

NON-BINDING PROPOSAL

Proposal

DECREE

dated dd.mm.yyyy,

on regulated services

The National Office for Cyber and Information Security shall determine, pursuant to Section 55(1)a), b) and (f) of the Act on Cyber Security [to be added] (the Act):

§ 1

Subject matter of the legislation

This decree incorporates the relevant European Union regulation¹ and regulates

- a) criteria for identifying regulated services (§ 4 of the Act),
- b) the determination of regulated service provider regimes in relation to identified regulated services (Section 6(3) of the Act); and
- c) criteria for identifying a strategically important service (§ 27(1) of the Act).

§ 2

Definition of terms

- (1) For the purposes of this Decree, the following shall mean
 - a) micro-enterprise means a micro-enterprise as defined in Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises,
 - b) small enterprise means a small enterprise as defined in Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises,
 - c) medium-sized enterprise means a medium-sized enterprise as defined in Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises,
 - d) large enterprise is an enterprise exceeding the values for a medium-sized enterprise according to Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises,
 - e) CZ-NACE classification of economic activities according to the Communication of the Czech Statistical Office No. 244/2007 Coll., on the introduction of the Classification of Economic Activities,
 - f) sensitive research activities aimed at research and development of sensitive dual-use items and sensitive dual-use technologies within the meaning of Regulation (EU)

¹ Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures to ensure a high common level of cybersecurity in the Union and amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972 and repealing Directive (EU) 2016/1148 (NIS 2 Directive).

2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items.

- (2) In calculating the size of the enterprise, relevant links between related organisations should also be considered.
- (3) For the purposes of this Decree, amounts in euro shall be converted into Czech currency at the average exchange rate announced by the Czech National Bank for the preceding calendar year.
- (4) By way of derogation from the rules of Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises, for the purposes of this Decree, where the establishment or founder of the organisation under assessment is a local authority, that local authority shall not be taken into account in determining the size of the enterprise, provided that the provider of the regulated service is independent in terms of the network and information systems it uses in the provision of its services and in respect of the services it provides.

§ 3

Regulated services

A regulated service as defined by the criteria for identifying a regulated service under § 4 of the Act is a service which

- a) is set out in the Annex to this Decree, and
- b) is performed by an authority or person meeting the criteria of a regulated service provider listed in the Annex to this Decree.

§ 4

Regulated service provider regime corresponding to a specific regulated service

- (1) The Annex to this Decree sets out, for each regulated service, the regime of the regulated service provider.
- (2) Where a regulated service provider fulfils both the criteria of a regulated service provider corresponding to both the higher and lower obligation regimes in relation to one regulated service, the higher obligation regime is the regulated service provider regime for that regulated service.

§ 5

Criteria for identifying a strategically important service

A strategically important service determined on the basis of the criteria for the identification of a strategically important service is a service listed in the Annex to this Decree if it is provided

by an authority or person meeting the criteria of a regulated service provider listed in the Annex to this Decree in

- a) Sector 1. Public administration, service 1.1, Exercise of the powers, point I. a) to i),
- b) Sector 2. Energy - Electricity, service 2.1. Generation of electricity, point I. b),
- c) Sector 2. Energy - Electricity, service 2.2 Operation of the electricity transmission system,
- d) Sector 2. Energy - Electricity, service 2.3. Operation of the electricity distribution system, point I. b),
- e) Sector 3. Energy - Petroleum and petroleum products, service 3.4,
- f) Sector 3. Energy - Petroleum and petroleum products, service 3.5,
- g) Sector 4. Energy - Gas, service 4.2 Operation of the gas transmission system,
- h) Sector 4. Energy - Gas, service 4.3. Operation of the gas distribution system, point I,
- i) Sector 12. Air transport, service 12.4. Air traffic control over the airspace of the Czech Republic,
- j) Sector 12. Air transport, service 12.9,
- k) Sector 13: Rail transport, service 13.1,
- l) Sector 16: Digital infrastructure and services, service 16.1 Provision of publicly available electronic communications services, point I c) and d),
- m) Sector 16: Digital infrastructure and services, service 16.2 Provision of a public electronic communications network, point I c) and d),
- n) Sector 16: Digital infrastructure and services, service 16.5: Management and operation of a registry of top-level Internet domains, or
- o) Sector 16: Digital infrastructure and services, service 16.6: Provision of cloud computing services, point I b).

§ 6

Effectiveness

This Decree shall enter into force on dd.mm.yyyy.

Director:

Ing. Lukáš Kintr v. r.

