the ICT components or components that include ICT components provided by high-risk suppliers with regard to mobile electronic communications networks shall ***not exceed 36*** months from the publication of the list of high-risk suppliers referred to in Article 104 relevant for the mobile electronic communications networks.

Amendment

3. The time period for the phasing out the ICT components or components that include ICT components provided by high-risk suppliers with regard to mobile electronic communications networks shall ***be at least 60*** months from the publication of the list of high-risk suppliers referred to in Article 104 relevant for the mobile electronic communications networks.

Or. en

Amendment 921

Tomas Tobé, Christian Ehler, Aura Salla, Jörgen Warborn, Andrea Wechsler, Pilar del Castillo Vera

Proposal for a regulation

Article 110 – paragraph 3

Text proposed by the Commission

Amendment

3. The time period for the phasing out the ICT components or components that include ICT components provided by high-risk suppliers with regard to mobile electronic communications networks shall not exceed **36** months from the publication of the list of high-risk suppliers referred to in Article 104 relevant for the mobile electronic communications networks.

3. The time period for the phasing out the ICT components or components that include ICT components provided by high-risk suppliers with regard to mobile electronic communications networks shall not exceed **24** months from the publication of the list of high-risk suppliers referred to in Article 104 relevant for the mobile electronic communications networks.

Or. en

Amendment 922

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Pierre-Romain Thionnet

Proposal for a regulation Article 110 – paragraph 3

Text proposed by the Commission

3. The time period for the phasing out the ICT components or components that include ICT components provided by high-risk suppliers with regard to mobile electronic communications networks shall not exceed **36** months from the publication of the list of high-risk suppliers referred to in Article 104 relevant for the mobile electronic communications networks.

Amendment

3. The time period for the phasing out the ICT components or components that include ICT components provided by high-risk suppliers with regard to mobile electronic communications networks shall not exceed **24** months from the publication of the list of high-risk suppliers referred to in Article 104 relevant for the mobile electronic communications networks.

Or. fr

Amendment 923

Katri Kulmuni, Eero Heinäluoma

Proposal for a regulation Article 110 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. By way of exception, the competent authority may, by reasoned decision notified to the Commission without delay and made public, extend the period referred to in paragraph 3 by no

more than 12 months for a given entity, where the entity demonstrates that compliance within that original period would impose a disproportionate burden within the meaning of Article 111a and that the extension does not create a serious risk to security. The Commission may object to that extension within two months.

The Commission is empowered to adopt implementing acts in accordance with Article 118(2) to specify the time periods for the phasing out the ICT components or components that include ICT components provided by high-risk suppliers with regard to fixed and satellite electronic communications networks. The time period for the phasing out the ICT components or components that include ICT components provided by highrisk suppliers with regard to mobile electronic communications networks shall take into account the lifecycle of the products, the replacement cycle and the availability of alternatives. The time period shall start from the publication of the list of high-risk suppliers referred to in Article 104 relevant for the fixed and satellite communications networks.

Or. en

Amendment 924

Marc Botenga

on behalf of The Left Group

Proposal for a regulation

Article 110 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *The Commission shall not publish the list referred to in Article 104 for the purposes of this Chapter, nor adopt implementing acts referred to paragraph 4, unless a prior, public impact assessment demonstrates that the phase-*

out will not lead to:

(a) a significant increase in consumer prices

(b) significant loss of employment

(c) a deterioration in the quality and territorial coverage of services

(d) a loss of access for end-users, in particular low-income households and rural areas

Where the impact assessment shows that the phase-out would lead to any of the outcomes listed in points (a)-(d), the Commission shall ensure that effective mitigating measures are in place, after consulting consumer organisations and workers' representatives.

Or. en

Amendment 925

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Pierre-Romain Thionnet

Proposal for a regulation

Article 110 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Operators which bear the direct and necessary costs associated with the phasing out of ICT components or components that include ICT components from high-risk suppliers shall have access to a financial compensation mechanism established at Union level. This mechanism shall cover in particular the costs of replacement, migration, security validation and maintenance of service continuity, without prejudice to the state aid rules.

Or. fr

Amendment 926

Adina Vălean

Proposal for a regulation

Article 110 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. By [six months after the date of entry into force of this Regulation], the Commission shall adopt guidelines on the financing of the costs incurred by providers of electronic communications networks in phasing out ICT components or components that include ICT components pursuant to paragraph 2 before the end of their normal investment or replacement cycles, taking into account the principles of transparency, least market distortion, non-discrimination and proportionality.

Or. en

Justification

The 36-month phasing out period is maintained, but operators required to replace lawfully acquired equipment early should have access to targeted compensation, neutral between operators, so that phasing out costs do not crowd out investment in next-generation networks.

Amendment 927

Markus Buchheit

Proposal for a regulation

Article 110 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where, before the entry into force of this Regulation, a Member State has laid down, by law, regulation or administrative provision or by agreement with operators, measures restricting or progressively phasing out ICT components of certain providers from electronic communications networks, the deadlines and modalities provided for therein shall continue to apply to the networks in that Member State, provided

that they ensure a comparable level of security.

Or. de

Amendment 928

Katri Kulmuni, Eero Heinäluoma

Proposal for a regulation

Article 110 – paragraph 4

Text proposed by the Commission

Amendment

4. *The Commission is empowered to adopt implementing acts in accordance with Article 118(2) to specify the time periods for the phasing out the ICT components or components that include ICT components provided by high-risk suppliers with regard to fixed and satellite electronic communications networks.* ***deleted***

Or. en

Amendment 929

Michael McNamara

Proposal for a regulation

Article 110 – paragraph 4

Text proposed by the Commission

Amendment

4. *The Commission is empowered to adopt implementing acts in accordance with Article 118(2) to specify the time periods for the phasing out the ICT components or components that include ICT components provided by high-risk suppliers with regard to fixed and satellite electronic communications networks.* ***deleted***

Or. en

Amendment 930

Francesco Torselli

Proposal for a regulation
Article 110 – paragraph 4

Text proposed by the Commission

4. The Commission is empowered to adopt implementing acts in accordance with Article 118(2) to specify the time periods for the phasing out the ICT components or components that include ICT components provided by high-risk suppliers with regard to fixed and satellite electronic communications networks.

Amendment

4. The Commission is empowered to adopt implementing acts in accordance with Article 118(2) to specify **the *mitigation measures pursuant art. 103, paragraph 2, or*** time periods for the phasing out the ICT components or components that include ICT components provided by high-risk suppliers with regard to fixed and satellite electronic communications networks, ***based on the level of risk identified in annex II for each ICT component. In any case, the phase-out period shall be aligned with the commercial life-cycle of the ICT components, unless concrete and severe risks are identified.***

Or. en

Justification

Not all components have the same level of risks; hence it will be contrary to the proportionality principle to automatically apply the phase out of the key ICT component. This is especially relevant for fixed networks which have a complex architecture and where there are not established practices and the experiences to build contrary to the mobile sector where there has been the 5G toolbox for several years. Moreover, it should be noted that

Amendment 931
Aura Salla

Proposal for a regulation
Article 110 – paragraph 4

Text proposed by the Commission

4. The Commission is empowered to adopt implementing acts in accordance with Article 118(2) to specify the time periods for the phasing out the ICT components or components that include ICT components provided by high-risk

Amendment

4. The Commission is empowered to adopt implementing acts in accordance with Article 118(2) to specify the time periods, ***taking into account the lifecycle of the products, the replacement cycle and the availability of alternatives,*** for the

suppliers with regard to fixed and satellite electronic communications networks.

phasing out **of** the ICT components or components that include ICT components provided by high-risk suppliers with regard to fixed and satellite electronic communications networks.

