EnCaViBS

WP 2: The NIS Directive and its transposition into national law.

Member State:

Germany

Regulation for Determining Critical Infrastructures Pursuant to the BSI Act (BSI Act Crisis Regulation - BSI CrisisV)

Important notice:

This text is an unofficial translation conducted at the SnT/ University of Luxembourg in the framework of the research project EnCaViBS.

The original legal acts which Member States notified to the European Commission as national execution measures were retrieved from official national databases. In order to focus on the core of the research project, only selected transpositions have been translated.

The translations only serve the purpose of being an information resource; there is no guarantee whatsoever that the translations correctly correspond to the original versions of the laws. Therefore, evidently, the texts have no legal value. The original, as well as the translated version of the legal acts, are available at www.encavibs.uni.lu, where additional information on the research project may be found.

This research project is funded by the Luxembourg National Research Fund (FNR), C18/IS/12639666/EnCaViBS/Cole,

https://www.fnr.lu/projects/the-eu-nis-directive-enhancing-cybersecurity-across-vital-business-sectors-encavibs/.

Fonds National de la Recherche Luxembourg

Member State: Germany

Regulation for Determining Critical Infrastructures Pursuant to the BSI Act (BSI Act Crisis Regulation - BSI CrisisV) of 22 April 2016

(Federal Law Gazette I p. 958)

(consolidated version, last amended by Art. 1 Second Amendment Ordinance of 06.09.2021 (Federal Law Gazette I p. 4163)

§ 1 Definitions

Within the meaning of this ordinance is or are

1. facilities

a) permanent establishments and other fixed equipment required for the provision of a critical service.
b) machinery, devices, and other fixed equipment required for the provision of a critical service.

All intended parts of a facility and process steps that are necessary for operation as well as ancillary equipment that is connected to the parts of the facility components and process steps in an operational context and which are necessary for the provision of a critical service shall be assigned to a facility.

2. operator

a natural or legal person, who exercises a determining influence on the nature and operation of a facility or parts thereof, taking into account the legal, economic and factual circumstances.

3. critical service

a service for the supply of the general public in the sectors pursuant to §§ 2 to 8, the failure or impairment of which would lead to significant supply bottlenecks or to threats to public safety.

4. supply level

a value by means of which the contribution of a facility or parts thereof in the respective sector to the supply of a critical service to the general public is determined.

5. threshold value

a value at or above which the degree of supply of a facility or parts thereof is to be regarded as significant within the meaning of § 10 (1) sentence 1 BSI Act.

§ 2 Energy Sector

(1) Due to its special importance for the functioning of the community, in the energy sector, critical services within the meaning of § 10 (1) sentence 1 BSI Act are:

1. the supply of the general public with electricity (power supply);
2. the supply of the general public with gas (gas supply);
3. the supply of the general public with fuel and heating oil (fuel and heating oil supply);
4. the supply of the general public with district heat (district heating supply).

(2) The supply of electricity and gas is provided in the areas of generation, transmission and distribution of electricity and extraction, transport and distribution of gas.

(3) The supply of fuel and heating oil is provided in the areas of crude oil production and product manufacture, oil transport as well as distribution of fuel and heating oil.

(4) The distant heating supply is provided in the areas of production of district heating and distribution of district heating.

(5) In the energy sector, critical infrastructures are such facilities or parts thereof, which

1. are to be assigned to the categories specified in Annex 1 part 3 column B which are required for the supply of electricity, gas, fuel, heating oil, and district heating in the areas specified in paragraphs 2 to 4, and
2. achieve or exceed the threshold value according to Annex 1 part 3 column D.

§ 3 Water Sector

(1) Due to its special importance for the functioning of the community, in the water sector, critical services within the meaning of § 10 (1) sentence 1 BSI Act are:

1. the supply of the general public with drinking water (drinking water supply);
2. the disposal of wastewater of the general public (wastewater disposal).

(2) The drinking water supply is provided in the areas of collection, treatment, distribution as well as control and monitoring of drinking water.

(3) The wastewater disposal is provided in the areas of urban drainage, wastewater treatment and water discharge as well as control and monitoring.

(4) In the water sector, critical infrastructures are such facilities or parts thereof, which

1. are to be assigned to the categories specified in Annex 2 part 3 column B which are required for the supply of drinking water and wastewater disposal in the areas specified in paragraphs 2 and 3, and
2. achieve or exceed the threshold value according to Annex 2 part 3 column D.

§ 4 Food Sector

(1) Due to its special importance for the functioning of the community, the supply of food to the general public (food supply) is a critical service within the meaning of § 10 (1) sentence 1 of BSI Act in the food sector.

(2) The food supply is provided in the area food production and processing as well as food retailing.

(3) In the food sector, critical infrastructures are such facilities or parts thereof, which

1. are to be assigned to the categories specified in Annex 3 part 3 column B which are required for the supply of food in the areas specified in paragraph 2, and
2. achieve or exceed the threshold value according to Annex 3 part 3 column D.

§ 5 Sector Information Technology and Telecommunications

(1) Due to its special importance for the functioning of the community, in the information technology and telecommunications sector, critical services within the meaning of § 10 (1) sentence 1 BSI Act are:

1. voice and data transmission;
2. data storage and processing.

(2) The voice and data transmission is provided in the areas of access, transmission, transfer and control.

(3) Data storage and processing is provided in the areas of housing, IT hosting, and trust services.

(4) In the information technology and telecommunications sector, critical infrastructures are such facilities or parts thereof, which

1. are to be assigned to the categories specified in Annex 4 part 3 column B which are required for voice and data transmission as well as data storage and processing in the areas specified in paragraphs 2 and 3, and
2. achieve or exceed the threshold value according to Annex 4 part 3 column D.

§ 6 Health Sector

(1) Due to its special importance for the functioning of the community, in the health sector, critical services within the meaning of § 10 (1) sentence 1 BSI Act are:

1. in-patient medical care;
2. the supply of directly life-sustaining medical devices that are consumables;
3. the supply of prescription drugs, blood concentrates, and plasma concentrates for use on or in the human body;
4. laboratory diagnostics.

(2) In-patient medical care is provided in the areas of admission, diagnosis, treatment, accommodation/care and discharge.

(3) The supply of directly life-sustaining medical devices that are consumables is provided in the area of production and delivery.

(4) the supply of prescription drugs, blood concentrates, and plasma concentrates for use on or in the human body is provided in the area of production, distribution, and delivery.

(5) The laboratory diagnostics is provided in the areas of transport and analytics.

(6) In the health sector, critical infrastructures are such facilities or parts thereof, which

1. are to be assigned to the categories specified in Annex 5 part 3 column B which are required for the in-patient medical care, the supply of medical devices which are consumables, the supply with prescription drugs, blood concentrates, and plasma concentrates for use in or on the human body, and laboratory diagnostics in the areas specified in paragraphs 2 to 5, and
2. achieve or exceed the threshold value according to Annex 5 part 3 column D.

§ 7 Finance and Insurance

(1) Due to its special importance for the functioning of the community, in the finance and insurance sector, critical services within the meaning of § 10 (1) sentence 1 BSI Act are:

1. cash supply;
2. card-based payments;
3. conventional payments;
4. clearing and settlement of securities and derivatives transactions;
5. insurance services.

(2) The cash supply is provided in the areas of authorisation of a withdrawal, bringing into monetary transactions, debit client accounts, and cash logistics.

(3) Card-based payments in card-related payment transactions within the meaning of the Regulation (EU) No. 2015/751 of the European Parliament and of the Council of 29 April 2015 on interchange fees for card-based payment transactions (OJ L 123 of 19.05.2015, p. 1) are provided in the area of authorisation, bringing into monetary transactions, as well as client account and crediting to the account of the payee.

(4) Conventional payments in payment transactions via bank transfer and direct debit within the meaning of the Regulation (EU) No. 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro (OJ L 94 of 30.03.2012, p. 22) are provided in the areas of acceptance of a bank transfer or direct debit, bringing into monetary transactions, as well as debit and credit client account.