Annex to Decree No. [to be completed] Coll.**Criteria for identifying a regulated service****1. Public administration**

Regulated service	
Service	Regulated service provider criterion and its regime for that service
1.1. Exercise of the powers	<p>The body or person is</p> <p>I. a provider of a regulated service in the regime of higher obligations, if it is</p> <p>a) a central authority of the state administration,</p> <p>b) an administrative authority with national competence, including the headquarters and the general directorates of territorially decentralised (specialised) public administration bodies,</p> <p>c) the Office of the President of the Republic,</p> <p>d) the Office of Senate,</p> <p>e) the Office of the Chamber of Deputies,</p> <p>f) the Czech National Bank,</p> <p>g) the Police Presidium,</p> <p>h) a police department with national competence,</p> <p>i) the General Directorate of the Fire Brigade,</p> <p>j) the Regional Directorate of the Fire Brigade,</p> <p>k) the Office of the Public Defender of Rights,</p> <p>l) the Supreme Audit Office,</p> <p>m) by a judicial authority,</p> <p>n) the public prosecutor's office,</p> <p>o) a health insurance company,</p> <p>p) the county,</p> <p>q) the City of Prague, or</p> <p>r) municipalities with extended scope of powers with at least 125 000 inhabitants,</p> <p>II. the provider of a regulated service in the regime of lower obligations, if it is</p> <p>a) a territorially decentralised (specialised) public administration body,</p> <p>b) a professional chamber,</p> <p>(c) a university,</p> <p>d) the Academy of Sciences of the Czech Republic, or</p> <p>(e) municipalities with an extended scope of powers with a population of up to 125 000 inhabitants.</p>

2. Energy - Electricity

Regulated service	
Service	Regulated service provider criterion and its regime for that service
2.1. Electricity production	<p>The holder of a licence for the production of electricity under the Energy Act is</p> <p>I. the provider of a regulated service in the regime of higher obligations, if</p> <p>a) it is a large enterprise; or</p> <p>b) has a generating station with a total installed electrical power of at least 100 MW,</p> <p>II. a provider of a regulated service in the regime of lower obligations, if</p> <p>a) it is a medium-sized enterprise; or</p> <p>b) has a generating station with a total installed electrical power of at least 50 MW but less than 100 MW.</p>
2.2. Operation of the electricity transmission system	<p>The holder of an electricity transmission licence under the Energy Act is a provider of a regulated service in the regime of higher obligations.</p>
2.3. Operation of the electricity distribution system	<p>The holder of a licence for the distribution of electricity under the Energy Act is</p> <p>I. the provider of a regulated service in the regime of higher obligations, if</p> <p>a) it is a large enterprise; or</p> <p>b) its transmission capacity of the distribution system is at least 220 MW,</p> <p>II. a provider of a regulated service in the regime of lower obligations, if</p> <p>a) it is a medium-sized enterprise; or</p> <p>b) its transmission capacity of the distribution system is at least 120 MW but less than 220 MW.</p>
2.4. Trade in electricity	<p>The holder of a licence to trade in electricity under the Energy Act is</p> <p>I. the provider of a regulated service in the regime of higher obligations, if</p> <p>a) it is a large enterprise; or</p> <p>b) the number of its supply and transmission points is on average 50 000 in the last available calendar year,</p> <p>II. a provider of a regulated service in the regime of lower obligations, if</p> <p>a) it is a medium-sized enterprise; or</p>

NON-BINDING PROPOSAL

	b) the number of its supply and transmission points is on average 10 000 but less than 50 000 in the last available calendar year.
2.5. Performance of the activities of the nominated electricity market organiser	The holder of a licence for market operator activities under the Energy Act is a provider of a regulated service in the regime of higher obligations.
2.6. The performance of the business of selling or generating electricity, aggregating or demand side response or storing energy, including issuing orders to trade in one or more electricity markets, including markets for regulated energy	An electricity market participant that buys, sells or generates electricity, performs aggregation services, or is a demand side response operator or energy storage operator, including the issuance of trading orders, in one or more electricity markets, including regulatory energy markets, is I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise, II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.
2.7. Operation of charging stations	The operator of a publicly accessible recharging station under the Fuel Act who is responsible for the management and operation of a recharging station that provides a recharging service to end users, on behalf and for the account of the mobility provider, is I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise, II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.