Or. en

Amendment 932

Katri Kulmuni, Eero Heinäluoma

Proposal for a regulation

Article 110 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Before adopting any act pursuant to paragraph 4 and before any time period pursuant to that paragraph begins to run, the Commission shall submit to the European Parliament and to the Council a report setting out, for each network category concerned, disaggregated data on the presence of ICT components provided by high-risk suppliers. Draft implementing acts pursuant to this Article shall be transmitted to the European Parliament at the same time as to the committee referred to in Article 118.

Or. en

Justification

While supporting the Commission's ambition in the CSA2 proposal, particularly regarding the management of non-technical risks of communications networks at Union level and harmonised obligations, taking equipment lifecycles into account is necessary to ensure a proportionate and legally sound implementation of the proposed requirements.

Amendment 933

Michael McNamara

Proposal for a regulation

Article 110 – paragraph 4 a (new)

4a. An appropriate compensation mechanism shall provide funding at Member State and/or EU level to mitigate the economic and financial effects on operators resulting from the mitigation measures required under this Regulation, including where operators are required to replace, phase out or otherwise adapt lawfully acquired equipment ahead of normal investment or replacement cycles.

Or. en

**Amendment 934
Ondřej Krutílek**

**Proposal for a regulation
Article 110 – paragraph 5**

Text proposed by the Commission

Amendment

5. The Commission is empowered to adopt delegated acts in accordance with Article 119 to amend Annex II to this Regulation in order to adapt it to technological developments by taking into account the elements referred to in Article 103(4).

deleted

Or. en

**Amendment 935
Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Majbritt Birkholm, Pierre-Romain Thionnet**

**Proposal for a regulation
Article 110 – paragraph 5**

Text proposed by the Commission

Amendment

5. The Commission is empowered to adopt delegated acts in accordance with Article 119 to amend Annex II to this Regulation in order to adapt it to

5. The Commission is empowered to adopt delegated acts in accordance with Article 119 to amend Annex II to this Regulation in order to adapt it to

technological developments by taking into account the elements referred to in Article 103(4).

technological developments by taking into account the elements referred to in Article 103(4). ***This empowerment shall be granted for a renewable period of five years from the date of entry into force of this Regulation. It may not result in a reduction in the scope of key ICT assets covered by the prohibitions provided for under this Article.***

Or. fr

Amendment 936

Adina Vălean

Proposal for a regulation Article 110 a (new)

Text proposed by the Commission

Amendment

Article 110a

Longer phasing out period on grounds of national security

1. Where a Member State considers that compliance with the time period set out in Article 110(3) would create significant risks to the security, resilience or continuity of operation of critical national infrastructure, including electronic communications networks, it may establish a longer time period for the phasing out of ICT components or components that include ICT components provided by high-risk suppliers.

2. In establishing that time period, the Member State shall take into account:

(a) the time period set out in Article 110(3);

(b) the standard investment cycles of providers of mobile electronic communications networks;

(c) the expected technological lifecycle of the affected mobile electronic communications equipment referred to in Annex II;

(d) the existence and viability of alternative suppliers; and (e) the observations of the Commission issued under paragraph 4.

3. The Member State concerned shall notify the Commission of the envisaged time period before adopting its final decision. The notification shall include:

(a) a justification of the envisaged period, including the reasons relating to the security, resilience or continuity of operation of critical national infrastructure;

(b) an assessment of the significant risks that the phasing out may pose to the security, resilience or continuity of operation of critical national infrastructure;

(c) the technical or operational constraints affecting the timely replacement of the relevant components; and

(d) the risk-mitigation measures envisaged for the progressive removal of those components.

4. Within reasonable time of receiving the notification, but not more than two months, the Commission may issue observations on the notified time period, including on its compatibility with the objectives of this Regulation and the need to ensure a high common level of cybersecurity and resilience across the Union.

5. The Member State concerned shall take utmost account of the Commission's observations when adopting its final decision, shall communicate that decision to the Commission and shall keep the Commission informed of its implementation.

Or. en

Justification

Reflects Article 4(2) TEU: a Member State may set a longer period where the Union deadline would endanger its critical infrastructure, subject to notification and Commission observations to limit fragmentation of the internal market.

Amendment 937

Adina Vălean

Proposal for a regulation

Article 111 – paragraph 1

Text proposed by the Commission

1. Providers of mobile, fixed and satellite electronic communications networks shall not ***use***, install or integrate, in any form, ICT components or components that include ICT components from high-risk suppliers in the operation of key ICT assets referred to in Annex II.

Amendment

1. Providers of mobile, fixed and satellite electronic communications networks shall not ***deploy***, install or integrate, in any form, ICT components or components that include ICT components from high-risk suppliers in the operation of key ICT assets referred to in Annex II.

By way of derogation from the first subparagraph, until the end of the applicable phasing out period under Article 110 or Article 110a, providers may maintain, repair and apply security updates to such components already installed, provided that this does not increase the capacity, functionality or geographical coverage of the key ICT assets concerned.

Or. en

Justification

The prohibition to “use” overlaps with the phasing out obligation in Article 110. The ban should target new deployments, while operators remain able to maintain, repair and update equipment already installed until it is phased out, without expanding their reliance on high-risk suppliers.

Amendment 938

Tomas Tobé, Christian Ehler, Aura Salla, Jörgen Warborn, Andrea Wechsler, Pilar del Castillo Vera

Proposal for a regulation

Article 111 – paragraph 1

Text proposed by the Commission

1. Providers of mobile, fixed and satellite electronic communications networks shall not **use**, install or integrate, in any form, ICT components or components that include ICT components from high-risk suppliers in the operation of key ICT assets referred to in Annex II.

Amendment

1. Providers of mobile, fixed and satellite electronic communications networks shall not install or integrate in any form, ICT components or components that include ICT components from high-risk suppliers in the operation of key ICT assets referred to in Annex II. ***After the expiry of the time period applicable to the network concerned pursuant to Article 110(3) or (4), they shall not use such components in the operation of those assets.***

Or. en

Amendment 939

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Pierre-Romain Thionnet

Proposal for a regulation

Article 111 – paragraph 1

Text proposed by the Commission

1. Providers of mobile, fixed and satellite electronic communications networks shall not use, install or integrate, in any form, ICT components or components that include ICT components from high-risk suppliers in the operation of key ICT assets referred to in Annex II.