(5) Clearing and settlement of securities and derivatives transactions is provided in the areas of clearing of security transactions and derivatives, securities booking and funds booking.

(6) Insurance services are provided in the area of utilisation of insurance services.

(7) In finance and insurance, critical infrastructures are such facilities or parts thereof, which

1. are to be assigned to the categories specified in Annex 6 part 3 column B which are required for cash supply, for card-based payments, for conventional payments, for clearing and settlement of securities and derivatives transactions, and for insurance services in the areas specified in paragraphs 2 to 6, and
2. achieve or exceed the threshold value according to Annex 6 part 3 column D.

(8) In deviation from § 1 Number 2, in the financial and insurance sector, decisive influence over an facility to be assigned to the categories of facilities listed in Annex 6 part 3 column A, points 1 to 4, shall lie with the party who exercises effective control. The legal and economic circumstances are disregarded in this respect.

§ 8 Transport and Traffic Sector

(1) Due to its special importance for the functioning of the community, the supply of the general public with services for the transport of persons and goods (transport of passengers and goods) is a critical service within the meaning of § 10 (1) sentence 1 of BSI Act in the transport and traffic sector.

(2) The transport of passengers and goods is provided by the transport operators for aviation, the rail sector, inland waterway and maritime transport, road traffic, as well as across modes of transport, in local public transport (ÖPNV) and in logistics.

(3) In the transport and traffic sector, critical infrastructures are such facilities or parts thereof, which

1. are to be assigned to the categories specified in Annex 7 part 3 column B which are required by the transport operators specified in paragraph 2 as well as at ÖPNV, in logistics or otherwise, and
2. achieve or exceed the threshold value according to Annex 7 part 3 column D.

§ 9 Assessment

Two years after this legal regulation comes into force and subsequently every two years, the following shall be assessed with the participation of the departments referred to in § 10 (1) sentence 1 of the BSI Act

1. the determination of the critical services and areas,
2. the determination of the categories of facilities, which are required for the provision of the critical services, and
3. the stipulation of the threshold values.

Annex 1 (to § 1 Number 4 and 5, § 2 (5) Number 1 and 2)
Categories of Facilities and Threshold Values in the Energy Sector

Part 1
Principles and deadlines
1. For the categories of facilities specified in part 3 column B, the definitions in accordance with § 3 Energy Industry Law (Energiewirtschaftsgesetz) and § 2 Power-Heat-Coupling Law (Kraft-Wärme-Kopplungsgesetz), each as amended, take precedence.
2. Within the meaning of Annex 1 is or are
a) generating plant

a facility within the meaning of § 3 Number 18c of the Energy Industry Law as amended.

b) generating plant with heat extraction (cogeneration plant)

a facility within the meaning of § 2 Number 14 of the Power-Heat-Coupling Law as amended.

c) decentralised energy generation plant

a facility within the meaning of § 3 Number 11 of the Energy Industry Law as amended.

d) storage facility

a facility for the storage of electrical energy.

e) facility or system for the control/pooling of electric power

a facility or a system for the pooling of electric power for the control of generating plants and of decentralised energy generation plants, in particular, for the use by direct marketing companies within the meaning of § 3 Number 17 Renewable Energy Act as amended.

f) transmission grid

a grid within the meaning of § 3 Number 32 of the Energy Industry Law as amended.

g) central facility or system for the trading of electricity

a facility or an electronic trading system pertaining to the physical, short-term spot trading with energy for the German markets.

h) distribution network

a grid within the meaning of § 3 Number 37 of the Energy Industry Law as amended.

i) metering point

a point within the meaning of § 2 Number 11 of the Metering Point Operation Law as amended.

j) gas production facility

a facility for the production of natural gas from a bore.

k) gas tank

a gas tank within the meaning of § 3 Number 31 of the Energy Industry Law as amended.

l) transmission network

a network within the meaning of § 3 Number 19 of the Energy Industry Law as amended.

m) gas distribution network

a network within the meaning of § 3 Number 37 of the Energy Industry Law as amended.

n) oil production facility

a facility for the production of crude oil from a bore.

o) refinery

a facility for the distillation or refining or other processing of crude oil in mineral oil refineries within the meaning of Number 4.3 of Annex 1 of the Law on Environmental Impact Assessment as amended.

p) mineral oil long-distance pipeline

a long-distance pipeline within the meaning of the Pipeline Regulation as amended for the transport of oil or of liquids or gases from the processing of oil.

q) oil and product storage

a facility for the storage of crude oil or mineral oil products.

r) facility for the central control across different sites

a facility, which is controlled or monitored by one or several other facilities across different sites.

s) facility or system of aggregators for the distribution of fuel and heating oil

a facility or an IT system, which is used for the dispatch, in particular, of tank trucks, tank wagons, or inland waterway vessels, with the aim to implement, coordinate, or optimise the distribution of fuels and heating oil, regardless of whether consumers are supplied by the facility or the IT system.

t) filling station network

a facility or a system for the connection of filling stations that are independent of one another by means of central components. A central component serves the central supply of the filling stations of a filling station network with fuel.

u) heating plant

a facility for the production of heat for the supply to end customers within the meaning of the Regulations on General Conditions for the Supply of District Heat as amended.

v) cogeneration plant

a plant for the production of electric power and useful heat pursuant to § 2 Number 14 of the Power-Heat-Coupling Law as amended.

w) district heating system

a network for the supply of the general public with heat.

3. A facility which is to be assigned to a category specified in part 3 column B, is deemed a critical infrastructure from 1 April of the calendar year following the calendar year in which its supply level reaches or exceeds the threshold value specified in part 3 column D for the first time.
4. The operator shall establish the supply level of its facility for the past calendar year by 31 March of the following year in each case.
5. If the supply level is to be established by means of the number of connected households, the supply level as at 30 June of the past calendar year is decisive.
6. If the supply level is to be established by way of the capacity (installed net rated output) of a facility, the legally and actually possible scope of operation of the facility operated by the same operator shall be taken into account.
7. Where several facilities of the same type are close in terms of location and operation (joint facility) and achieve or exceed the threshold values specified in part 3 column D, the joint facility is deemed to be a critical infrastructure. A close spatial and operational link exists, if the facilities
a) are located on the same premises,
b) are linked with joint operating facilities,
c) serve a comparable technical purpose, and
d) are under joint management.

Part 2

Calculation Formula Determine the Threshold Values

8. The threshold value specified for the facility categories of part 3 number 1.1.1 to 1.1.5, 1.2.1 as well as 1.3.1 is calculated as follows, assuming an average consumption of 7,375 kWh per supplied person per year and a standard threshold value of 500,000 supplied persons:

3,700 GWh/year ≈ 7,375 kWh/year × 500,000

The average electrical work for the supply of 500,000 persons per year corresponds in the case of numbers 1.1.1 to 1.1.5 and 1.3.2 to an installed net rated output of:

$$420\ \text{MW} \approx \frac{3{,}700\ \text{GWh/year}}{8{,}760\ \text{h/year}}$$

9. The threshold value specified for the facility categories of part 3 number 2 is calculated as follows, assuming an average consumption of 10,380 kWh per supplied person per year and a standard threshold value of 500,000 supplied persons:

5,190 GWh/year = 10,380 kWh/year × 500,000

10. The threshold value specified for the facility categories of part 3 number 3.1.2, 3.2.2, 3.2.3, 3.3.1, and 3.3.3 is calculated as follows, assuming an average output of 0.84 tons of fuel for the supply of one person per year and a standard threshold value of 500,000 supplied persons:

420,000 t/year = 0.84 t/year x 500,000

11. The threshold value specified for the facility categories of part 3 number 3.1.2, 3.2.2, 3.2.3, 3.3.1, and 3.3.2 is calculated as follows, assuming an average output of 1.24 tons of light heating oil for the supply of one person per year and a standard threshold value of 500,000 supplied persons:

620,000 t/year = 1.24 t/year x 500,000

12. The threshold value specified for the facility categories of part 3 Number 3.1.1, 3.2.1, 3.2.2, and 3.2.3 is calculated as follows, assuming an average output of 1.24 tons of light heating oil for the supply of one person and therefore an average overall output of 620,000 tons of light heating oil for 500,000 supplied persons, as well as assuming that approximately 0.14 tons of light heating oil is produced from one ton of crude oil:

$$4{,}400{,}000 \text{ t/year} \approx \frac{620{,}000 \text{ t/year}}{0.14}$$

13. The threshold value specified for the facility categories of part 3 number 4.1.1 and 4.1.2 is calculated as follows, assuming an average consumption of 4.528 MWh per supplied person per year and a standard threshold value of 500,000 supplied persons:

2,300 GWh/year ≈ 4.528 MWh/year x 500,000

Part 3

Categories of Facilities and Threshold Values

Column A	Column B	Column C	Column D
No.	Facility category	Calculation criterion	Threshold Value
1.	**Electricity supply**		
1.1	Electricity generation		
1.1.1	Generating plant	installed net rated output (electric) in MW	420
1.1.2	Generating plant with heat extraction (cogeneration plant)	installed net rated output (actual electrical power directly linked with heat extraction for nominal heat output without condensation share) in MW	420
1.1.3	Decentralised energy generation plant	installed net rated output (electric) in MW	420
1.1.4	Storage facility	installed net rated output (electric) in MW	420
1.1.5	Facility or system for the control/pooling of electric power	installed net rated output (electric) in MW	420
1.2.	Electricity transmission		
1.2.1	Transmission grid	Annual output extracted by end consumers and redistributors in GWh/year	3,700
1.2.2	Central facility and system for electricity trading, provided that these relate to the physical short-term spot trading and the German markets	Trading volume at the exchange in TWh/year	200
1.3	Electricity distribution		
1.3.1	Distribution Network	Annual output extracted by end consumers and redistributors in GWh/year	3,700
1.3.2	Metering Point	Output of the connected consumption point or feed-in in MW	420
2.	**Gas Supply**		
2.1	Gas extraction		
2.1.1	Gas production facility	Energy of the gas produced in GWh/year	5,190
2.1.2	Gas Tank	Output extracted in GWh/year	5,190

Column A	Column B	Column C	Column D
No.	Facility category	Calculation criterion	Threshold Value
2.2	Transport of gas		
2.2.1	Transmission Network	Annual output extracted by end consumers and redistributors in GWh/year	5,190
2.3	Gas distribution		
2.3.1	Gas distribution network	Output extracted in GWh/year	5,190
3.	**Supply of Fuel and Heating Oil**		
3.1	Crude oil production and crude oil product manufacturing		
3.1.1	Oil production facility	Produced crude oil in tonnes/year	4.4 million
3.1.2	Refinery	Produced fuel in tonnes/year or	420,000[2]
		Produced heating oil in tonnes/year	620,000
3.2	Oil transport		
3.2.1	Mineral Oil Long-Distance Pipeline	Transported quantity of crude oil or products in tonnes/year	4.4 million
3.2.2	Oil and Product Storage	Quantity of crude oil handled in tonnes/year or	4.4 million
		Quantity of fuel handled in tonnes/year or	420,000[3]
		Quantity of heating oil handled in tonnes/year	620,000
3.2.3	Facility for the Central Control Across Different Sites	Total quantity of the quantity of crude oil or products transported in tonnes/year or	4.4 million
		Total quantity of crude oil handled in tonnes/year or	4.4 million
		Total quantity of fuel handled in tonnes/year or	420,000[4]
		Total quantity of heating oil handled in tonnes/year or	620,000
3.3	Distribution of fuel and heating oil		
3.3.1	Facility or system of aggregators for the distribution of fuel and heating oil	Total quantity of fuel distributed in tonnes/year or	420,000[5]
		Total quantity of heating oil distributed in tonnes/year or	620,000
3.3.2	Filling station network	Quantity of fuel distributed in tonnes/year	420,000[6]
3.3.3	Facility for the central control across different sites	Total quantity of fuel distributed in tonnes/year or	420,000[7]
		Total quantity of heating oil distributed in tonnes/year or	620,000
4.	**Distant heating supply**		
4.1	Production of distant heating		
4.1.1	Heating plant	Conducted thermal energy in GWh/year	2,300
4.1.2	Cogeneration plant	Conducted thermal energy in GWh/year	2,300
4.2	Distribution of distant heating		

Col-umn A	Column B	Column C	Column D
No.	Facility category	Calculation criterion	Threshold Value
4.2.1	District heating system	Connected households	250,000

Annex 2 (to § 1 Number 4 and 5, § 3 (4) Number 1 and 2)
Categories of Facilities and Threshold Values in the Water Sector

Part 1
Principles and Deadlines
1. For the categories of facilities specified in part 3 column B, Number 1, the definitions in accordance with the technical regulations of the German Association for Water Economy, Waste Water and Waste) as amended take precedence (DIN EN 16323). For the categories of facilities specified in part 3 column B number 2, the definitions in accordance with the technical regulations of the German Association of Gas and Water Trade as amended take precedence (DIN 4046).
2. Within the meaning of Annex 2 is or are
a) Extraction plant (waterworks)

a well or a series of wells, a French drain, a seepage tunnel, a cistern, or an intake structure for the extraction of surface water or other water catchment for the extraction of untreated water.

b) Treatment plant (waterworks)

the entirety of all technical facilities for the treatment of drinking water including the associated ancillary facilities as well as measurement, control, and regulation technology.

c) Control centre (control room, control point, or process monitoring system)

a facility, in which one or several processing steps also of spatially distributed systems can be monitored and/or controlled centrally.

d) Water distribution system

a part of a water supply system with pipes, drinking water containers, conveyor systems, and other equipment for the purpose of water distribution of water to the consumers. This system starts after the water treatment plant or, if the water is not treated, after water extraction, and ends at the point water is transferred to the consumer.

e) Sewage system

a network of pipes and additional buildings (e.g. rain overflow basin, rainwater retention basin, rain purification basin, and pump station), which drains wastewater from connecting channels to treatment plants or to other points of disposal.

f) Treatment plant

a facility in which wastewater is treated physically, biologically, and/or chemically (DIN EN 16323). The facilities for water discharge (e.g. HW pumping stations and drains) are considered to be a part of the treatment plant

3. A facility which is to be assigned to a category specified in part 3 column B, is deemed a critical infrastructure from the 1 April of the calendar year following the calendar year in which its supply level reaches or exceeds the threshold value specified in part 3 column D for the first time.
4. The operator shall establish the supply level of its facility for the past calendar year by 31 March of the following year in each case.

5. For the facility categories of part 3 Number 1.1.1 to 1.3.1, the supply level as at 30 June of the past calendar year is decisive.
6. Where several facilities of the same type are close in terms of location and operation (joint facility) and achieve or exceed the threshold values specified in part 3 column D, the joint facility is deemed to be a critical infrastructure. A close spatial and operational link exists, if the facilities
a) are located on the same premises,
b) are linked with joint operating facilities,
c) serve a comparable technical purpose, and
d) are under joint management.