3. Energy - Oil and petroleum products

Regulated service	
Service	Regulated service provider criterion and its regime for that service
3.1. Oil production	The operator of an oil extraction facility is I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise, II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.
3.2. Oil processing	The operator of an oil processing facility is I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise, II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.
3.3. Operation of the storage facility	The operator of a storage facility for the storage of crude oil or petroleum products shall

NON-BINDING PROPOSAL

	<p>I. the provider of a regulated service in the regime of higher obligations, if</p> <p>a) it is a large enterprise; or</p> <p>b) has a storage tank or complex of storage tanks with a total capacity of at least 40 000 m³,</p> <p>II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.</p>
3.4. Operation of the pipeline	<p>The pipeline operator is</p> <p>I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise,</p> <p>II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.</p>
3.5. Operation of the product pipeline	<p>The operator of the product pipeline is</p> <p>I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise,</p> <p>II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.</p>
3.6. Performance of the activities of the Central Stockholding Manager	<p>The Central Stockholding Manager under the Emergency Petroleum Reserve Act is a regulated service provider under a higher duty regime.</p>
3.7. Operation of a fuel filling station	<p>A fuel filling station operator is a provider of a regulated service in the regime of higher obligations if it operates 100 or more fuel filling stations in the Czech Republic.</p>

4. Energy - Gas industry

Regulated service	
Service	Regulated service provider criterion and its regime for that service
4.1. Gas production	<p>The holder of a gas production licence under the Energy Act is</p> <p>I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise,</p> <p>II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.</p>
4.2. Operation of the gas transmission system	<p>The holder of a gas transport licence under the Energy Act is a provider of a regulated service in the regime of higher obligations.</p>
4.3. Operation of the gas distribution system	<p>The holder of a gas distribution licence under the Energy Act is</p> <p>I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise,</p>

	II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.
4.4. Trade with gas	The holder of a licence for gas trading under the Energy Act is I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise, II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.
4.5. Gas storage	The holder of a gas storage licence under the Energy Act is I. the provider of a regulated service in the regime of higher obligations, if a) it is a large enterprise; or b) operates an underground gas storage facility with a design installed capacity of at least 200 million m ³ II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.

5. Energy - Heating

Regulated service	
Service	Regulated service provider criterion and its regime for that service
5.1. Thermal energy production	The holder of a licence for the production of thermal energy under the Energy Act is I. the provider of a regulated service in the regime of higher obligations, if a) it is a large enterprise; or b) has a thermal energy source with a total installed thermal output of at least 200 MW, II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.
5.2. Operation of the thermal energy supply system	The holder of a licence for the distribution of thermal energy under the Energy Act is I. the provider of a regulated service in the regime of higher obligations, if a) it is a large enterprise; or b) has a thermal energy supply system with a total transmission capacity of at least 160 MW, II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.

6. Energy - Hydrogen

Regulated service	
Service	Regulated service provider criterion and its regime for that service
6.1. Hydrogen production	The hydrogen producer is I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise, II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.
6.2. Hydrogen storage	The hydrogen storage entity is I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise, II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.
6.3. Hydrogen transport	The hydrogen transport operator is I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise, II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.

7. Manufacturing industry

Regulated service	
Service	Regulated service provider criterion and its regime for that service
7.1. Manufacture of computers, electronic and optical instruments and equipment	A manufacturer of computers, electronic and optical apparatus and equipment within the meaning of Section 26 of the CZ-NACE classification, which is a large or medium-sized enterprise, is a provider of a regulated service in the regime of lower obligations.
7.2. Manufacture of electrical equipment	A manufacturer of electrical equipment within the meaning of Section 27 of the CZ-NACE classification who is a large or medium-sized enterprise is a provider of a regulated service in the regime of lower obligations.
7.3. Manufacture of machinery and equipment not classified in other divisions of the CZ-NACE classification	An unclassified manufacturer of machinery and equipment within the meaning of Section 28 of the CZ-NACE classification, which is a large or medium-sized enterprise, is a provider of a regulated service in the regime of lower obligations.

7.4. Manufacture of motor vehicles (except motorcycles), trailers and semi-trailers	A manufacturer of motor vehicles, trailers and semi-trailers within the meaning of Section 29 of the CZ-NACE classification is I. a provider of a regulated service in the regime of higher obligations if it mass produces passenger motor vehicles, II. a provider of a regulated service in the regime of lower obligations, if it is a large or medium-sized enterprise.
7.5. Manufacture of other transport equipment	A manufacturer of other means of transport and equipment within the meaning of Section 30 of the CZ-NACE classification who is a large or medium-sized enterprise is a provider of a regulated service in the regime of lower obligations.