Amendment

1. Providers of mobile, fixed and satellite electronic communications networks shall not use, install or integrate, in any form, ICT components or components that include ICT components from high-risk suppliers in the operation of key ICT assets referred to in Annex II. ***The Member States may extend this prohibition to other assets in their networks if they deem this necessary for the protection of their national security.***

Or. fr

Amendment 940

Bart Groothuis, Ivars Ijabs, Anna Stürgh, Morten Løkkegaard, Martin Hojsík

Proposal for a regulation

Article 111 – paragraph 1

Text proposed by the Commission

1. Providers of mobile, fixed and satellite electronic communications networks shall not **use**, install or integrate, in any form, ICT components or components that include ICT components from high-risk suppliers in the operation of key ICT assets referred to in Annex II.

Amendment

1. Providers of mobile, fixed and satellite electronic communications networks shall not install or integrate, in any form, ICT components or components that include ICT components from high-risk suppliers in the operation of key ICT assets referred to in Annex II.

Or. en

Amendment 941

Adina Vălean

Proposal for a regulation

Article 111 – paragraph 2

Text proposed by the Commission

2. In cases where the competent authority designated under this Regulation in a Member State differs from the competent authority pursuant to **Regulation (EU) XX/XXXX [DNA proposal]**, the competent authority designated under this Regulation shall inform without delay **the competent authority pursuant to Regulation (EU) XX/XXXX [DNA proposal]** about the measures imposed on providers of mobile, fixed and satellite electronic communications networks in accordance with Article 114. The authorities shall ensure close cooperation for the purposes of effective supervision and enforcement of those measures.

Amendment

2. In cases where the competent authority designated under this Regulation in a Member State differs from the competent authority pursuant to **Directive (EU) 2018/1972**, the competent authority designated under this Regulation shall inform without delay **that** authority about the measures imposed on providers of mobile, fixed and satellite electronic communications networks in accordance with Article 114. The authorities shall ensure close cooperation for the purposes of effective supervision and enforcement of those measures.

Or. en

Justification

The Digital Networks Act is still under negotiation. Referring to the authorities under the European Electronic Communications Code ensures legal certainty.

Amendment 942
Dario Tamburrano

Proposal for a regulation
Article 111 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The conditions applicable to support schemes, capacity mechanisms and tendering procedures for electricity generation and storage shall be proportionate to the cybersecurity risk concerned. Reasonable transition periods and simplified compliance procedures shall be provided for renewable energy communities, citizen energy communities, renewables self-consumers and electricity producers with a total generation capacity not exceeding 1 MW. Replacement shall not be required where effective mitigating measures adequately address the identified cybersecurity risk.

Or. en

Justification

Cybersecurity requirements should not impose disproportionate costs on community-based and small-scale renewable generation where the identified risk can be adequately mitigated by less burdensome measures.

Amendment 943
Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Pierre-Romain Thionnet

Proposal for a regulation
Article 111 a (new)

Text proposed by the Commission

Amendment

Article 111a

Security of ICT supply chains in electricity grids

1. For the purposes of this Title, the key ICT assets of electricity grids shall include at least the following:

- (a) control-command, supervision and data acquisition systems used by electricity transmission and distribution system operators;*
- (b) inverters and other power conversion equipment connected to the electricity grid, including those of electricity generation and storage facilities;*
- (c) electricity storage facility management systems;*
- (d) smart metering systems and their central systems;*
- (e) platforms for remotely monitoring, configuring, controlling or updating the equipment referred to in points (a) to (d), including those of aggregators.*

2. Any remote monitoring, configuring, controlling or updating of the assets referred to in paragraph 1 shall be operated by a legal entity established in the Union, using infrastructure located in the Union. The operating data collected by those assets shall be stored and processed in the Union. The operator of the asset shall be able to disable any remote connection at any time, without loss of the equipment's main function.

3. From ... [24 months after the date of entry into force of this Regulation], no ICT components or components that include ICT components from a high-risk provider identified in accordance with Article 104, or, on the territory of a Member State, designated as such by that Member State under its national law, shall be installed in the assets referred to in paragraph 1. From ... [12 months after the date of entry into force of this Regulation], any remote access by such a supplier, or by an entity controlled by such a supplier, to components already installed shall be prohibited.

4. The competent authorities referred to in Article 112 shall cooperate with the energy regulatory authorities for the purpose of monitoring compliance with

this Article.

5. This Article shall apply without prejudice to Delegated Regulation (EU) 2024/1366, stricter national provisions adopted pursuant to Article 98(3) and the right of each Member State to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply, in accordance with Article 194(2) TFEU.

Or. fr

Justification

More than 200 GW of European solar capacity relies on Chinese inverters. This article eliminates any control from abroad, excludes high-risk suppliers from new installations without imposing costly dismantling requirements, and preserves each state's freedom to determine its own energy mix.

Amendment 944

Jens Geier

Proposal for a regulation

Article 111 a (new)

Text proposed by the Commission

Amendment

Article 111a

Key ICT assets in the electricity subsector

1. The key ICT assets for electricity networks, generation and storage used by entities in the electricity subsector referred to in Annex I, point 1, to Directive (EU) 2022/2555 shall be those set out in Annex IIa.

2. The Commission is empowered to adopt delegated acts in accordance with Article 119 to amend Annex IIa in order to adapt it to technological developments, taking into account the elements referred to in Article 102(2).

3. The Commission shall, by means of implementing acts adopted in accordance with Article 118(2), specify the date from

which the prohibition laid down in Article 111b(1) shall apply. That date shall provide for an appropriate transition period. When determining the transition period, the Commission shall take into account the results of the relevant Union-level coordinated security risk assessment, the availability and production capacity of alternative suppliers, investment and procurement cycles, grid stability, security of electricity supply and the deployment of renewable energy.

Or. en

Amendment 945

Bart Groothuis, Ivars Ijabs, Anna Stürgkh, Sigrid Friis, Morten Løkkegaard, Martin Hojsík, Barry Andrews

**Proposal for a regulation
Article 111 a (new)**

Text proposed by the Commission

Amendment

Article 111a

**Key ICT assets for inverter-based
resources**

- 1. The key ICT assets for inverter-based resources shall be as set out in Annex IIa.**
- 2. ICT components or components that include ICT components provided by high-risk suppliers shall be phased out by the relevant entities listed under the electricity subsector in Annex I of Directive (EU) 2022/2555.**
- 3. The Commission is empowered to adopt implementing acts in accordance with Article 118(2) to specify the time periods for the phasing out of ICT components or components that include ICT components provided by high-risk suppliers referred to in Article 104 relevant for inverter-based resources.**
- 4. The Commission is empowered to adopt delegated acts in accordance with Article 119 to amend Annex IIa to this**

Regulation in order to adapt it to technological developments by taking into account the elements referred to in Article 103(4) and the results of risk assessments conducted pursuant to Article 99(5).

Or. en

Justification

This amendment proposes a phase out procedure for high-risk vendors for inverter-based technologies, due to the high risk of remote access and control via firmware updates and backdoors by high-risk suppliers. Those risks and the need to take urgent mitigating measures in the CSA2 have been well documented in the EU Economic Security Strategy, the Commission's Smart Energy Expert Group, the Commission's CSA2 Impact Assessment and many National Cyber Security Agencies. Given the documented cases of both software and hardware backdoors, the standard remote access capabilities of such equipment, including firmware update channels and virtual power plant control systems, and the direct contribution of inverter-based resources to energy generation and storage, grid stability, frequency regulation and voltage control, the increasingly concentrated supply chain from high-risk suppliers poses a risk to the security and continuity of the Union's electricity supply and therefore warrants mitigating measures.

