



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 22 March 2007

7688/07

LIMITE

**PROCIV 51
JAI 147
COTER 28
ENER 101
TRANS 97
TELECOM 35
ATO 55
ECOFIN 131
ENV 165
SAN 51
CHIMIE 8
RECH 86
DENLEG 19
RELEX 189**

NOTE

from : Presidency

to : Civil Protection Working Party

No. prev. doc. : 7606/07 PROCIV 49 JAI 143 COTER 26 ENER 100 TRANS 95 TELECOM 33
ATO 52 ECOFIN 124 ENV 158 SAN 46 CHIMIE 7 RECH 85 DENLEG 18
RELEX 183

Subject : Draft Council Conclusions on a European Programme for Critical Infrastructure
Protection

The Presidency hereby submits to the Civil Protection Working Party a revised draft Council conclusions on a European Programme for Critical Infrastructure Protection (ANNEX) taking into account the comments made by delegations on the previous draft (doc. 7606/07).

In order to prepare the way for their adoption by the JHA Council at its meeting on 19 and 20 April 2007 and in view of COREPER on 28 March 2007, the Presidency asks delegations to inform the Chair of the Civil Protection Working Party (juergen.merz@bmi.bund.de) and the General Secretariat of the Council (thomas.wiersing@consilium.europa.eu and judith.meinel@consilium.europa.eu) of any objections they may have **by tomorrow, Friday, 23 March 2007, 12h00, at the latest**. If no comments have been received by the deadline, we presume that the text finds the approval of all delegations and we will submit it to COREPER as I-point.

**DRAFT COUNCIL CONCLUSIONS ON A EUROPEAN PROGRAMME FOR CRITICAL
INFRASTRUCTURE PROTECTION**¹

THE COUNCIL OF THE EUROPEAN UNION

- RECALLING the European Council Conclusions of 17-18 June 2004 asking the Commission to prepare an overall strategy to enhance the protection of critical infrastructures²;
- RECALLING the Commission Communication of 22 October 2004 on "Critical Infrastructure Protection in the Fight against Terrorism"³;
- RECALLING the European Council Conclusions of 16-17 December 2004⁴ accepting the Commission's intention to propose a European Programme for Critical Infrastructure Protection;
- RECALLING the emergency JHA Council Declaration of 13 July 2005 on the EU response to the London bombings⁵ reaffirming the intention to agree a European Programme on Critical Infrastructure Protection by the end of 2005;
- RECALLING the European Parliament recommendation of 7 June 2005 on the protection of critical infrastructure in the framework of the fight against terrorism;⁶
- RECALLING the Commission Green Paper of 17 November 2005⁷ and subsequent consultations on a European Programme for Critical Infrastructure Protection;
- RECALLING the Council Conclusions of 1-2 December 2005 on the principles for a European Programme on Critical Infrastructure Protection;⁸

¹ Parliamentary scrutiny reservation expressed by DK.

² 10679/2/04 REV 2, point 19.

³ 13979/04.

⁴ 16238/1/04 REV 1, point 28, sixth bullet.

⁵ 11158/1/05 REV 1, point. 6.

⁶ OJ C 124 E, 25.5.2006, p. 250.

⁷ COM (2005) 576 final, Brussels, 17.11.2006.

⁸ 14390/05

- RECALLING the Communication from the Commission on the European Programme for Critical Infrastructure Protection ⁹ and the Commission Proposal for a Directive of the Council on the identification and designation of European Critical Infrastructure and the assessment of the need to improve their protection. ¹⁰
1. Emphasises the ultimate responsibility of the Member States for managing arrangements for the protection of critical infrastructures within their national borders. At the same time, the Council reiterates that action at European Community (EC) level will add value by supporting and complementing Member States' activities, while respecting the principle of subsidiarity and taking due account of available budgetary resources as defined in the Financial Framework 2007 - 2013. Member States' responsibility includes, with due regard for existing Community competences, risk analysis and threat assessment in relation to European critical infrastructure situated in their territory, interfacing with its owners / operators, and exchanging information with the Commission on a summary basis.
 2. Welcomes the efforts of the Commission to develop a European procedure for the identification and designation of European Critical Infrastructure and the assessment of the need to improve its protection. This procedure should be based on adequate definitions and take into account cross-cutting as well as sectoral criteria, with a view to focusing its actions on those infrastructures damage to or destruction of which would have critical consequences. The Council considers in particular that such a procedure, established with due regard for the competences of the Member States and of the Community, could be of added value.

⁹ 16932/06.

¹⁰ 16933/06

3. Owners/operators of European Critical Infrastructure, including the private sector, must be actively involved. They should - by a variety of means and arrangements including voluntary measures - take proper measures to protect their infrastructures. Such measures could be security plans and security liaison officers. The costs to owners and operators of taking these measures should be proportionate and reasonable.
4. Stresses that the greatest possible use should be made of recommendations, information sharing and exchange of best practice at EC level in order to promote voluntary protection measures by the owners/operators of European Critical Infrastructures. The Council will examine the added value of further measures with a view to ensuring security standards in the European Union and comparable competition conditions throughout the European Union. The Council stresses the need for any framework to be clear and consistent; duplications of or contradictions between different measures, acts or provisions must be avoided.
5. Supports the setting up of an Action Plan for the implementation of a European Programme for Critical Infrastructure Protection. Member States shall be fully involved in this process. Cooperation between the European Commission and the Member States should be transparent, especially during the preparatory phase.
6. States that cooperation at EC level between the Member States' points of contact for Critical Infrastructure Protection (CIP), as endorsed by the Council conclusions of 1-2 December 2005, has proven to be useful. This cooperation should be strengthened by creating a CIP Contact Group in order to facilitate the coordination and exchange of information and best practice with due regard for the competences of EC institutions as set out in the Treaties.

7. Expert groups at EU level may be set up by the Commission together with the CIP Contact Group and may be used in order to benefit from practical professional expertise. The mandate of such groups should be clearly defined in terms of time and substance. They will have an advisory role and will not interfere with the competences and decision-making powers of the Member States or the Council of the European Union.
8. Where the exchange of sensitive or classified information in any group or body is indispensable for the implementation of a European Programme for Critical Infrastructure Protection, the provisions set up in the appropriate security procedures and regulations must be strictly observed.
9. Encourages Member States to launch any appropriate action for the protection of critical infrastructures. The Council recognises that existing actions by Member States are conducted through a variety of means and will pay particular attention to the question of how future measures for protecting European Critical Infrastructures can enable this approach to continue under a common framework. Member States may decide to take up the Commission's offer to provide critical infrastructure protection relevant support and research results generated at EC level or by Member States.
10. Recognises the external dimension of critical infrastructure protection. EC cooperation with third countries must respect the competences of the Council and of the Commission as set out in the Treaties.
11. Will continue its discussion about the Commission communication including the Action plan and the Commission proposal for a Directive in the spirit of the abovementioned conclusions.