8. Food industry

Regulated service	
Service	Regulated service provider criterion and its regime for that service
8.1. Food production	A food business under the directly applicable European Union regulation ² , which is engaged in wholesale distribution and industrial production and processing of food, is a regulated service provider in the regime of lower obligations if it is a large or medium-sized enterprise.
8.2. Food processing	A food business under the directly applicable European Union regulation ³ , which is engaged in wholesale distribution and industrial production and processing of food, is a regulated service provider in the regime of lower obligations if it is a large or medium-sized enterprise.
8.3. Food distribution	A food business under the directly applicable European Union regulation ⁴ , which is engaged in wholesale distribution and industrial production and processing of food, is a regulated service provider in the regime of lower obligations if it is a large or medium-sized enterprise.

² Article 3(2) of 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

³ Article 3(2) of 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

⁴ Article 3(2) of 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

9. Chemical industry

Regulated service	
Service	Regulated service provider criterion and its regime for that service
9.1. Manufacture of dangerous chemicals, mixtures or preparations or substances	<p>The manufacturer of a dangerous chemical substance, mixture or preparation or a substance under directly applicable European Union legislation⁵ is</p> <p>I. a provider of a regulated service in the regime of higher obligations if it is the operator or user of a facility classified as Group B under the Act on the Prevention of Major Accidents,</p> <p>II. the provider of a regulated service in the regime of lower obligations if</p> <p>a) is a large enterprise,</p> <p>b) is a medium-sized enterprise; or</p> <p>c) is the operator or user of a facility classified as Group A under the Prevention of Major Accidents Act.</p>
9.2. Processing of hazardous chemicals, mixtures or preparations or substances	<p>A processor of hazardous chemicals, mixtures or preparations or substances under directly applicable European Union legislation⁶ is</p> <p>I. a provider of a regulated service in the regime of higher obligations if it is the operator or user of a facility classified as Group B under the Act on the Prevention of Major Accidents,</p> <p>II. a provider of a regulated service in the regime of lower obligations if</p> <p>a) is a large enterprise,</p> <p>b) is a medium-sized enterprise; or</p> <p>(c) is the operator or user of a facility classified as Group A under the Prevention of Major Accidents Act.</p>

⁵ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals, establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93, Commission Regulation (EC) No 1488/94, Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC

⁶ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals, establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93, Commission Regulation (EC) No 1488/94, Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC

NON-BINDING PROPOSAL

<p>9.3. Storage or distribution of dangerous chemicals, mixtures or preparations or substances</p>	<p>A distributor or person storing dangerous chemicals, mixtures or preparations or substances under directly applicable European Union legislation⁷ is</p> <p>I. a provider of a regulated service in the regime of higher obligations if it is the operator or user of a facility classified as Group B under the Act on the Prevention of Major Accidents,</p> <p>II. the provider of a regulated service in the regime of lower obligations if</p> <p>a) is a large enterprise,</p> <p>b) is a medium-sized enterprise; or</p> <p>c) is the operator or user of a facility classified as Group A under the Prevention of Major Accidents Act.</p>
<p>9.4. Manufacture of articles referred to in Article 3(3) of the directly applicable Regulation of the European Union⁸ from substances or mixtures</p>	<p>The manufacturer of articles according to the directly applicable regulation of the European Union⁹ of substances or mixtures is</p> <p>I. a provider of a regulated service in the regime of higher obligations if it is the operator or user of a facility classified as Group B under the Act on the Prevention of Major Accidents,</p> <p>II. the provider of a regulated service in the regime of lower obligations if</p> <p>a) is a large enterprise,</p> <p>b) is a medium-sized enterprise; or</p> <p>c) is the operator or user of a facility classified as Group A under the Prevention of Major Accidents Act.</p>

⁷ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals, establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93, Commission Regulation (EC) No 1488/94, Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC

⁸ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals, establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93, Commission Regulation (EC) No 1488/94, Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC

⁹ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals, establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93, Commission Regulation (EC) No 1488/94, Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC

NON-BINDING PROPOSAL

10. Water management

Regulated service	
Service	Regulated service provider criterion and its regime for that service
10.1. Operation of the water supply system	According to the Water Supply and Sewerage Act, the operator of a water supply system is I. the provider of a regulated service in the regime of higher obligations, if a) it is a large enterprise; or b) supply at least 50 000 inhabitants with drinking water, II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.
10.2. Operation of the sewerage system	The sewerage operator under the Water Supply and Sewerage Act is I. the provider of a regulated service in the regime of higher obligations, if a) it is a large enterprise; or b) provides waste water disposal or treatment services to at least 50 000 inhabitants, II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.