Part 2

Calculation Formula Determine the Threshold Values

7. The threshold value specified for the facility categories of part 3 number 2.1.1 to 2.4.1 is calculated as follows, assuming an average consumption of 44 m3 per supplied person per year and a standard threshold value of 500,000 supplied persons:

22 Million m3/year = 44m3/year x 500,000

Part 3

Categories of Facilities and Threshold Values

Col-umn A	Column B	Column C	Column D
No.	Facility category	Calculation criterion	Threshold Value
1.	**Wastewater Disposal**		
1.1	Urban drainage		
1.1.1	Sewage system	Connected residents	500,000
1.2.	Wastewater treatment and water discharge		
1.2.1	Treatment plant	Capacity in terms of population	500,000
1.3	Control and monitoring		
1.3.1	Control centre	Capacities of the controlled/monitored facilities in terms of population	500,000
2.	**Drinking Water Supply**		
2.1	Extraction		
2.1.1	Extraction plant (water-works)	Produced water amounts in million m3/year	22
2.2	Treatment		
2.2.1	Treatment plant (water-works)	Prepared amount of drinking water in million m3/year	
2.3	Distribution		
2.3.1	Water distribution system	Distributed amount of water in million m3/year	22
2.4	Control and monitoring		
2.4.1	Control centre	Volume of water produced, transported, or prepared from the controlled/monitored facilities in million m3/year	22

Annex 3 (to § 1 Number 4 and 5, § 4 (3) Number 1 and 2)
Categories of Facilities and Threshold Values in the Food Sector

Part 1
Principles and deadlines

1. For the categories of facilities specified in part 3 column B Number 1, the definitions of § 3 Number 1 to 3 of the German Foods, Consumer Goods and Feedstuffs Code as amended apply in principle.
2. Within the meaning of Annex 3 is or are
a) facility for the production of food

a facility for the production of food within the meaning of § 3 Number 2 of the German Foods, Consumer Goods and Feedstuffs Code as amended.

b) facility for the treatment of food

a facility for the treatment of food within the meaning of § 3 Number 3 of the German Foods, Consumer Goods and Feedstuffs Code as amended.

c) facility or system for the distribution of food

a facility or a system for the planning, control, provision, and distribution of production goods or food, in particular, a facility or a system across different sites.

d) facility or system for ordering food

a facility or a system for ordering of food, in particular, a facility or a system across different sites.

e) facility to bring food on the market

a facility for putting food within the meaning of § 3 Number 1 of the German Foods, Consumer Goods and Feedstuffs Code as amended on the market, e.g. a retail or wholesale outlet.

f) facility or system for the central control across different sites

a facility or a system with which one or several other facilities are controlled or monitored across different sites, in particular, a facility or system across branches.

3. A facility which is to be assigned to a category specified in part 3 Column B, is deemed a Critical Infrastructure from the 1. April of the calendar year following the calendar year in which its supply level reaches or exceeds the threshold value specified in part 3 Column D for the first time.
4. The operator shall establish the supply level of its facility for the past calendar year by 31. March of the following year in each case.
5. Where several facilities of the same type are close in terms of location and operation (joint facility) and achieve or exceed the threshold values specified in part 3 Column D, the joint facility is deemed to be a Critical Infrastructure. A close spatial and operational link exists, if the facilities
a) are located on the same premises,
b) are linked with joint operating facilities,
c) serve a comparable technical purpose, and
d) are under joint management.
6. For a facility, which is to be assigned to a category of facilities of part 3 column A Number 1.2, the supply level may be determined by means of a compounded conversion of the threshold values specified in part 3 Column D to the gross turnover achieved in a calendar year in a ratio of 3.90 euros per kg or l.

Part 2

Calculation Formula Determine the Threshold Values

7. The threshold value (meals) specified for the facility categories of part 3 is calculated as follows, assuming an average output of food (meals) of all product groups for the supply of one person of 0.869 tonnes/year as well as a standard threshold value of 500,000 supplied persons:

434,500 t/year = 0.869 t/year x 500,000

8. The threshold value (beverages) specified for the facility categories of part 3 is calculated as follows, assuming an average consumption 700 l/year of non-alcoholic beverages per supplied person per year and a standard threshold value of 500,000 supplied persons:

350 million l/year = 700 l/year x 500,000

part 3

Categories of Facilities and Threshold Values

Column A	Column B	Column C	Column D
No.	Facility category	Calculation criterion	Threshold Value
1.	**Supply of Food**		
1.1	Production and treatment of food		
1.1.1	Facility for the production of food	Quantity of produced food in t/year or l/year	Meals: 434,500 t or Beverages: 350 million l
1.1.2	Facility for the treatment of food	Quantity of treated food in t/year or l/year	Meals: 434,500 t or Beverages: 350 million l
1.1.3	Facility or system for the distribution of food	Quantity of treated food in t/year or l/year	Meals: 434,500 t or Beverages: 350 million l
1.1.4	Facility or system for the central control across different sites	Total quantity of food produced, treated or handled in each case by the controlled facilities in t/year or l/year	Meals: 434,500 t or Beverages: 350 million l
1.2.	Food retailing		

Col-umn A	Column B	Column C	Column D
No.	Facility category	Calculation criterion	Threshold Value
1.2.1	Facility for the treatment of food	Quantity of treated food in t/year or l/year	Meals: 434,500 t or Bever-ages: 350 million l
1.2.2	Facility or system for the distribution of food	Quantity of treated food in t/year or l/year	Meals: 434,500 t or Bever-ages: 350 million l
1.2.3	Facility or system for or-dering food	Quantity of food ordered in t/year or l/year	Meals: 434,500 t or Bever-ages: 350 million l
1.2.4	Facility to place food on the market	Quantity of food placed on the market in t/year or l/year	Meals: 434,500 t or Bever-ages: 350 million l
1.2.5	Facility or system for the central control across dif-ferent sites	Total quantity of food treated, handled, ordered, or placed on the market in each case by the controlled facilities in t/year or l/year	Meals: 434,500 t or Bever-ages: 350 million l

Annex 4 (to § 1 Number 4 and 5, § 5 (4) Number 1 and 2)

Categories of Facilities and Threshold Values in the Information Technology and Telecommunications Sector

Part 1

Principles and deadlines

1. For the categories of facilities specified in part 3 column B, the definitions in accordance with § 3 Telecommunications Act as amended take precedence.
2. Within the meaning of Annex 4 is or are

a) Fixed access network

a facility, via which the access to a public telephone service, to a public data transfer service, or to an internet access service is provided (e.g. fibre-optic connection and mobile communications access networks).

b) Transmission network

a facility for the transmission of voice and data for publicly accessible telephone services and data transfer services or for internet access services (e.g. Backbone and Core networks).

c) IXP

a facility, which directly connects more than two independent autonomous systems, so that the network traffic between two connected autonomous systems flows directly without the use of an intermediary autonomous system.

d) DNS resolvers, which are offered for the use of publicly accessible telephone services, data transfer services, or internet access services

a facility or a system in the access network of an internet service provider to respond to enquiries for name resolution, which, if it does not know the answer, forwards the requests to higher-level DNS instances.

e) Authoritative DNS servers

a facility or a system to respond to enquiries regarding name resolution in accordance with Chapter 5e of RFC 7719, in which, through locally available information about the content of a DNS zone, queries about this DNS zone are answered or the queries are delegated to other servers.

f) Computer centre (housing)

one or several buildings, at least, however, one closed room with the overriding purpose to provide an appropriate environment for the housing and the operation of central IT components, e.g. servers or network technology, in at least ten racks.

g) Server farm (hosting)

two or several computers, which are providing services within the IT network, whereby virtual servers are deemed to be virtual machines, which are operated on a physical server and act like an independent computer.

h) Content delivery network

a network of regionally spread servers connected via the internet with which contents, in particular, large media files, are delivered.

i) Facility for the provision of trust services

a trustworthy third instance (trusted third party), which certifies the respective identity of the communication partner in electronic communication processes.

3. A facility which is to be assigned to a category specified in part 3 column B, is deemed a critical infrastructure from 1 April of the calendar year following the calendar year in which its supply level reaches or exceeds the threshold value specified in part 3 column D for the first time.
4. The operator shall establish the supply level of its facility for the past calendar year by 31 March of the following year.
5. If the supply level for the facility categories of part 3 Number 1.1.1 to 1.2.1 is to be established directly by means of the number of users supplied, the supply level as at 30 June of the past calendar year is decisive.
6. Where several facilities of the same type are close in terms of operation (joint facility) and achieve or exceed the threshold values specified in part 3 column D, the joint facility is deemed to be a critical infrastructure. A close operational link exists, irrespective of the physical distance between the facilities, if the facilities
a) are linked with joint operating facilities or with each other,

b) serve a comparable technical purpose, and
c) are under joint management or control.

Part 2

Calculation Formula Determine the Threshold Values

7. The threshold value specified for the facility categories of part 3 Number 1.1 to 1.2 arises from § 1 (1) Number 2 of the Post and Telecommunications Security Act (PTSG) of 24 March 2011 (Federal Law Gazette Volume I, p. 506, 941) as amended.

