

ANNEX I
SECTORS, SUBSECTORS AND TYPES OF ENTITIES

1. Energy sector

(a) Electricity

- Electricity undertakings referred to in point (57) of Article 2 of Directive (EU) 2019/944, which carry out the function of ‘supply’ referred to in point (12) of Article 2 of that Directive ⁽³⁹⁾
- Distribution system operators referred to in point (29) of Article 2 of Directive (EU) 2019/944
- Transmission system operators referred to in point (35) of Article 2 of Directive (EU) 2019/944
- Producers referred to in point (38) of Article 2 of Directive (EU) 2019/944
- Nominated electricity market operators referred to in point 8 of Article 2 of Regulation (EU) 2019/943 ⁽⁴⁰⁾
- Electricity market participants referred to in point (25) of Article 2 of Regulation (EU) 2019/943 providing aggregation, demand response or energy storage services referred to in points (18), (20) and (59) of Article 2 of Directive (EU) 2019/944

(b) District heating and cooling

- District heating or district cooling referred to in point (19) of Article 2 of the Directive (EU) 2018/2001 ⁽⁴¹⁾ on the promotion of the use of energy from renewable sources

(c) Oil

- Operators of oil transmission pipelines
- Operators of oil production, refining and treatment facilities, storage and transmission
- Central oil stockholding entities referred to in point (f) of Article 2 of Council Directive 2009/119/EC ⁽⁴²⁾

(d) Gas

- Supply undertakings referred to in point (8) of Article 2 of Directive (EU) 2009/73/EC ⁽⁴³⁾
- Distribution system operators referred to in point (6) of Article 2 of Directive 2009/73/EC
- Transmission system operators referred to point (4) of Article 2 of Directive 2009/73/EC
- Storage system operators referred to in point (10) of Article 2 of Directive 2009/73/EC Directive 2009/73/EC
- LNG system operators referred to in point (12) of Article 2 of Directive 2009/73/EC
- Natural gas undertakings as defined in point (1) of Article 2 of Directive 2009/73/EC
- Operators of natural gas refining and treatment facilities

(e) Hydrogen

- Operators of hydrogen production, storage and transmission

2. Transport sector

(a) Air

- Air carriers referred to in point (4) of Article 3 of Regulation (EC) No 300/2008 ⁽⁴⁴⁾ used for commercial purposes ⁽⁴⁴⁾
- Airport managing bodies referred to in point (2) of Article 2 of Directive 2009/12/EC ⁽⁴⁵⁾, airports referred to in point (1) of Article 2 of that Directive, including the core airports listed in Section 2 of Annex II to Regulation (EU) No 1315/2013 ⁽⁴⁶⁾, and entities operating ancillary installations contained within airports
- Traffic management control operators providing air traffic control (ATC) services referred to in point (1) of Article 2 of Regulation (EC) No 549/2004 ⁽⁴⁷⁾

(b) Rail

- Infrastructure managers referred to in point (2) of Article 3 of Directive 2012/34/EU⁽⁴⁸⁾
- Railway undertakings referred to in point (1) of Article 3 of Directive 2012/34/EU, including operators of service facilities referred to in point (12) of Article 3 of Directive 2012/34/EU

(c) Water

- Inland, sea and coastal passenger and freight water transport companies, referred to for maritime transport in Annex I to Regulation (EC) No 725/2004 ⁽⁴⁹⁾, not including the individual vessels

operated by those companies

- Managing bodies of ports referred to in point (1) of Article 3 of Directive 2005/65/EC (50), including their port facilities referred to in point (11) of Article 2 of Regulation (EC) No 725/2004, and entities operating works and equipment contained within ports
- Article 3 of Directive 2002/59/EC (51)