11. Waste management

Regulated service	
Service	Regulated service provider criterion and its regime for that service
11.1. Operation of a waste management facility	The operator of a facility designated for waste management under the Waste Act who is a medium-sized or large enterprise is a provider of a regulated service in the regime of lower obligations.
11.2. Waste trading	A waste trader under the Waste Act who is a medium or large enterprise is a provider of a regulated service in the regime of lower obligations.
11.3. Mediation of waste management	A waste broker under the Waste Act who is a medium or large enterprise is a provider of a regulated service in the regime of lower obligations.
11.4. Waste transport	A waste carrier under the Waste Act that is a medium or large enterprise is a regulated service provider in the regime of lower obligations.

12. Air transport

Regulated service	
Service	Regulated service provider criterion and its regime for that service
12.1. Air transport operations	An air carrier under the Civil Aviation Act is (I) a provider of a regulated service under a higher obligation regime, where a) it is a large enterprise; or b) carried an average of at least 500 000 passengers per year over the preceding 3 calendar years, II) a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.
12.2. Airport operations	The operator of an international airport under the Civil Aviation Act with a temporary or permanent security restricted area under a directly applicable European Union regulation ¹⁰ is (I) a provider of a regulated service under a higher obligation regime, where a) it is a large enterprise; or b) has handled an average of at least 150 000 passengers per year over the previous 3 calendar years, II) a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.
12.3. Operation of ancillary facilities within the airport	The operator of ancillary facilities within an international airport under the Civil Aviation Act with a temporary or permanent security restricted area under a directly applicable European Union regulation ¹¹ is I) a provider of a regulated service in the regime of higher obligations, if it is a large enterprise, II) a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.
12.4. Air Traffic Control Service in the airspace of the Czech Republic	The operator of an air traffic control service in the majority of the airspace of the Czech Republic according to the directly applicable regulation of the European Union ¹² is a

¹⁰ 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

¹¹ 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

Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges

¹² 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

NON-BINDING PROPOSAL

	provider of a regulated service in the regime of higher obligations.
12.5. Security checks on cargo or mail	An approved agent under a directly applicable European Union regulation ¹³ , which is a large enterprise, is a provider of a regulated service in the regime of lower obligations.
12.6. Freight or mail dispatch service	A known consignor under the directly applicable European Union regulation ¹⁴ , which is a large enterprise, is a provider of a regulated service in the regime of lower obligations.
12.7. On-board delivery service	An approved supplier of on-board supplies under the directly applicable European Union Regulation ¹⁵ , which is a large enterprise, is a provider of a regulated service in the regime of lower obligations.
12.8. Check-in service	A provider of a check-in service at an airport under the Civil Aviation Act that is a large enterprise is a provider of a regulated service under a regime of lower obligations.
12.9. Air navigation services	A provider of air navigation services under a directly applicable regulation of the European Union ¹⁶ , which is not regulated for air traffic control services in the airspace of the Czech Republic, shall be I. a provider of a regulated service in the regime of higher obligations, in case it is a designated and certified provider of meteorological services according to the directly applicable regulation of the European Union ¹⁷ with competence for the provision of meteorological information for the needs of aviation throughout the Czech Republic, II. a provider of a regulated service in the regime of lower obligations, if it is a large enterprise.

¹³ 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

¹⁴ 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

¹⁵ 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.

¹⁶ 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.

¹⁷ Articles 7 and 9 of Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky.

NON-BINDING PROPOSAL

13. Rail transport

Regulated service	
Service	Regulated service provider criterion and its regime for that service
13.1. Building train paths at national level	The entity providing the service of building train paths at the national level is a provider of a regulated service in the regime of higher obligations.
13.2. Operation of the national railway	The operator of a national railway according to the Railway Act is I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise. II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.
13.3. Operation of the regional railway	The operator of a regional railway according to the Railway Act is I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise, II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.
13.4. Operation of publicly accessible sidings	The operator of a publicly accessible siding under the Railway Act is I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise, II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.
13.5. Operation of rail transport on the national railway	The railway transport operator on the national railway according to the Railway Act is I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise, II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.
13.6. Operation of rail transport on regional rail	The railway transport operator on a regional railway according to the Railway Act is I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise, II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.
13.7. Operation of rail transport on a publicly accessible siding	The railway transport operator on a publicly accessible siding according to the Railway Act is I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise,

NON-BINDING PROPOSAL

	II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.
13.8. Operation of service facilities	The operator of a service facility under the Railway Act is I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise, II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.