8. The threshold value specified for the facility category of part 3 Number 1.3.1 is calculated as follows, assuming a quantity of 50,000 autonomous systems from all networks and a cover for demand of 500,000 supplied persons at an overall population of 80 million people:

$$300 \approx \frac{500{,}000}{80{,}000{,}000} \times 50{,}000$$

9. The threshold value specified for the facility category of part 3 Number 1.4.2 is calculated as follows, assuming a quantity of 40 million domains administered in the Federal Republic of Germany and a cover for demand of 500,000 supplied persons at an overall population of 80 million people:

$$250{,}000 \approx \frac{500{,}000}{80{,}000{,}000} \times 40{,}000{,}000$$

10. The threshold value specified for the facility category of part 3 Number 2.2.1 is calculated as follows, assuming a quantity of 4 million servers administered in the Federal Republic of Germany and a cover for demand of 500,000 supplied persons at an overall population of 80 million people:

$$25{,}000 = \frac{500{,}000}{80{,}000{,}000} \times 4{,}000{,}000$$

11. The threshold value specified for the facility category of part 3 Number 2.2.2 is calculated as follows, assuming a transport volume of 11,826,000 terabytes/year and a cover for demand of 500,000 supplied persons at an overall population of 80 million people:

$$75{,}000 \text{ TByte/year} \approx \frac{500{,}000}{80{,}000{,}000} \times 11{,}826{,}000 \text{ TByte/year}$$

Part 3

Categories of Facilities and Threshold Values

Column A	Column B	Column C	Column D
No.	Facility category	Calculation criterion	Threshold Value
1.	**Voice and Data Transmission**		
1.1	Access		
1.1.1	Fixed access networks, via which the access to a public telephone service, to a public data transfer service, or to an internet access service is provided	Subscriber connections to the access network (§ 3 Number 21 TKG as amended)	100,000 (§ 1 para. 1 Number 2 PTSG as amended)
1.2.	Transmission		

Column A	Column B	Column C	Column D
No.	Facility category	Calculation criterion	Threshold Value
1.2.1	Transmission networks and publicly accessible telephone services and data transfer services or internet access services (without number 1.1.1)	Participants of the respective service	100,000 (§ 1 para. 1 Number 2 PTSG as amended)
1.3	Transfer		
1.3.1	IXP and publicly accessible telephone services, data transfer services, or internet access services	Number of autonomous systems connected (annual average)	300
1.4	Control		
1.4.1	DNS resolvers, which are offered for the use of publicly accessible telephone services, data transfer services, or internet access services	Number of subscribers to the access network, in which the DNS resolver is operated	100,000
1.4.2	Authoritative DNS servers	Number of domains, or which the server is authoritative, or which are delegated from the zone	250,000
2.	**Data storage and processing**		
2.1	Housing		
2.1.1	Computer centre	contractually agreed performance in MW (as at 30 June of a calendar year)	5
2.2	IT hosting		
2.2.1	Server farm	Number of running instances (annual average)	25,000
2.2.2	Content delivery network	Data volume delivered (in TByte/year)	75,000
2.3	Trust services		
2.3.1	Facility to provide trust services	Number of qualified certificates issued or	500,000
		Number of certificates for the authentication of publicly accessible servers (server certificates, e.g., for web servers, email servers, cloud servers (e.g., TLS/SSL certificates))	10,000

Annex 5

(to § 1 Number 4 und 5, § 6 (6) Number 1 and 2)

Categories of Facilities and Threshold Values in the Health Sector

Part 1

Principles and deadlines

1. Within the meaning of Annex 5 is or are

a) Hospital

a location or premises of a hospital authorised pursuant to § 108 Volume V of the German Social Insurance Code as amended, which is or are necessary for the provision of inpatient care services.

b) Production site for directly life-sustaining medical devices that are consumables

an establishment manufacturing medical devices for ventilation/tracheostomy, parenteral nutrition, enteral nutrition, draining incontinence and type 1 diabetes.

c) Delivery point

a facility, to which medical devices for ventilation/tracheostomy, parenteral nutrition, enteral nutrition, draining incontinence and type 1 diabetes are delivered.

d) Production facility for prescription drugs for use in or on the human body

premises which, on the basis of a manufacturing authorisation pursuant to § 13 of the Medicines Act, as amended, processes excipients and auxiliary materials as well as active substances into prescription drugs for use in or on the human body pursuant to § 48 (1) of the Medicines Act, as amended.

e) Facility or system for the control of collection and further processing of donated blood or plasma for use in or on the human body

a central IT system for the management and administration of blood establishments or production units.

f) Operating and storage room

a facility for the short-term storage of prescription drugs, blood donations, blood/plasma derivatives, as well as for the further processing or preparation of blood donations and blood/plasma derivatives for use in or on the human body.

g) Facility or system for the distribution of prescription drugs

a central logistics management system for the distribution and dispatch of prescription drugs for use in or on the human body.

h) Pharmacy

an establishment for the provision of prescription drugs for patients within the first § of the Pharmacies Act as amended.

i) Transport system

a system for controlling the physical transport of samples and orders between the laboratory's client and the laboratory.

j) Communications system for the transmission of orders and results

a system for the transmission of patient reports between the client and the laboratory.

k) Laboratory

an establishment, in which medical laboratory diagnostic procedures for diagnosis and therapy control in human medicine are carried out and assessed by specialists.

2. A facility which is to be assigned to a category specified in part 3 column B, is deemed a critical infrastructure from 1 April of the calendar year following the calendar year in which its supply level reaches or exceeds the threshold value specified in part 3 column D for the first time. If the supply level of a facility has achieved or exceeded the threshold value specified in part 3 column D for the first time in the 2016 calendar year, the facility is deemed to be a critical infrastructure when this Regulation comes into force.
3. The operator shall establish the supply level of its facility for the past calendar year by 31 March of the following year in each case.
4. Where several facilities of the same type are close in terms of location and operation (joint facility) and achieve or exceed the threshold values specified in part 3 column D, the joint facility is deemed to be a critical infrastructure. A close spatial and operational link exists, if the facilities
a) are located on the same premises,

b) are linked with joint operating facilities,
c) serve a comparable technical purpose, and
d) are under joint management.
5. Number 4 does not apply to facilities, which are to be assigned to the category of facilities specified in part 3 Number 1.1.

Part 2

Calculation Formula Determine the Threshold Values

6. The threshold value specified for the facility categories of part 3 number 2.1.1, and 2.2.1 is calculated as follows, assuming an average expenditure for medical devices of 181.36 euros per supplied person per year and a standard threshold value of 500,000 supplied persons:

90,680,000 euros turnover/year = 181.36 euros turnover/year x 500,000

7. The threshold value specified for the facility categories of part 3 number 3.1.1 as well as 3.2.1 to 3.3.1 is calculated as follows, assuming an average consumption of 9.3 packs of prescription drugs per supplied person per year and a standard threshold value of 500,000 supplied persons:

4,650,000 packets/year = 9.3 packets/year x 500,000

8. The threshold value specified for the facility category of part 3 number 3.1.2 is calculated as follows, assuming an average value of 0.068 units of produced red cell concentrate, platelet concentrate, and plasma for transfusion supplied person per year and a standard threshold value of 500,000 supplied persons:

34,000 units/year = 0.068 units/year x 500,000

9. The threshold value specified for the facility categories of part 3 number 4 is calculated as follows, assuming an average value of 3 orders for a laboratory test per supplied person per year and a standard threshold value of 500,000 supplied persons:

1,500,000 orders/year = 3 orders/year x 500,000

Part 3

Categories of Facilities and Threshold Values

Column A	Column B	Column C	Column D
No.	Facility category	Calculation criterion	Threshold Value
1.	In-patient medical care		
1.1	Hospital	In-patient cases/year	30,000
2.	Supply of directly life-sustaining medical devices that are consumables		
2.1	Production		
2.1.1	Production site	Turnover in euro/year	90,680,000
2.2	Delivery		
2.2.1	Delivery point	Turnover in euro/year	90,680,000
3.	Supply of prescription drugs, blood concentrates, and plasma concentrates for use on or in the human body		
3.1	Production		
3.1.1	Production site	Number of packets/year placed on the market	4,650,000