(d) Road

- Road authorities referred to in point (12) of Article 2 of Commission Delegated Regulation (EU) 2015/962 (52) responsible for traffic management control, excluding public entities for whom traffic- management or operators of intelligent transport systems is only a non-essential part of their general activity
- Operators of Intelligent Transport Systems referred to in point (1) of Article 4 of Directive 2010/40/EU (53)

3. Banking sector

- Credit institutions referred to in point (1) of Article 4 of Regulation (EU) No 575/2013 (54), [except those referred to in point (8) of Article 2(5) of Directive 2013/36/EU which are exempted in accordance with Article 2(4) of Regulation XX [DORA]]

4. Financial market infrastructures sector

- Operators of trading venues referred to in point (24) of Article 4 of Directive 2014/65/EU (55)
- Central counterparties (CCPs) referred to in point (1) of Article 2 of Regulation (EU) No 648/2012 (56)

5. Health sector

- Healthcare providers referred to in point (g) of Article 3 of Directive 2011/24/EU (57)
- EU reference laboratories referred to in Article 15 of Regulation XXXX/XXXX on serious cross-border threats to health (58)
- Entities carrying out research and development activities of medicinal products referred to in Article 1 point 2 of Directive 2001/83/EC (59)
- Entities manufacturing basic pharmaceutical products and pharmaceutical preparations referred to in section C division 21 of NACE Rev. 2
- Entities manufacturing medical devices considered as critical during a public health emergency ('the public health emergency critical devices list') referred to in Article 20 of Regulation XXXX (60)

6. Drinking water sector

- Suppliers and distributors of water intended for human consumption referred to in point (1)(a) of Article 2 of Council Directive 98/83/EC (61) but excluding distributors for whom distribution of water for human consumption is only non-essential part of their general activity of distributing other commodities and goods.

7. Waste water sector

- Undertakings collecting, disposing or treating urban, domestic and industrial waste water referred to in points (1) to (3) of Article 2 of Council Directive 91/271/EEC (62) but excluding undertakings for whom collecting, disposing or treating of urban, domestic and industrial waste water is only a non-essential part of their general activity.

8. Digital infrastructure sector

- Internet Exchange Point providers
- DNS service providers, excluding operators of root name servers
- TLD name registries
- Cloud computing service Providers
- Data centre service providers
- Content delivery network providers
- Trust service providers referred to in point (19) of Article 3 of Regulation (EU) No 910/2014 (63)
- Providers of public electronic communications networks referred to in point (8) of Article 2 of Directive (EU) 2018/1972 (64) or providers of electronic communications services referred to in point (4) of Article 2 of Directive (EU) 2018/1972 where their services are publicly available

8a. ICT-service management (B2B) sector

- Managed service providers (MSP)

- Managed Security service providers (MSSP)
- 9. Public administration entities sector**
- Public administration entities of central governments as defined by a Member State in accordance with national law
- 10. Space sector**
- Operators of ground-based infrastructure, owned, managed and operated by Member States or by private parties, that support the provision of space-based services, excluding providers of public electronic communications networks referred to in point (8) of Article 2 of Directive (EU) 2018/1972

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- 39 Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p.125).
- 40 Regulation (EU) 2019/943 of the European Parliament and of the Council on the internal market for electricity (OJ L 158, 14.6.2019, p. 54).
- 41 Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).
- 42 Council Directive 2009/119/EC of 14 September 2009 imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products (OJ L 265, 9.10.2009, p.9).
- 43 Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94).
- 44 Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (OJ L 97, 9.4.2008, p.72).
- 45 Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges (OJ L 70, 14.3.2009, p.11).
- 46 Regulation (EC) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p.1).
- 47 Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) (OJ L 96, 31.3.2004, p.1).
- 48 Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343, 14.12.2012, p.32).
- 49 Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security (OJ L 129, 29.4.2004, p.6).
- 50 Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security (OJ L 310, 25.11.2005, p. 28).
- 51 Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p.10)
- 52 Commission Delegated Regulation (EU) 2015/962 of 18 December 2014 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of EU-wide real-time traffic information services (OJ L 157, 23.6.2015, p. 21).
- 53 Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (OJ L 207, 6.8.2010, p. 1).
- 54 Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).
- 55 Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).
- 56 Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1).
- 57 Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88, 4.4.2011, p. 45).
- 58 [Regulation of the European Parliament and of the Council on serious cross-border threats to health and repealing Decision No 1082/2013/EU, reference to be updated once the proposal COM (2020)727 final is adopted]
- 59 Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p.67).
- 60 [Regulation of the European Parliament and of the Council on a reinforced role for the European Medicines Agency in crisis preparedness and management for medicinal products and medical devices, reference to be updated once the proposal COM(2020)725 final is adopted]
- 61 Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption (OJ L 330,