Amendment 946

Bart Groothuis, Ivars Ijabs, Anna Stürgh, Sigrid Friis, Morten Løkkegaard, Martin Hojsík

Proposal for a regulation Article 111 b (new)

Text proposed by the Commission

Amendment

Article 111b

Prohibitions for grid-connected inverter-based resources

- 1. Relevant entities listed under the electricity subsector of Annex I of Directive (EU) 2022/2555 shall not install or integrate, in any form, ICT components or components that include ICT components from high-risk suppliers in the operation of key ICT assets referred to in Annex IIa.***
- 2. Transmission system operators and distribution system operators as defined in Article 2 of Directive (EU) 2019/944 shall refuse connection and, where relevant,***

registration, of new inverter-based resources, irrespective of system size, that include ICT components or components that include ICT components from high-risk suppliers in the operation of key ICT assets referred to in Annex IIa.

Or. en

Justification

Based on the same justification as the previous amendment on Article 111a, this Article suggests that no new inverter-based resources shall be installed, integrated or connected .

Amendment 947
Jens Geier

Proposal for a regulation
Article 111 b (new)

Text proposed by the Commission

Amendment

Article 111b

Restrictions for the electricity subsector

1. From the date specified pursuant to Article 111a(3), entities referred to in Article 111a(1) shall not install or integrate, in new installations, key ICT assets referred to in Annex IIa that are provided by a high-risk supplier included in a list established pursuant to Article 104(1) in relation to the electricity subsector.

2. For key ICT assets referred to in Annex IIa that were already installed or lawfully integrated before the date referred to in paragraph 1, the entities concerned shall implement effective and proportionate technical and operational risk-mitigation measures.

Or. en

Amendment 948
Jens Geier

Proposal for a regulation
Title IV – Chapter II a (new)

Text proposed by the Commission

Amendment

***IIa Key ICT assets in the electricity
subsector***

Or. en

Justification

This new chapter shall encompass the new Articles 111a and 111b

Amendment 949
Francesco Torselli

Proposal for a regulation
Article 112 – paragraph 1

Text proposed by the Commission

Amendment

1. *Each Member State shall designate the competent authorities referred to in Article 8 of Directive (EU) 2022/2555 as authorities responsible for taking the supervisory and enforcement measures referred to in Article 114.*

1. *By way of derogation to Article 102 of this Regulation, The key ICT assets for mobile, fixed and satellite electronic communications networks shall be as set out in Annex II.*

Or. en

Amendment 950
Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Majbritt Birkholm, Pierre-Romain Thionnet

Proposal for a regulation
Article 112 – paragraph 2

Text proposed by the Commission

Amendment

2. Competent authorities shall be structurally and functionally fully impartial and free from any external influence, whether direct or indirect; in particular they shall neither seek nor take instructions from any other public authority or any

2. Competent authorities shall be structurally and functionally fully impartial and free from any external influence, whether direct or indirect; in particular they shall neither seek nor take instructions from any other public authority or any

private party.

private party. ***This independence shall be without prejudice to the Member States' power to oversee national security and shall not involve any subordination to the Commission.***

Or. fr

Amendment 951
Markus Buchheit

Proposal for a regulation
Article 112 – paragraph 2

Text proposed by the Commission

2. Competent authorities shall ***be structurally and functionally fully impartial and free from any external influence, whether direct or indirect; in particular they*** shall neither seek nor take instructions from any ***other public authority or any*** private party.

Amendment

2. Competent authorities shall ***perform their duties impartially and appropriately and*** shall neither seek nor take instructions from any private party. ***The organisation of the competent authorities, including their involvement in the national governance structure and their responsibility towards government and parliament, shall remain within the competence of the Member States.***

Or. de

Amendment 952
Francesco Torselli

Proposal for a regulation
Article 112 – paragraph 2

Text proposed by the Commission

2. ***Competent authorities*** shall be ***structurally and functionally fully impartial and free from any external influence, whether direct or indirect; in particular they shall neither seek nor take instructions from any other public authority or any*** private party.

Amendment

2. ***ICT components or components that include ICT components provided by high-risk suppliers referred to under Article 104*** shall be ***phased out from the key ICT assets of mobile, fixed and satellite electronic communication networks.***

Or. en

Amendment 953
Francesco Torselli

Proposal for a regulation
Article 112 – paragraph 3

Text proposed by the Commission

3. *Member States shall ensure that their competent authorities have appropriate powers, sufficient human and technical resources and relevant expertise to effectively carry out the supervisory and enforcement measures referred to in Article 114.*

Amendment

3. *The time period for the phasing out the ICT components or components that include ICT components provided by high-risk suppliers referred to under Article 104 with regard to mobile electronic communications networks shall not exceed 24 36 months from the publication of the list of high-risk suppliers referred to in Article 104(1) relevant for the mobile electronic communications networks. Where required to ensure continuity of electronic communications services, the phasing out shall be implemented progressively throughout the entire period referred to in the first subparagraph.*

Or. en

Amendment 954
Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Pierre-Romain Thionnet

Proposal for a regulation
Article 113 – paragraph 1

Text proposed by the Commission

In view of effective supervision, the Commission shall set up a network for cooperation of competent authorities of Member States referred to in Article 112 and the Commission to serve as a platform for cooperation and exchange of information, in particular for the purpose of the establishment, control and ownership assessment referred to in Article 104. The Commission shall provide the

Amendment

In view of effective supervision, the Commission shall set up a network for cooperation of competent authorities of Member States referred to in Article 112 and the Commission to serve as a platform for cooperation and exchange of information, in particular for the purpose of the establishment, control and ownership assessment referred to in Article 104. The Commission shall provide the

administrative support to the network.

administrative support to the network. ***This network shall have no decision-making powers with respect to national authorities and shall have no access to information pertaining to the national security of the Member States.***

Or. fr

Amendment 955

Adina Vălean

Proposal for a regulation

Article 113 – paragraph 1

Text proposed by the Commission

In view of effective supervision, the Commission shall set up a network for cooperation of competent authorities of Member States referred to in Article 112 and the Commission to serve as a platform for cooperation and exchange of information, in particular for the purpose of the establishment, control and ownership assessment referred to in Article 104. The Commission shall provide the administrative support to the network.

Amendment

In view of effective supervision, the Commission shall set up a network for cooperation of competent authorities of Member States referred to in Article 112 and the Commission, ***involving relevant stakeholders where appropriate***, to serve as a platform for cooperation and exchange of information, in particular for the purpose of the establishment, control and ownership assessment referred to in Article 104. The Commission shall provide the administrative support to the network.

Or. en

Justification

Relevant stakeholders should be involved in the work of the network where appropriate.

Amendment 956

Ondřej Krutílek

Proposal for a regulation

Article 113 – paragraph 1

Text proposed by the Commission

In view of effective supervision, the Commission shall set up a network for

Amendment

For the purposes of the effective implementation, supervision and

cooperation of competent authorities of Member States referred to in Article 112 and the Commission to serve as a platform for cooperation and exchange of information, in particular for the purpose of the establishment, control and ownership assessment referred to in Article 104. The Commission shall provide the administrative support to the network.

enforcement of this Title, the competent authorities referred to in Article 112 and the Commission shall cooperate and exchange relevant information within the NIS Cooperation Group. Such cooperation shall include, in particular, the exchange of information relevant to the assessments referred to in Articles 102a and 104.

