

CER Directive

2025

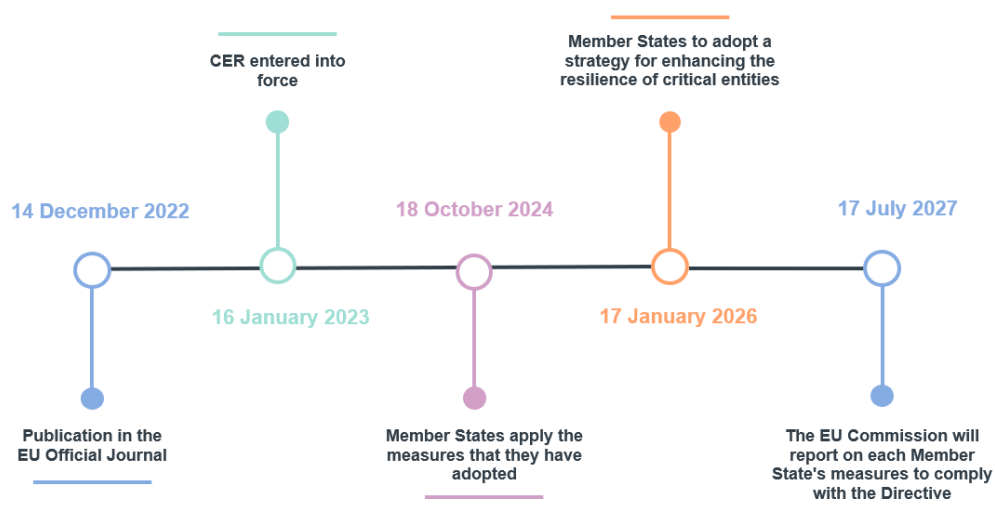
How could the CER Directive be relevant for you?

The Critical Entities Resilience Directive (CER) was introduced to enhance the physical resilience of critical entities that provide services essential for vital societal functions or economic activities in the European Union.

It aims to minimise the impact of natural and man-made disruptive incidents across 11 key sectors, which include: **energy, transport, banking, financial market infrastructure, health, drinking water, wastewater, digital infrastructure, public administration, space, as well as production, processing and distribution of food.**

Timeline of CER implementation

The CER came into force on **16 January 2023**, a key milestone in addition to the NIS2 Directive in Europe's cybersecurity framework. The critical entities will need to gradually comply with the CER obligations as transposed into local laws, including risk assessments, resilience measures, and reporting requirements. By **17 July 2026**, each Member State shall identify the critical entities for the sectors and subsectors listed in CER.



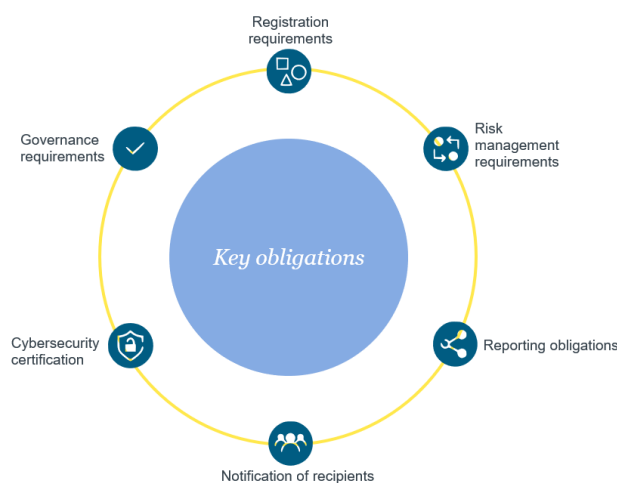
You can track the progress of the transposition of the CER Directive [here](#) and the NIS2 Directive tracker [here](#).

What are the key obligations for businesses in scope?

By **17 July 2026**, Member States must identify critical entities within the sectors outlined in the CER Directive.

Once identified, the critical entities within the scope of the new rules will need to:

- **Carry out risk assessments** to identify all relevant risks that may disrupt the provision of essential services concerned;
- Take **appropriate technical, security, and organisational measures** to ensure their resilience; and
- **Notify without undue delay the competent authority of incidents** that significantly disrupt or have the potential to significantly disrupt the provision of essential service.



What are the possible sanctions in case of non-compliance?

Member States must establish rules on penalties for infringements of national measures adopted under this Directive and take all necessary steps to ensure they are being implemented. The penalties must be effective, proportionate, and dissuasive.

Why Bird & Bird?

We advise multinational companies on a range of cybersecurity matters, and almost always in the context of multi-jurisdictional projects.

A snapshot of our recent experience:

- Assisted a **major provider of payment services** in relation to their potential designation as critical entity under the applicable Belgian legislative framework (including upcoming transposition of the CER Directive).
- Advising a **global leader in the production of generic and specialty medications** on the CER Directive as well as the NIS2 Directive legislation.
- Providing **one of the “Big 5” multinational technology companies** with a detailed legal assessment of the NIS2 Directive as well as analysing the German draft of the NIS2 implementation in the context of the company’s products and services impacted by this legislative act. Leading the multi-jurisdictional project to monitor the local implementation of NIS2 in all 27 EU member states. We have also advised the company on the potential impact of the proposed Cyber Solidarity Act as well as the CER Directive on the company’s operations.
- We advised a **multinational biopharmaceutical company** on employee security management and the appropriate security controls in the context of the CER Directive and NIS2 Directive legislation.

How can we support you with compliance?

Bird & Bird's team of experts is on hand to help your organisation prepare for compliance with the incoming rules, including by:

- Carrying out a **scoping exercise** to determine the applicability of the CER Directive to your organisation;
- Tracking and analysis of the **local CER implementation drafts** in the jurisdictions of interest;
- **Reviewing current processes** and procedures to assess what changes need to be made to align with the CER requirements;
- Updating **incident response plans and processes**, including those aimed at compliance with other laws, such as the GDPR;
- Drafting a **practical compliance plan** with specific target dates;
- **Assisting you** in closing the gap and in ensuring that **regulatory efforts** in related areas (IT contracts, privacy, sector specific laws (e.g. DORA, NIS2 and CRA Directive)) are **consistent**.

For more information, please speak to your usual Bird & Bird contact or our experts on the next page.



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