5.12.1998, p. 32).

- 62 Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment (OJ L 135, 30.5.1991, p.40).
63 Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p.73).
64 Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communication Code (OJ L 321, 17.12.2018, p. 36).
65 [deleted]

ANNEX II

SECTORS, SUBSECTORS AND TYPES OF ENTITIES

1. **Postal and courier services sector**
 - Postal service providers referred to in point (1a) of Article 2 of Directive 97/67/EC ⁽⁶⁶⁾, including providers of courier services
2. **Waste management sector**
 - Undertakings carrying out waste management referred to in point (9) of Article 3 of Directive 2008/98/EC ⁽⁶⁷⁾ but excluding undertakings for whom waste management is not their principal economic activity
3. **Manufacture, production and distribution of chemicals sector**
 - Undertakings carrying out the manufacture, production and distribution of substances and articles mixtures referred to in points (4), (9) and (14) of Article 3 of Regulation (EC) No 1907/2006 ⁽⁶⁸⁾ and undertakings carrying out the production of articles referred to in point (3) of Article 3 of that Regulation from substances or mixtures.
4. **Food production, processing and distribution sector**
 - Food businesses referred to in point (2) of Article 3 of Regulation (EC) No 178/2002 ⁽⁶⁹⁾ which are engaged in wholesale distribution and industrial production and processing.
5. **Manufacturing sector**
 - (a) **Manufacture of medical devices and in vitro diagnostic medical devices**
 - Entities manufacturing medical devices referred to in Article 2 point 1 of Regulation (EU) 2017/745⁽⁷⁰⁾, and entities manufacturing in vitro diagnostic medical devices referred to in Article 2 point 2 of Regulation (EU) 2017/746 ⁽⁷¹⁾ with exception of entities manufacturing medical devices mentioned in Annex 1, point 5.
 - (b) **Manufacture of computer, electronic and optical products**
 - Undertakings carrying out any of the economic activities referred to in section C division 26 of NACE Rev. 2
 - (c) **Manufacture of electrical equipment**
 - Undertakings carrying out any of the economic activities referred to in section C division 27 of NACE Rev. 2
 - (d) **Manufacture of machinery and equipment n.e.c.**
 - Undertakings carrying out any of the economic activities referred to in section C division 28 of NACE Rev. 2
 - (e) **Manufacture of motor vehicles, trailers and semi-trailers**
 - Undertakings carrying out any of the economic activities referred to in section C division 29 of NACE Rev. 2
 - (f) **Manufacture of other transport equipment**
 - Undertakings carrying out any of the economic activities referred to in section C division 30 of NACE Rev. 2
6. **Digital providers sector**
 - Providers of online marketplaces
 - Providers of online search engines
 - Providers of social networking services platform

66 Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the

development of the internal market of Community postal services and the improvement of the quality of service (OJ L 15, 21.1.98, p.14), as amended by Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008 amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services (OJ L 52, 27.2.2008, p. 3).

- 67 Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3)
- 68 Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning registration, evaluation, authorisation and restriction of chemicals (REACH), establishing a European Chemicals Agency amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).
- 69 Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p.1).
- 70 Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p.1)
- 71 Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p.176)