Or. en

Amendment 957

Diego Solier, Mariateresa Vivaldini

Proposal for a regulation Article 113 – paragraph 1

Text proposed by the Commission

In view of effective supervision, the Commission shall set up a network for cooperation of competent authorities of Member States referred to in Article 112 and the Commission to serve as a platform for cooperation and exchange of information, in particular for the purpose of the *establishment, control and ownership* assessment referred to in Article 104. The Commission shall provide the administrative support to the network.

Amendment

In view of effective supervision, the Commission shall set up a network for cooperation of competent authorities of Member States referred to in Article 112 and the Commission to serve as a platform for cooperation and exchange of information, in particular for the purpose of the assessment *of high-risk suppliers* referred to in Article 104. The Commission shall provide the administrative support to the network.

Or. en

Justification

The cooperation network should support the broader individual high-risk supplier assessment established under Article 104, rather than an assessment limited to establishment, ownership and control.

Amendment 958

Adina Vălean

Proposal for a regulation Article 114 – paragraph 1

Text proposed by the Commission

Amendment

1. The competent authorities as referred to in Article 112 are entitled to take the supervisory and enforcement measures on entities of the type referred to in Annexes I and II to Directive (EU) 2022/2555. Member States shall ensure that the abovementioned measures are effective, proportionate and dissuasive, taking into account the circumstances of each individual case. Member States shall notify the Commission of the rules enacted to that end and their subsequent amendments.

1. The competent authorities as referred to in Article 112 are entitled to take the supervisory and enforcement measures on entities of the type referred to in Annexes I and II to Directive (EU) 2022/2555. Member States shall ensure that the abovementioned measures are effective, proportionate and dissuasive, taking into account the circumstances of each individual case, ***including technical feasibility and operational constraints***. Member States shall notify the Commission of the rules enacted to that end and their subsequent amendments.

Or. en

Justification

Supervisory and enforcement measures should take into account technical feasibility and operational constraints.

Amendment 959

Adina Vălean

Proposal for a regulation

Article 114 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. When exercising their supervisory tasks in relation to entities referred to in Annexes I and II to Directive (EU) 2022/2555, competent authorities are entitled to subject those entities to the following:

2. When exercising their supervisory tasks in relation to entities referred to in Annexes I and II to Directive (EU) 2022/2555, competent authorities are entitled, ***in a proportionate manner and limited to what is strictly necessary***, to subject those entities to the following:

Or. en

Justification

Supervisory powers should be exercised only where strictly necessary and in a proportionate manner, given the sensitivity of the information requested, with an exception for matters related to national security and defence.

Amendment 960
Francesco Torselli

Proposal for a regulation
Article 114 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) requests for access to contracts concluded with their relevant suppliers and service providers, as well as ad every other documentation to verify whether entities transfer cybersecurity obligations to the latter;

Or. en

Justification

Liability dumping jeopardizes the legal and economic sustainability of MSMEs, burdening them

with burdens that go beyond their position in the value chain and therefore beyond their actual

capacity to intervene. Consistent with the principle that responsibilities must follow control, there

is therefore a need for provisions limiting undue transfer of responsibility, especially in relation to

critical digital products. Law enforcement authorities should be empowered to limit this practice.

Amendment 961
Adina Vălean

Proposal for a regulation
Article 114 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) requests to access data, documents and information necessary to verify compliance with this Regulation;

(b) requests to access data, documents and information necessary to verify compliance with this Regulation, **limited to what is strictly necessary and proportionate to the supervisory objective;**

Justification

Supervisory powers should be exercised only where strictly necessary and in a proportionate manner, given the sensitivity of the information requested, with an exception for matters related to national security and defence.

Amendment 962**Adina Vălean****Proposal for a regulation****Article 114 – paragraph 2 – point c***Text proposed by the Commission*

(c) on-site inspections and off-site supervision, including random checks conducted by trained professionals;

Amendment

(c) on-site inspections and off-site supervision, including random checks conducted by trained professionals, ***in a manner that minimises disruption to operations;***

Or. en

Justification

Supervisory powers should be exercised only where strictly necessary and in a proportionate manner, given the sensitivity of the information requested, with an exception for matters related to national security and defence.

Amendment 963**Adina Vălean****Proposal for a regulation****Article 114 – paragraph 2 – point d***Text proposed by the Commission*

(d) requests regarding the composition of hardware or software products installed or integrated in any form into the network or system, including components ***and transitive dependencies***, in a commonly used and machine-readable format.

Amendment

(d) requests regarding the composition of hardware or software products installed or integrated in any form into the network or system, including components, ***where technically feasible and proportionate***, in a commonly used and machine-readable format.

Or. en

Justification

Supervisory powers should be exercised only where strictly necessary and in a proportionate manner, given the sensitivity of the information requested, with an exception for matters related to national security and defence.

Amendment 964

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Pierre-Romain Thionnet

Proposal for a regulation

Article 114 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) a requirement for the suppliers and service providers in question to provide the information strictly necessary to verify the correctness, comprehensiveness and relevance of the information supplied to the entities referred to in Annexes I and II to Directive (EU) 2022/2555 for the purposes of compliance with this Regulation.

Or. fr

Amendment 965

Bart Groothuis, Ivars Ijabs, Anna Stürgh, Morten Løkkegaard, Martin Hojsik

Proposal for a regulation

Article 114 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. When exercising their enforcement powers in relation to entities of the type referred to in Annexes I and II to Directive (EU) 2022/2555, competent authorities ***are entitled to:***

3. When exercising their enforcement powers in relation to entities of the type referred to in Annexes I and II to Directive (EU) 2022/2555, competent authorities ***shall:***

Or. en

Amendment 966

Adina Vălean

Proposal for a regulation

Article 114 – paragraph 3 – point b

Text proposed by the Commission

(b) adopt decisions requiring the entities concerned to remedy the infringement of this Regulation or the deficiencies identified in the implementation of mitigating measures;

Amendment

(b) adopt decisions requiring the entities concerned to remedy the infringement of this Regulation or the deficiencies identified in the implementation of mitigating measures, ***within reasonable and technically feasible timeframes;***

Or. en

Justification

Entities should be given reasonable and technically feasible timeframes to remedy infringements.

Amendment 967

Adina Vălean

Proposal for a regulation

Article 114 – paragraph 3 – point c

Text proposed by the Commission

(c) order the entities concerned to cease activities that infringe this Regulation and desist from repeating such activities; and

Amendment

(c) order the entities concerned to cease activities that infringe this Regulation and desist from repeating such activities, ***as a measure of last resort where no alternative mitigation measures are sufficient;*** and

Or. en

Justification

Cease and desist orders should be a measure of last resort.