14. Water transport

Regulated service	
Service	Regulated service provider criterion and its regime for that service
14.1. Performance of maritime water transport activities	An entity carrying out maritime waterborne transport activities under a directly applicable European Union regulation ¹⁸ , is I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise, II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.
14.2. The operation of the port authority or the operation of a work or facility within the port	The managing body of a port under the relevant European Union regulation ¹⁹ or the entity operating the works or facilities within the ports is I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise, II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.
14.3. Operation of the Vessel Traffic Service (VTS)	The operator of a vessel transport service (VTS) according to the relevant European Union regulation ²⁰ is I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise, II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.

¹⁸ Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security

¹⁹ Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security

²⁰ 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

15. Road transport

Regulated service	
Service	Regulated service provider criterion and its regime for that service
15.1. Activities of the entity responsible for traffic management control	The entity administering the road pursuant to the Road Act is I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise, II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.
15.2. Operation of the intelligent transport system	The intelligent transport system service provider under the Road Traffic Act is I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise, II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.

16. Digital infrastructure and services

Regulated service	
Service	Regulated service provider criterion and its regime for that service
16.1. Provision of a publicly available electronic communications service	An enterprise providing a publicly available electronic communications service under the Electronic Communications Act is I. the provider of a regulated service in the regime of higher obligations, if a) is a large enterprise, b) is a medium-sized enterprise, c) is a provider of a publicly available electronic communications service through at least 350 000 active mobile SIM cards on the retail market in the Czech Republic, or d) is the provider of at least 100 000 active fixed Internet connections in the Czech Republic, II. a provider of a regulated service in the regime of lower obligations, if a) is a small enterprise; or b) it is a micro-enterprise.
16.2. Provision of a public communications network	An entrepreneur providing a public communications network under the Electronic Communications Act is

NON-BINDING PROPOSAL

	<p>I. the provider of a regulated service in the regime of higher obligations, if</p> <ul style="list-style-type: none"> a) is a large enterprise, b) is a medium-sized enterprise, c) is a provider of a publicly available electronic communications service through at least 350 000 active mobile SIM cards on the retail market in the Czech Republic, or d) is the provider of at least 100 000 active fixed Internet connections in the Czech Republic, <p>II. a provider of a regulated service in the regime of lower obligations, if</p> <ul style="list-style-type: none"> a) is a small enterprise; or b) it is a micro-enterprise.
16.3. Provision of Internet Exchange Point (IXP) service	An Internet Exchange Point (IXP) service provider is a provider of a regulated service under a regime of higher obligations.
16.4. Provision of domain name resolution system (DNS) services	<p>A DNS service provider, other than root name server operators, is a regulated service provider in the regime of higher obligations if</p> <ul style="list-style-type: none"> a) actively provide publicly available recursive domain name resolution services (recursive DNS) to end-users of the Internet, except for those providers that provide a service under 16.1, b) provide authoritative domain name resolution services (authoritative DNS) for third party use, while managing or hosting more than 10 000 second-level domains.
16.5. Management and operation of the Internet Top Level Domain Registry	The entity that manages and operates the Internet Top Level Domain Registry is a regulated service provider under a regime of higher obligations.
16.6. Providing cloud computing services	<p>A cloud computing service provider is</p> <p>I. the provider of a regulated service in the regime of higher obligations, if</p> <ul style="list-style-type: none"> a) is a large enterprise, b) is a state cloud computing provider under the Government Information Systems Act²¹, <p>II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.</p>
16.7. Provision of data centre services	The data centre service provider is

²¹ § 6i of Act No. 365/2000 Coll., on Public Administration Information Systems and on Amendments to Certain Acts, as amended on 1 February 2022.

NON-BINDING PROPOSAL

	<p>I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise,</p> <p>II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.</p>
16.8. Provision of a content delivery network (CDN) service	<p>A content delivery network (CDN) service provider is</p> <p>I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise,</p> <p>II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.</p>
16.9. Management of a qualified electronic identification system	<p>A qualified administrator of an electronic identification system under the Electronic Identification Act is a provider of a regulated service in the regime of higher obligations.</p>
16.10. Provision of trust service	<p>A trust service provider under a directly applicable regulation of the European Union is a provider of a regulated service in the regime of higher obligations.</p>
16.11. Provision of managed service (MSP)	<p>A managed service provider who, as part of a business relationship, provides a managed service related to the installation, management, operation or maintenance of technical or software resources remotely or directly at a customer's site is</p> <p>I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise,</p> <p>II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.</p>
16.12. Provision of managed security service (MSSP)	<p>A managed security service provider that is a managed service provider and provides a risk management or information security service as part of a business relationship is</p> <p>I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise,</p> <p>II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.</p>
16.13. Provision of online marketplace services	<p>A provider of an online marketplace service that is a medium or large enterprise is a provider of a regulated service in the regime of lower obligations.</p>
16.14. Provision of internet search engine service	<p>A provider of an internet search engine service that is a medium or large enterprise is a provider of a regulated service in the regime of lower obligations.</p>
16.15. Provision of a social network platform	<p>A social networking platform provider that is a medium or large enterprise is a regulated service provider in the regime of lower obligations.</p>