Col-umn A	Column B	Column C	Column D
No.	Facility category	Calculation criterion	Threshold Value
3.1.2	Facility or system to collect and process blood donations	Number of products/year produced or placed on the market	34,000
3.2	Distribution		
3.2.1	Operating and storage room	Number of packets/year handled	4,650,000
3.2.2	Facility or system for the distribution of prescription drugs	Number of packet/year handled	4,650,000
3.3	Delivery		
3.3.1	Pharmacy	Packet/year delivered	4,650,000
4.	Laboratory diagnostics		
4.1	Transport		
4.1.1	Transport system	cumulated number of orders of laboratories in the group/year	1,500,000
4.1.2	Communications system for the transmission of orders or results	Number of orders/year	1,500,000
4.2	Analytics		
4.2.1	Laboratory	Number of orders/year	1,500,000

Annex 6 (to § 1 Number 4 and 5, § 7 (7) Number 1 and 2)
Categories of Facilities and Threshold Values in Finance and Insurance

Part 1
Principles and deadlines
1. Within the meaning of Annex 6 is or are
a) Authorisation system

a system via which a requested transaction amount for transactions from cash machine systems or from card-based payment transactions is approved or rejected after the card data has been checked by the account-holding institution or the payment service provider.

b) System for linking to an authorisation system from the perspective of the operator of the cash machine

a system, which serves the linking of the cash machine operator to an authorisation system of the account-holding institution.

c) System for the preparation by the cash machine operator

a system of a cash machine operator, which processes messages or transactions from cash machine systems in order to bring the transaction into the monetary transactions.

d) System for the linking to an interbank payment system

a system which links the payment service provider to the interbank payment system.

e) Clearing system

a system which forwards the transaction data (clearing data) to the account-holding institution within the interbank transaction.

f) Settlement system

a system for the settlement of amounts between the participating institutions.

g) Account maintenance system

a system of the payment service provider of the payer or the payment service provider of the payment recipient for the electronic maintenance and administration of the accounts.

h) Cash centre

Facilities of cash-in-transit companies where cash is checked, counted, sorted, stored or reissued.

i) IT system for cash management

as system of the cash-in-transit company for reporting, ordering of cash, and cash management of the cash-in-transit company.

j) System for linking to an authorisation system from the perspective of the terminal operator.

a system which serves to link the operator of the terminal (e.g. the network operator) to an authorisation system or forwards transactions to the relevant authorisation system.

k) System for the preparation by the POS terminal operator

a system of a network or POS terminal operator, which processes messages or transactions from POS terminals in order to bring the transaction into the monetary transactions.

l) System for the receipt of the POS transaction data at the payment service provider of the payment recipient

a system which receives transactions from an acquirer.

m) System for the receipt of a bank transfer or debit

a system with which bank transfers or debits by the payer are accepted and processed by the payment service provider or the account-holding institution.

n) System of a clearing office or a central counterparty for the settlement of securities and derivatives transactions

a system of the clearing office or a central counterparty pursuant to § 1 (31) of the Banking Act as amended.

o) System for linking for the purpose of settlement and posting of securities and derivatives transactions

a system, which serves the linking of a participant or a trading platform to a clearing office or central counterparty as well as from a clearing office or central counterparty to an accounting office.

p) Securities and derivatives transactions

a securities delivery and- settlement system pursuant to Article 2 (1) Number 10 of Regulation (EU) No. 909/2014.

q) Portfolio management system

a system used for checking the securities portfolio and transactions of security accounts.

r) System of a central securities depository

a system of a central securities depository pursuant to Article 2(1Number 1 of Regulation (EU) No. 909/2014.

s) System for the preparation of payment instructions

a system of an operator, which directly or indirectly processes securities and derivative transactions, to bring the transactions into the monetary payment transactions.

t) Contract administration system for the insurance contract relationship

a system for the storage and processing of information on the insurance contract relationship

u) Payment system for life insurance

as system for the processing of payments in respect of life insurance.

v) Payment system of the social insurance agencies of the statutory pension scheme, as well as accident and unemployment insurance

an integrated application system for recording, checking and calculating compensation payments under social insurance for the statutory pension scheme, as well as accident and unemployment insurance.

w) Payment system of the private health insurance

as system for the processing of payments in respect of private health insurance.

x) Claims system (composite)

a system for the processing of damages in respect of indemnity insurance and accident insurance.

y) Payment system

a system for payment of compensation or insurance payment to the payment recipient.

z) Administration and payment system of the statutory health and nursing care insurance

an integrated applications system in respect of the statutory health and nursing care insurance.

2. A facility which is to be assigned to a category specified in part 3 column B, is deemed a critical infrastructure from 1 April of the calendar year following the calendar year in which its supply level reaches or exceeds the threshold value specified in part 3 column D for the first time. If the supply level of a facility has achieved or exceeded the threshold value specified in part 3 column D for the first time in the 2016 calendar year, the facility is deemed to be a critical infrastructure when this Regulation comes into force.
3. In deviation from Number 1, a facility which is to be assigned to the categories specified in part 3 column A Number 5.1.3, 5.1.7, or 5.1.11, is deemed a critical infrastructure from 1 April of the calendar year following the three calendar years in which its average supply level reaches or exceeds the threshold value specified in part 3 column D for the first time.
4. The operator shall establish the supply level of its facility for the past calendar year by 31 March of the following year in each case.
5. During the determination of the supply level of a facility, which is to be assigned to the category of facilities of part 3 column A Number 5.1.1, 5.1.4, or 5.1.8, only expiring contracts with payment of the insurance benefit are to be taken into account. Regardless of the means of payment, each claim is to be taken into account only once, in case of recurring payments, only when the claim is processed for the first time.
6. Where several facilities of the same type are close in terms of operation (joint facility) and achieve or exceed the threshold values specified in part 3 column D, the joint facility is deemed to be a critical infrastructure. A close operational link exists, if the facilities
a) are linked with joint operating facilities,
b) serve an identical technical purpose, and
c) are under joint management.

Part 2

Calculation Formula Determine the Threshold Values

7. The threshold value specified for the facility categories of part 3 number 1.1.1 to 1.2.1 and 1.3.1 is calculated as follows, assuming 30 transactions at terminals (cash machines) of domestic and foreign payment service providers with cards issued in the country per supplied person per year and a standard threshold value of 500,000 supplied persons:

15,000,000 transactions/year = 30 transactions/year x 500,000

8. The threshold value specified for the facility category of part 3 number 1.4 is calculated as follows, assuming 187 processed bank notes in the cash centre for the supply of one person per year and a standard threshold value of 500,000 supplied persons:

93,500,000 bank notes/year = 187 bank notes/year x 500,000

9. The threshold value specified for the facility categories of part 3 number 1.2.2 to 1.2.4 and 2.2.3 to 2.2.5 is calculated as follows, assuming an average of 36 transactions with cards issued in the country, at POS terminals and cash machines of domestic and foreign payment service providers per supplied person per year and a standard threshold value of 500,000 supplied persons:

18,000,000 transactions/year = 36 transactions/year x 500,000

10. The threshold value specified for the facility categories of part 3 number 2.1.1 to 2.2.2 and 2.3.1 is calculated as follows, assuming 43 transactions with cards issued in the country, at terminals (POS) of domestic and foreign payment service providers and a standard threshold value of 500,000 supplied persons:

21,500,000 transactions/year = 43 transactions/year x 500,000

11. The threshold value specified for the facility categories of part 3 number 3 is calculated as follows, assuming an average of 200 transactions for bank transfers and direct debits per supplied person per year and a standard threshold value of 500,000 supplied persons:

100,000,000 transactions/year = 200 transactions/year x 500,000

12. The threshold value specified for the facility categories of part 3 number 4 is calculated as follows, assuming an average of 1.7 settlement transactions domestically and abroad per supplied person per year and a standard threshold value of 500,000 supplied persons:

850,000 transactions/year = 1.7 transactions/year x 500,000

13. The threshold value specified for the facility categories of part 3 number 5.1.2, 5.1.6, and 5.1.10 is calculated as follows, assuming 4 claims per supplied person per year and a standard threshold value of 500,000 supplied persons:

2,000,000 claims/year = 4 claims/year x 500,000

Part 3

Categories of Facilities and Threshold Values

Column A	Column B	Column C	Column D
No.	Facility category	Calculation criterion	Threshold Value
1.	Cash supply		
1.1	Authorisation of a withdrawal		
1.1.1	Authorisation system	Number of transactions/year	15,000,000
1.1.2	System for linking to an authorisation system from the perspective of the operator of the cash machine	Number of transactions/year	15,000,000
1.2.	Bringing into monetary transactions		
1.2.1	System for the preparation by the cash machine operator	Number of transactions/year	15,000,000
1.2.2	System for the linking to an interbank payment system (clearing and settlement)	Number of transactions/year	18,000,000
1.2.3	Clearing system	Number of transactions/year	18,000,000
1.2.4	Settlement system	Number of transactions of the	18,000,000
1.3	Client account debit		
1.3.1	Account maintenance system	Number of service-related[2]transactions/year	15,000,000
1.4	Cash logistics		

Column A	Column B	Column C	Column D
No.	Facility category	Calculation criterion	Threshold Value
1.4.1	Cash centre	Number of cumulated processed bank notes/year	93,500,000
1.4.2	IT system for cash management	Number of cumulated processed bank notes/year	93,500,000
2.	Card-based payments		
2.1	Authorisation		
2.1.1	Authorisation system	Number of service-related transactions/year	21,500,000
2.1.2	System for linking to an authorisation system from the perspective of the terminal operator.	Number of service-related transactions/year	21,500,000
2.2	Bringing into monetary transactions		
2.2.1	System for the preparation by the POS terminal operator	Number of transactions/year	21,500,000
2.2.2	System for the receipt of the POS transaction data at the payment service provider of the payment recipient	Number of transactions/year	21,500,000
2.2.3	System for the linking to an interbank payment system (clearing and settlement)	Number of transactions/year	18,000,000
2.2.4	Clearing system	Number of transactions/year	18,000,000
2.2.5	Settlement system	Number of transactions of the associated critical clearing system/year	18,000,000
2.3	Debit in the account of the payer and credit on the account of the payment recipient		
2.3.1	Account maintenance system	Number of service-related transactions/year	21,500,000
3.	Conventional payments		
3.1	Receipt of a bank transfer or debit		
3.1.1	System for the receipt of a bank transfer or debit	Number of transactions/year	100,000,000
3.2	Bringing into monetary transactions		
3.2.1	System for the linking to an interbank payment system (clearing and settlement)	Number of service-related transactions/year	100,000,000
3.2.2	Clearing system	Number of service-related transactions/year	100,000,000
3.2.3	Settlement system	Number of transactions of the associated critical clearing system/year	100,000,000
3.3	Debit and credit on client accounts		
3.3.1	Account maintenance system	Number of service-related transactions/year	100,000,000
4.	Clearing and settlement of securities and derivatives transactions		

Col-umn A	Column B	Column C	Column D
No.	Facility category	Calculation criterion	Threshold Value
4.1	Settlement of securities and derivatives transactions		
4.1.1	System of a clearing point or a central counterparty for the settlement of securities and derivatives transactions	Number of transactions/year	850,000
4.1.2	System for linking for the purpose of settlement and posting of securities and derivatives transactions	Number of transactions/year	850,000
4.2	Posting securities		
4.2.1	Securities settlement system	Number of transactions/year	850,000
4.2.2	Portfolio management system	Number of transactions/year	850,000
4.2.3	System of a central securities depository	Number of transactions/year	850,000
4.3	Cash booking		
4.3.1	System for the preparation of payment instructions	Number of transactions/year	850,000
5.	Insurance services		
5.1	Utilisation of insurance services		
5.1.1	Contract administration system (life insurance)	Claims/year	500,000
5.1.2	Contract administration system (private health insurance)	Claims/year	2,000,000
5.1.3	Contract administration system (composite)	Claims/year	500,000
5.1.4	Payment system (life insurance)	Claims/year	500,000
5.1.5	Payment system (social insurance agencies of the statutory pension scheme, as well as accident and unemployment insurance)	Claims/year	500,000
5.1.6	Payment system (private health insurance)	Claims/year	2,000,000
5.1.7	Claims system (composite)	Claims/year	500,000
5.1.8	Payment system (life insurance)	Claims/year	500,000
5.1.9	Payment system (social insurance agencies of the statutory pension scheme, as well as accident and unemployment insurance)	Claims/year	500,000
5.1.10	Payment system (private health insurance)	Claims/year	2,000,000
5.1.11	Payment system (composite)	Claims/year	500,000
5.1.12	Administration and payment system of the statutory health and nursing care insurance	Number of policyholders	3,000,000

Annex 7 (to § 1 Number 4 and 5, § 8 (3) Number 1 and 2)
Categories of Facilities and Threshold Values in the Transport and Traffic Sector

Part 1
Principles and deadlines
1. Within the meaning of Annex 7 is or are

a) In aviation

aa) Facility or system for passenger handling at airports

a facility or a system of the handling of passengers and luggage within the meaning of § 2 Number 4 in conjunction with Annex 1 Number 2 or 3 of the Regulation on Ground Handling as amended.

bb) Facility or system for freight handling at airports

a facility or a system of the handling freight within the meaning of § 2 Number 4 in conjunction with Annex 1 Number 4 of the Regulation on Ground Handlingas amended.

cc) Infrastructure operations at an airport

the entirety of all facilities or systems for the provision of other ground handling services pursuant to § 2 Number 4 in conjunction with Annex 1, Number 5, 7, 9, or 10 of the Regulation on Ground Handling as amended.

dd) Air traffic management and air traffic control

a facility or a system of the air traffic management services pursuant to § 27c (2) of the Air Traffic Act as amended.

b) In rail transport.

aa) Railway passenger station

a train station pursuant to § 4 (1) and (2) of the Ordinance on the Construction and Operation of Railways as amended for the handling of the tourist traffic.

bb) Freight station

a train station for the handling of freight transport pursuant to § 4 (1) and (2) of the Ordinance on the Construction and Operation of Railways as amended.

cc) Marshalling yard

a train station for the formation of trains (single wagons, whole wagons, as well as combined traffic).

dd) Rail network and interlocking railway systems

a rail network pursuant to § 4 (3) to (7) and (10) to (11) of the Ordinance on the Construction and Operation of Railways as amended including the associated interlocking systems.

ee) Traffic control system and control system for railway

the central body of the railway infrastructure operator that schedules train operations in anticipation of and in response to unexpected events.

ff) Railway control centre

a regional or national, central facility of the railway undertaking for monitoring the actual operational status, for initiating measures in the event of delays or incidents and for dispatching the company's own trains on the network.

c) In maritime and inland waterway transport

aa) Facility or system for the operation of federal waterways

a facility or system for the safe operation of a waterway pursuant to § 1 (6) Number 1 of the Federal Waterways Act as amended.

bb) Traffic controls system and guidance system of the maritime and inland waterway transport

Territory and traffic centres for the Federal Waterways and Shipping Administration.

cc) Control centre of operators and maritime traffic companies

a facility or a system for the operational control of seagoing vessels with a fixed schedule.

dd) Facility or system for the scheduling of inland waterway vessels (only freight traffic)

an IT system for the scheduling of the shipping space of the inland waterway fleet.

d) In road traffic

aa) Traffic management and control system

a facility or a system for traffic management in road traffic including the facilities, the operating technology and the telecommunications networks specified in § 1 (4) Number 1, 3, and 4 of the Federal Highway Act as amended.