Amendment 968

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Pierre-Romain Thionnet

Proposal for a regulation

Article 114 – paragraph 4 – subparagraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(ha) the extent to which the entity in question acted on the basis of information, guarantees, declarations or documents supplied by the supplier or service provider in question if this information proved to be incorrect, incomplete or misleading;

Or. fr

Amendment 969

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Pierre-Romain Thionnet

Proposal for a regulation

Article 114 – paragraph 4 – subparagraph 1 – point h b (new)

Text proposed by the Commission

Amendment

(hb) the reasonable steps taken by the entity in question to verify the information received from its suppliers or service providers and to prevent or redress the infringement.

Or. fr

Amendment 970

Adina Vălean

Proposal for a regulation

Article 114 – paragraph 4 – indent 1 (new)

Text proposed by the Commission

Amendment

– Enforcement measures shall be applied in a manner that does not unduly affect the continuity of critical services or the integrity of network operations.

Or. en

Justification

Enforcement should not undermine the continuity of critical services.

Amendment 971

Adina Vălean

**Proposal for a regulation
Article 114 – paragraph 5**

Text proposed by the Commission

5. The competent authorities shall notify the entities concerned of their preliminary findings before taking enforcement measures. The entities concerned shall be given a reasonable time to submit observations on the preliminary findings. The competent authorities shall set out detailed reasoning for their enforcement measures.

Amendment

5. The competent authorities shall notify the entities concerned of their preliminary findings before taking enforcement measures. The entities concerned shall be given a reasonable time to submit observations on the preliminary findings, ***taking into account the complexity and technical nature of the case***. The competent authorities shall set out detailed reasoning for their enforcement measures.

Or. en

Justification

The time to submit observations should reflect the complexity and technical nature of the case.

Amendment 972

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Pierre-Romain Thionnet

**Proposal for a regulation
Article 115 – paragraph 2**

Text proposed by the Commission

2. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendments affecting

Amendment

2. The penalties provided for shall be effective, proportionate and dissuasive. ***With a view to determining the nature and level of the penalties, the Member States shall, where applicable, take into account the seriousness, duration and intentional or negligent nature of the infringements,***

them.

the steps taken to address it, the size and financial situation of the entity in question as well as the impact of the infringement on national security, critical infrastructures, essential services, security of supply or the essential security interests of the Member States, as well as the extent to which the infringement is the result of incorrect, incomplete, misleading or out-of-date information supplied by the supplier or service provider in question.

Member States shall notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendments affecting them.

Or. fr

Amendment 973

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Pierre-Romain Thionnet

Proposal for a regulation

Article 115 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. If the infringement is the result, in whole or in part, of incorrect, incomplete, misleading or out-of-date information supplied by the supplier or service provider in question, or of the failure of the latter to comply with its contractual or regulatory obligations regarding the ICT supply chain, the Member States shall ensure that this supplier or service provider can be held accountable, jointly or separately, according to its contribution to the infringement.

Or. fr

Amendment 974

Markus Buchheit

Proposal for a regulation
Article 115 – paragraph 5

Text proposed by the Commission

5. Infringements of Article 103(2), point (a), shall, in accordance with paragraph 3 of this Article, be subject to penalties of a maximum of **1** % of the total worldwide annual turnover in the preceding financial year of the undertaking to which the entity belongs.

Amendment

5. Infringements of Article 103(2), point (a), shall, in accordance with paragraph 3 of this Article, be subject to penalties of a maximum of **0.5** % of the total worldwide annual turnover in the preceding financial year of the undertaking to which the entity belongs.

Or. de

Amendment 975
Jens Geier

Proposal for a regulation
Article 115 – paragraph 5

Text proposed by the Commission

5. Infringements of Article **103(2)**, **point (a)**, shall, in accordance with paragraph 3 of this Article, be subject to penalties of a maximum of **1** % of the total worldwide annual turnover in the preceding financial year of the undertaking to which the entity belongs.

Amendment

5. Infringements of Article **103(2a)**, shall, in accordance with paragraph 3 of this Article, be subject to penalties of a maximum of **2** % of the total worldwide annual turnover in the preceding financial year of the undertaking to which the entity belongs.

Or. en

Amendment 976
Jens Geier

Proposal for a regulation
Article 115 – paragraph 6

Text proposed by the Commission

6. Infringements of Article 103(2), points **(b)** to (g), shall, in accordance with paragraph 3 of this Article, be subject to penalties of a maximum of **2** % of the total worldwide annual turnover in the

Amendment

6. Infringements of Article 103(2), points **(c)** to (g), shall, in accordance with paragraph 3 of this Article, be subject to penalties of a maximum of **4** % of the total worldwide annual turnover in the

preceding financial year of the undertaking to which the entity belongs.

preceding financial year of the undertaking to which the entity belongs.

Or. en

Amendment 977
Markus Buchheit

Proposal for a regulation
Article 115 – paragraph 6

Text proposed by the Commission

6. Infringements of Article 103(2), points (b) to (g), shall, in accordance with paragraph 3 of this Article, be subject to penalties of a maximum of **2** % of the total worldwide annual turnover in the preceding financial year of the undertaking to which the entity belongs.

Amendment

6. Infringements of Article 103(2), points (b) to (g), shall, in accordance with paragraph 3 of this Article, be subject to penalties of a maximum of **1** % of the total worldwide annual turnover in the preceding financial year of the undertaking to which the entity belongs.

Or. de

Amendment 978
Jens Geier

Proposal for a regulation
Article 115 – paragraph 7

Text proposed by the Commission

7. Infringements of Article 103(1), and of Article **111** shall, in accordance with paragraph 3, of this Article be subject to penalties of a maximum of **7** % of the total worldwide annual turnover in the preceding financial year of the undertaking to which the entity belongs.

Amendment

7. Infringements of Article 103(1), **of Article 111** and of Article **111b (1)** shall, in accordance with paragraph 3, of this Article be subject to penalties of a maximum of **10** % of the total worldwide annual turnover in the preceding financial year of the undertaking to which the entity belongs.

Or. en

Amendment 979
Markus Buchheit

Proposal for a regulation
Article 115 – paragraph 7

Text proposed by the Commission

7. Infringements of Article 103(1), and of Article 111 shall, in accordance with paragraph 3, of this Article be subject to penalties of a maximum of 7 % of the total worldwide annual turnover in the preceding financial year of the undertaking to which the entity belongs.

Amendment

7. Infringements of Article 103(1), and of Article 111 shall, in accordance with paragraph 3, of this Article be subject to penalties of a maximum of 2 % of the total worldwide annual turnover in the preceding financial year of the undertaking to which the entity belongs.

Or. de

Amendment 980
Markus Buchheit

Proposal for a regulation
Article 115 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Entities that lawfully acquired ICT components prior to the publication of the relevant list referred to in Article 104 shall not be subject to penalties for the use of those components during the specified transitional and phasing out periods.