NON-BINDING PROPOSAL

17. Financial market

Regulated service	
Service	Regulated service provider criterion and its regime for that service
17.1. Performance of the activities of a credit institution	A credit institution under a directly applicable European Union regulation ²² , which is a medium or large enterprise, is a provider of a regulated service in the regime of higher obligations.
17.2. Operation of the trading system	The operator of a trading system under the Capital Market Enterprises Act who is a medium or large enterprise is a provider of a regulated service in the regime of higher obligations.
17.3. Performance of central counterparty activities	A CCP under a directly applicable European Union regulation ²³ that is a medium or large enterprise is a provider of a regulated service in the regime of higher obligations.
17.4. Performance of the activity of a payment institution	A payment institution according to the Payment Transactions Act ²⁴ is a regulated service provider in the regime of higher obligations if its annual average volume of payment transactions over the preceding three calendar years exceeds an amount equivalent to EUR 40 000 000 000.
17.5. Performance of the activities of an electronic money institution	An electronic money institution under the Payment Systems Act ²⁵ is a regulated service provider in the regime of higher obligations if its annual average volume of electronic money issued over the previous three calendar years exceeds an amount equivalent to EUR 20 000 000 000.

18. Healthcare

Regulated service	
Service	Regulated service provider criterion and its regime for that service
18.1. Provision of health care	A health care provider under the Health Services Act is

²² 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

²³ 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

²⁴ § Section 7 of Act No. 370/2017 Coll., on payment transactions

²⁵ § Section 66 of Act No. 370/2017 Coll., on payment transactions

NON-BINDING PROPOSAL

	<p>I. the provider of a regulated service in the regime of higher obligations, if</p> <p>a) it is a large enterprise; or</p> <p>b) has at least 270 acute care beds,</p> <p>II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.</p>
18.2. Provision of emergency medical services	An ambulance service under the Health Services Act is a provider of a regulated service under the lower duties regime if it is a large or medium-sized enterprise.
18.3. Performance of the activities of the EU reference laboratory included in the network of reference laboratories for public health	<p>The European Union reference laboratory according to the directly applicable European Union regulation²⁶ included in the network of reference laboratories for public health is</p> <p>I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise,</p> <p>II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.</p>
18.4. Research and development of medicinal products	<p>The sponsor of clinical trials under the directly applicable European Union regulation²⁷ is</p> <p>I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise,</p> <p>II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.</p>
18.5. Manufacture of medicinal products except for manufacturing operations in the scope of batch certification, secondary packaging, chemical/physical quality control and import of medicinal products	<p>A manufacturer of medicinal products under the Medicinal Products Act is</p> <p>I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise,</p> <p>II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.</p>
18.6. Manufacture of medicinal substances	<p>A manufacturer of medicinal substances under the Medicinal Products Act is</p> <p>I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise,</p> <p>II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.</p>

²⁶ Article 15 of the EU Regulation of 23 November 2022 on serious cross-border threats to health and repealing Decision No 1082/2013/EU

²⁷ Regulation (EU) No 536/2014 of the European Parliament and of the Council of 16 April 2014 on clinical trials on medicinal products for human use and repealing Directive 2001/20/EC

18.7. Manufacture of medical devices	A manufacturer of medical devices under the directly applicable European Union regulation ²⁸ is a provider of a regulated service in the regime of lower obligations if it is a large enterprise or a medium-sized enterprise.
18.8. Manufacture of in vitro diagnostic medical devices	A manufacturer of in vitro diagnostic medical devices under the directly applicable European Union regulation ²⁹ is a provider of a regulated service in the regime of lower obligations if it is a large or medium-sized enterprise.
18.9. Production of medical devices deemed critical in the event of a public health emergency	The manufacturer of medical devices included on the list of critically important medical devices in a public health emergency under directly applicable European Union legislation ³⁰ is I. a provider of a regulated service in the regime of higher obligations, if it is a large enterprise, II. a provider of a regulated service in the regime of lower obligations, if it is a medium-sized enterprise.