bb) Traffic management and control system in local road traffic

a system for the local management and monitoring of traffic light systems, of traffic management systems, as well as traffic warning and information systems.

e) In local public transport (ÖPNV)
aa) Rail network and interlocking systems of the public road transport of passengers (ÖSPV)

the rail network of public passenger transport (ÖSPV) within the meaning of § 4 (1) to (3) of the Passenger Transport Act, as amended, including the interlocking systems and control systems belonging to these lines as well as the traction power supply and stops.

bb) Traffic management and control system of ÖPNV

a facility for the superordinate cross-traffic monitoring and control of public transport (ÖPNV) at local level.

cc) Control centre of the ÖSPV (operator, transport company)

a facility or a system for the monitoring and control of traffic, including fleet telematics, by the operator.

f) In logistics
aa) Facility or system for the operation of a logistics centre in the segments of bulk, cargo, general cargo, contract, sea or air freight logistics

a facility or a system for the provision, distribution, storage, processing, or handling of goods in the segments of bulk, cargo, general cargo, contract, sea or air freight logistics.

bb) Facility or IT system for logistics control or -administration in the segments of bulk, cargo, general cargo, contract, sea or air freight logistics

a central IT system for the overall coordination and -control of logistics services by the operator in the segments of bulk, cargo, general cargo, contract, sea or air freight logistics.

g) Others
aa) Facility for weather forecast, tide forecast or water level report

a facility or a system for the measurement of meteorological variables, for observing weather and climate, and for measuring tide and water levels (tide gauge).

bb) Satellite navigation system

Facility of ground infrastructure (e.g., ground stations, control centres) within the meaning of Article 28 of Regulation (EU) No. 1285/2013 on the establishment and operation of the European satellite navigation systems.

2. A facility which is to be assigned to a category specified in part 3 column B, is deemed a critical infrastructure from 1 April of the calendar year following the calendar year in which its supply level reaches or exceeds the threshold value specified in part 3 column D for the first time. If the supply level of a facility has achieved or exceeded the threshold value specified in part 3 Column D for the first time in the 2016 calendar year, the facility is deemed to be a critical infrastructure when this Regulation comes into force.
3. The operator shall establish the supply level of its facility for the past calendar year by 31 March of the following year in each case.
4. Where several facilities of the same type are close in terms of location and operation (joint facility) and achieve or exceed the threshold values specified in part 3 column D, the joint facility is deemed to be a critical Infrastructure. A close spatial and operational link exists, if the facilities
a) are located on the same premises,

b) are linked with joint operating facilities,
c) serve a comparable technical purpose, and
d) are under joint management.

Part 2

Calculation Formula Determine the Threshold Values

5. The threshold value specified for the facility category of part 3 number 1.1.4 is calculated as follows, assuming an average of 0.035 aircraft movements for the supply of one person per year and a standard threshold value of 500,000 supplied persons:

17,500 aircraft movements/year = 0.035 aircraft movements/year x 500,000

6. The threshold value specified for the facility categories of part 3 number 1.2.2 and 1.2.3 is calculated as follows, assuming an average scheduled freight rail transport performance of 1,460 tonne-kilometres to supply one person, a standard threshold of 500,000 persons supplied and an average transport performance of 32,000 tonne-kilometres per goods train per year:

$$23{,}000 \text{ trains/year} \approx \frac{1{,}460 \text{ tkm/year x } 500{,}000)}{32{,}000 \text{ tkm/train}}$$

7. The threshold value specified for the facility category of part 3 number 1.2.6 is calculated as follows, assuming an average scheduled freight rail transport performance of 1,460 tonne-kilometres to supply one person per year and a standard threshold of 500,000 persons supplied:

730,000,000 tkm/year = 1,460 tkm/year x 500,000

8. The threshold value specified for the facility category of part 3 number 1.3.3 is calculated as follows, assuming an average cargo volume of the maritime fleet of 3.75 tonnes to supply one person per year and a standard threshold of 500,000 persons supplied:

1,875,000 t/year = 3.75 t/year x 500,000

9. The threshold value specified for the facility category of part 3 number 1.3.4 is calculated as follows, assuming an average transport performance of the freight transported by the inland shipping fleet of 691 tonne-kilometres to supply one person per year and a standard threshold of 500,000 persons supplied:

345,500,000 tkm/year = 691 tkm/year x 500,000

10. The threshold value specified for the facility categories of part 3 number 1.6.1, and 1.6.2 is calculated as follows, assuming an average output of 34 tonnes of goods per year for the supply of one person in road transport and a standard threshold value of 500,000 supplied persons:

17,000,000 t/year = 34 t/year x 500,000

Part 3

Categories of Facilities and Threshold Values

Column A	Column B	Column C	Column D
No.	Name of facility	Calculation criterion	Threshold Value
1.	Passenger and freight traffic		
1.1	In aviation		
1.1.1	Facility or system for passenger handling at airports	Number of passengers/year	20,000,000
1.1.2	Facility or system for freight handling at airports	Quantity of goods in tonnes/year	750,000

Column A	Column B	Column C	Column D
No.	Name of facility	Calculation criterion	Threshold Value
1.1.3	Infrastructure operations at an airport	Quantity of goods in tonnes/year or	750,000
		Number of passengers/year	20,000,000
1.1.4	Air traffic management and air traffic control	Number of aircraft movements/year	17,500
1.2.	In railway traffic		
1.2.1	Railway passenger station	Category of railway station	highest category in each case
1.2.2	Freight station	Number of outward trains/year	23,000
1.2.3	Marshalling yard	Number of trains/year formed	23,000
1.2.4	Rail network and interlocking railway systems	Rail network according to the trans-European transport network (TEN-T) [2]	Core network
1.2.5	Traffic control system and control system for railway	Control system of the rail network according to TEN-T	Core network
1.2.6	Railway control centre	scheduled transport service (passenger transport) in train kilometres/year per network/subnetwork or	8,200,000
		scheduled transport service (freight traffic) in tonne-kilometres/year	730,000,000
1.3	In maritime and inland waterway transport		
1.3.1	Facility or system for the operation of federal waterways	Goods traffic density in tonnes	17,000,000
1.3.2	Traffic controls system and guidance system of the maritime and inland waterway transport	Goods traffic density in tonnes	17,000,000
1.3.3	Control centre of operators and maritime traffic companies	Scheduled freight quantity in tonnes/year	1,875,000
1.3.4	Facility or system for the scheduling of inland waterway vessels (only freight traffic)	scheduled transport service in tonne-kilometres/year	345,500,000
1.4	In road traffic		
1.4.1	Traffic management and control system	Traffic management system and control system for federal highways	Traffic management system and control system for the network of the federal motorways

Column A	Column B	Column C	Column D
No.	Name of facility	Calculation criterion	Threshold Value
1.4.2	Traffic management and control system in local road traffic	Number of inhabitants of the supplied town	500,000
1.5	in ÖPNV		
1.5.1	Rail network and interlocking systems of the public road transport of passengers (ÖSPV)	Number of passengers/year	125,000,000
1.5.2	Traffic management and control system of ÖPNV	Number of passengers/year	125,000,000
1.5.3	Control centre of the ÖSPV (operator, transport company)	Number of passengers/year	125,000,000
1.6	In logistics		
1.6.1	Facility or system for the operation of a logistics centre in the segments of bulk, cargo, general cargo, contract, sea or air freight logistics	Quantity of goods in tonnes/year	17,000,000
1.6.2	Facility or IT system for logistics control or administration in the segments of bulk, cargo, general cargo, contract, sea or air freight logistics	Total quantity of freight provided, distributed, stored, processed, or handled in tonnes/year	17,000,000
1.7	Others		
1.7.1	Facility for weather forecast, tide forecast or water level report	Legal obligation for service provision	Facilities within the meaning of § 4 (1) Law on the German Weather Service (DWD-Gesetz) or of § 1 (9) Federal Maritime Responsibilities Act (SeeAufgG)
1.7.2	Satellite navigation system	Operation of the ground infrastructure	Facilities within the meaning of Article 28 of Regulation (EU) No. 1285/2013