Or. de

Amendment 981
Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Majbritt Birkholm, Pierre-Romain Thionnet

Proposal for a regulation
Article 117 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) DNS service providers, top-level-domain (TLD) name registries, cloud computing service providers, data centre

(b) DNS service providers, top-level-domain (TLD) name registries, cloud computing service providers, data centre

service providers, content delivery network providers, managed service providers, managed security service providers, as well as providers of online marketplaces, of online search engines or of social networking services platforms, which shall be considered to fall under the jurisdiction of the Member State in which they have their main establishment in the Union under paragraph 2;

service providers, content delivery network providers, managed service providers, managed security service providers, as well as providers of online marketplaces, of online search engines or of social networking services platforms, which shall be considered to fall under the jurisdiction of the Member State in which they have their main establishment in the Union under paragraph 2, *without prejudice to the competences of the Member States in which these entities provide services or have a network or information system, as well as the Member States whose national security, critical infrastructures, essential services, security of supply or essential security interests are affected or likely to be affected by the services, networks, information systems or key ICT assets of these entities*;

Or. fr

Amendment 982

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Majbritt Birkholm, Pierre-Romain Thionnet

Proposal for a regulation Article 117 – paragraph 3

Text proposed by the Commission

3. If an entity of a type referred to in Annexes I and II to Directive (EU) 2022/2555, is not established in the Union, but offers services within the Union, it shall designate a representative in the Union. The representative shall be established in *one* of those Member States where the services are offered. Such an entity shall be considered to fall under the jurisdiction of the Member State where the representative is established. Where such an entity is an entity as referred to in paragraph 1, point (a), it shall be considered to fall under the jurisdiction of the Member State in which it provides its services. In the absence of a representative

Amendment

3. If an entity of a type referred to in Annexes I and II to Directive (EU) 2022/2555, is not established in the Union, but offers services within the Union, it shall designate a representative in the Union. The representative shall be established in *all* of those Member States where the services are offered. Such an entity shall be considered to fall under the jurisdiction of the Member State where the representative is established. Where such an entity is an entity as referred to in paragraph 1, point (a), it shall be considered to fall under the jurisdiction of the Member State in which it provides its services. In the absence of a representative

in the Union designated under this paragraph, any Member State in which the entity provides services may take legal actions against the entity for the infringement of this Regulation.

in the Union designated under this paragraph, any Member State in which the entity provides services may take legal actions against the entity for the infringement of this Regulation.

Or. fr

Amendment 983

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Majbritt Birkholm, Pierre-Romain Thionnet

Proposal for a regulation Article 117 – paragraph 5

Text proposed by the Commission

5. Member States ***that have received a request for mutual assistance in relation to an entity as referred to in paragraph 1, point (b), may, within the limits of that request,*** take appropriate supervisory and enforcement measures in relation to the entity concerned where the entity provides services or has a network and information system on their territory.

Amendment

5. Member States ***may*** take appropriate supervisory and enforcement measures in relation to the entity concerned where the entity provides services or has a network and information system on their territory.

Or. fr

Amendment 984

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Majbritt Birkholm, Pierre-Romain Thionnet

Proposal for a regulation Article 119 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts according to Articles 80(2) and Article 110(5) shall be conferred on the Commission for ***an indeterminate period of time*** from the date of entry into force of this Regulation.

Amendment

2. The power to adopt delegated acts according to Articles 80(2) and Article 110(5) shall be conferred on the Commission for ***a five-year*** period from the date of entry into force of this Regulation. ***The Commission shall draw up a report in respect of the delegation of power not later than nine months before***

the end of the five-year period. The delegation of power may be extended for periods of an identical duration only after this report has been examined, and provided that neither the European Parliament nor the Council opposes such extension not later than three months before the end of each period.

Or. fr

Amendment 985
Markus Buchheit

Proposal for a regulation
Article 119 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts according to Articles 80(2) and **Article** 110(5) shall be conferred on the Commission for *an indeterminate* period of **time** from the date of entry into force of this Regulation.

Amendment

2. The power to adopt delegated acts according to Articles 80(2) and 110(5) shall be conferred on the Commission for a period of **5 years** from the date of entry into force of this Regulation. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

Or. de

Amendment 986
Markéta Gregorová
on behalf of the Verts/ALE Group
Jens Geier
on behalf of the S&D Group

Proposal for a regulation
Article 119 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts according to Articles **80(2)** and Article 110(5) shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.

Amendment

2. The power to adopt delegated acts according to Articles **16b(1) 80(2), 105a(2)**, and Article 110(5) shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.

Or. en

Amendment 987

Jens Geier

**Proposal for a regulation
Article 119 – paragraph 2**

Text proposed by the Commission

2. The power to adopt delegated acts according to Articles 80(2) and Article 110(5) shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.

Amendment

2. The power to adopt delegated acts according to Articles 80(2) and Article 110(5) **and 111a(2)** shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.

Or. en

Amendment 988

Markéta Gregorová

on behalf of the Verts/ALE Group

Jens Geier

on behalf of the S&D Group

**Proposal for a regulation
Article 119 – paragraph 3**

Text proposed by the Commission

3. The delegation of power referred to in Articles **80(2)** and Article 110(5) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the

Amendment

3. The delegation of power referred to in Articles **Article 16b(1), 80(2), 105a(2)**, and Article 110(5) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take

publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

Amendment 989

Markéta Gregorová

on behalf of the Verts/ALE Group

Jens Geier

on behalf of the S&D Group

Proposal for a regulation

Article 119 – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Articles **80(2)** and Article 110(5) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to Articles **Articles 16b(1) 80(2), 105a(2)**, and Article 110(5) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Or. en

Amendment 990

Jens Geier

Proposal for a regulation

Article 119 – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Articles 80(2) and Article 110(5) shall

Amendment

6. A delegated act adopted pursuant to Articles 80(2) and Article 110(5) **and**

enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

111a(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Or. en

Amendment 991

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Majbritt Birkholm, Pierre-Romain Thionnet

Proposal for a regulation Article 120 – paragraph 1

Text proposed by the Commission

1. By **[DD MM YYYY]**, and every **five** years thereafter, the Commission shall commission an evaluation which shall be conducted in accordance with the Commission's guidelines.

Amendment

1. By ***three years after the entry into force of this Regulation*** and every ***three*** years thereafter, the Commission shall commission an evaluation which shall be conducted in accordance with the Commission's guidelines. ***This evaluation shall focus in particular on the impacts of this Regulation on the competences of the national competent authorities, critical infrastructures, essential services, the administrative burden on the relevant entities, and the relationship between the national and European cybersecurity certification schemes.***

Or. fr

Amendment 992

Tomas Tobé, Christian Ehler, Aura Salla, Jörgen Warborn, Andrea Wechsler, Dimitris Tsiodras, Pilar del Castillo Vera

Proposal for a regulation

Article 120 – paragraph 1

Text proposed by the Commission

1. By [DD MM YYYY], and every **five** years thereafter, the Commission shall commission an evaluation which shall be conducted in accordance with the Commission's guidelines.

Amendment

1. By [DD MM YYYY], and every **three** years thereafter, the Commission shall commission an evaluation which shall be conducted in accordance with the Commission's guidelines.

Or. en

Amendment 993

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Majbritt Birkholm, Pierre-Romain Thionnet

Proposal for a regulation

Article 120 – paragraph 2 – point d

Text proposed by the Commission

(d) the impact, effectiveness and efficiency of provisions of Title IV of this Regulation with regard to the objectives of the trusted ICT supply chain framework.