19. Science, research and education

Regulated service	
Service	Regulated service provider criterion and its regime for that service
19.1. Research and development	<p>A research organisation whose main objective is to carry out applied research or experimental development with a view to using that research for commercial purposes, a university or other research organisation³¹ is a provider of a regulated service in the regime of higher obligations if</p> <p>a) carries out sensitive research activities; or</p> <p>b) most of the research projects carried out are more than 50% publicly funded.</p> <p>A research organisation whose main objective is to carry out applied research or experimental development with a</p>

²⁸ 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

²⁹ 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

³⁰ Regulation (EU) 2022/123 of the European Parliament and of the Council of 25 January 2022 on a reinforced role for the European Medicines Agency in crisis preparedness and management in the field of medicinal products and medical devices

³¹ List of research organisations maintained pursuant to Section 33a of Act No. 130/2002 Coll., on support for research and development from public funds and on amendments to certain related acts (Act on support for research and development)

	view to exploiting that research for commercial purposes, or a higher education institution, is a provider of a regulated service in the regime of lower obligations if it is a medium or large enterprise.
19.2. Operating a large research infrastructure	The host or partner institution of a large research infrastructure ³² or European Research Infrastructure Consortium is a provider of a regulated service in the regime of higher obligations.

20. Postal and courier services

Regulated service	
Service	Regulated service provider criterion and its regime for that service
20.1. Provision of postal and courier services	A postal service provider under the Postal Services Act and a courier service provider under a directly applicable European Union regulation ³³ , which provides at least one of the steps in the postal chain, which is a medium or large enterprise, is a regulated service provider in the regime of lower obligations.

21. Military industry

Regulated service	
Service	Regulated service provider criterion and its regime for that service
21.1. Production of military material	A manufacturer of military material listed in the Military Material List under the Foreign Military Trade Act is (I) a provider of a regulated service in the regime of higher obligations if it is a large enterprise, (II) a provider of a regulated service in the regime of lower obligations if it is a medium-sized enterprise.
21.2. Trade in military material	A legal or natural person who has been issued a permit to trade in military material under the Foreign Trade in Military Material Act is (I) a provider of a regulated service in the regime of higher obligations if it is a large enterprise, (II) a provider of a regulated service in the regime of lower obligations if it is a medium-sized enterprise.

³² § Section 2(2)(d) of Act No. 130/2002 Coll., on support for research and development from public funds and on amendments to certain related acts (Act on support for research and development)

³³ Regulation (EU) 2018/644 of the European Parliament and of the Council of 18 April 2018 on cross-border parcel delivery services

NON-BINDING PROPOSAL

21.3. Production of dual-use goods and technologies	A manufacturer of dual-use goods under the directly applicable European Union regulation ³⁴ is (I) a provider of a regulated service in the regime of higher obligations if it is a large enterprise, (II) a provider of a regulated service in the regime of lower obligations if it is a medium-sized enterprise.
21.4. Exports of dual-use goods and technology	The holder of the authorisation to export dual-use goods and technologies under the directly applicable European Union regulation ³⁵ is (I) a provider of a regulated service in the regime of higher obligations if it is a large enterprise, (II) a provider of a regulated service in the regime of lower obligations if it is a medium-sized enterprise.
21.5. Brokering of dual-use goods and technologies	The holder of an authorisation for the provision of brokering services for dual-use goods and technologies under the directly applicable European Union regulation ³⁶ is (I) a provider of a regulated service in the regime of higher obligations if it is a large enterprise, (II) a provider of a regulated service in the regime of lower obligations if it is a medium-sized enterprise.
21.6. Technical assistance for dual-use goods and technology	The holder of an authorisation for the provision of technical assistance related to dual-use goods and technology under a directly applicable European Union regulation ³⁷ is (I) a provider of a regulated service in the regime of higher obligations if it is a large enterprise, (II) a provider of a regulated service in the regime of lower obligations if it is a medium-sized enterprise.
21.7. Transit and transport of dual-use goods and technologies	The holder of an authorisation for the transit or transport of dual-use goods and technology under a directly applicable European Union regulation ³⁸ is

³⁴ Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (recast)

³⁵ Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (recast)

³⁶ Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (recast)

³⁷ Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (recast)

³⁸ Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (recast)

	<p>I) a provider of a regulated service in the regime of higher obligations, if it is a large enterprise, (II) a provider of a regulated service in the regime of lower obligations if it is a medium-sized enterprise.</p>
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22. Space industry

Regulated service	
Service	Regulated service provider criterion and its regime for that service
22.1. Ensuring support for the provision of space-based services	A terrestrial infrastructure operator that is a medium or large enterprise and does not provide this support service as an enterprise providing an electronic communications service or network under the Electronic Communications Act is a provider of a regulated service in the regime of higher obligations.

non-binding English translation