Amendment

(d) the impact, effectiveness and efficiency of provisions of Title IV of this Regulation with regard to the objectives of the trusted ICT supply chain framework, ***including their impact on the digital sovereignty of the Member States, the maintenance of national cybersecurity certification arrangements offering a higher level of protection as well as the reduction in vulnerability to third-country laws or injunctions with extraterritorial application;***

Or. fr

Amendment 994

Markéta Gregorová

on behalf of the Verts/ALE Group

Jens Geier

on behalf of the S&D Group

Proposal for a regulation

Article 120 – paragraph 2 – point d a (new)

(da) the operation of Articles 16a to 16c and of Article 16, points (ea) and (eb), including the evaluations carried out, the access obtained from providers and the notifications received, the components mapped and remediated under the Critical Open Source Resilience Campaign, the interaction of this Regulation with Regulation (EU) 2024/1689, and the need to confer on ENISA further tasks in relation to the evaluation of AI models and systems together with the resources required.

Or. en

Amendment 995

Tomas Tobé, Christian Ehler, Aura Salla, Jörgen Warborn, Andrea Wechsler, Dimitris Tsiodras, Pilar del Castillo Vera

Proposal for a regulation

Article 120 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) the consistency of this Regulation with other Union legal acts laying down cybersecurity requirements or incident reporting obligations, and the consistency between those acts, including overlapping or conflicting obligations and diverging definitions, thresholds and deadlines, and whether those obligations are risk-based, proportionate and adapted to the sectors concerned.

Or. en

Amendment 996

Markus Buchheit

Proposal for a regulation

Article 120 – paragraph 2 a (new)

2a. *By way of derogation from paragraph 1, the Commission shall make an initial assessment of the provisions of Title IV by ... [three years after the date of entry into force of this Regulation].*

Or. de

Amendment 997

Aleksandar Nikolic, Mélanie Disdier, Julie Rechagneux, Christophe Bay, Majbritt Birkholm, Pierre-Romain Thionnet

**Proposal for a regulation
Article 120 – paragraph 4**

Text proposed by the Commission

4. On the occasion of ***every second*** evaluation, referred to in paragraph 1, point (a), the Commission shall assess the results achieved by ENISA having regard to its objectives, mandate, mission, governance and tasks, including an assessment of whether the continuation of ENISA is still justified with regard to these objectives, mandate, mission, governance and tasks.

Amendment

4. On the occasion of ***the*** evaluation referred to in paragraph 1, point (a), the Commission shall assess the results achieved by ENISA having regard to its objectives, mandate, mission, governance and tasks, including an assessment of whether the continuation of ENISA is still justified with regard to these objectives, mandate, mission, governance and tasks.

Or. fr

Amendment 998

Tomas Tobé, Christian Ehler, Aura Salla, Jörgen Warborn, Andrea Wechsler, Dimitris Tsiodras, Pilar del Castillo Vera

**Proposal for a regulation
Article 120 – paragraph 5**

Text proposed by the Commission

5. The Commission shall report to the European Parliament, the Council and the Management Board on the evaluation findings. The findings of the evaluation shall be made public.

Amendment

5. The Commission shall report to the European Parliament, the Council and the Management Board on the evaluation findings. The findings of the evaluation shall be made public. ***Where the assessment referred to in paragraph 2,***

point (da), identifies overlapping or conflicting obligations or diverging definitions, thresholds or deadlines, the Commission shall, where appropriate, accompany its report with legislative proposals with a view to reducing reporting requirements and administrative burden on entities, in particular SMEs, while maintaining a high level of cybersecurity.

Or. en

Amendment 999
Francesco Torselli

Proposal for a regulation
Annex II – title

Text proposed by the Commission

Amendment

1. 5G electronic communications networks (non-standalone and standalone)

Core network functions of mobile communications networks

Network function virtualisation (NFV) and management and network orchestration (MANO)

1. 5G electronic communications networks (non-standalone and standalone) and 4G electronic communication networks that support non-standalone 5G

Core network functions of mobile communications networks Network function virtualisation (NFV) and management and network orchestration (MANO)

Radio access network Operations support system (OSS) and business support system (BSS)

Transport and transmission network Radio access network

Or. en

Amendment 1000
Michael McNamara

Proposal for a regulation
Annex II – subheading 1

Text proposed by the Commission

Key ICT assets for mobile **and fixed**
electronic communications networks

Amendment

Key ICT assets for mobile electronic
communications networks

Or. en

Amendment 1001
Jens Geier

Proposal for a regulation
Annex II a (new)

Text proposed by the Commission

Amendment

ANNEX IIa

***Key ICT assets for electricity networks,
generation and storage***

***1. Inverters and power conversion systems
for solar photovoltaic generation, wind
generation and electricity storage,
including embedded controllers and
communication modules ;***

***2. Energy management systems (EMS),
battery management systems (BMS), solar
photovoltaic plant controllers, wind
turbine controllers and wind power plant
controllers;***

***3. Wind turbine network management and
control systems;***

***4. . Supervisory control and data
acquisition (SCADA) systems, distribution
management systems (DMS), advanced
distribution management systems
(ADMS), and transmission and
distribution network monitoring and
control systems;***

***5. Firmware and software update and
signing infrastructure for the assets***

referred to in points 1 to 4;

6. Remote access and command interfaces, including application programming interfaces (APIs), for the assets referred to in points 1 to 4;

7. Aggregation and virtual power plant (VPP) control systems.

Or. en

Amendment 1002

Bart Groothuis, Ivars Ijabs, Anna Stürgh, Sigrīd Friis, Morten Løkkegaard, Martin Hojsík

Proposal for a regulation Annex II a (new)

Text proposed by the Commission

Amendment

ANNEX IIa

***Key ICT assets for inverter-based
Resources:***

***1. The inverter for photovoltaic and
battery energy storage systems***

***2. Energy Management Systems (EMS)
and Battery Management Systems (BMS)***

***3. Firmware update and signing
infrastructure***

***4. Remote access and command interfaces
including application programming
interfaces (APIs)***

***5. Aggregation and virtual power plant
(VPP) control systems***

Or. en

Justification

This Annex corresponds to proposed amendments on Article 111a and 111b on the phase out of high-risk vendors for inverter-based technologies (see the justification for Article 111a).

Amendment 1003

Markéta Gregorová

on behalf of the Verts/ALE Group
Jens Geier
on behalf of the S&D Group

Proposal for a regulation
Annex II a (new)

Text proposed by the Commission

Amendment

Addition to Annex II
(new row)

General-purpose AI models with systemic risk and AI compute infrastructure, including AI Factories and AI gigafactories established pursuant to Council Regulation (EU) 2021/1173 and hosted inference services, used by entities of a type referred to in Annexes I and II to Directive (EU) 2022/2555 for the provision of their services.

Or. en

Amendment 1004
Markéta Gregorová
on behalf of the Verts/ALE Group

Proposal for a regulation
Annex III a (new)

Text proposed by the Commission

Amendment

Annex IV – Part E – row E 4 a (new)
E4a | Inclusion of the supplier in the Union list of trusted suppliers pursuant to Article 105a | Taken into account as evidence that the supplier does not present a high risk; rebuttable on specific, substantiated and sufficiently specific elements (Article 104(8a)).

Or. en