



**COUNCIL OF
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NOTE

from : Presidency
to : Delegations

Subject : EU Critical Infrastructure Protection (CIP)

Delegations will find, in the Annex, a paper prepared by the Presidency to facilitate discussion on the Protection of Critical Infrastructure within the EU that will take place at the Civil Protection Working Party reinforced with experts in critical infrastructure protection.

EU Critical Infrastructure Protection

Introduction

On 17-18 June 2004, the European Council asked the Commission to prepare an overall strategy to enhance the protection of critical infrastructures.¹ In response, the Commission transmitted on 22 October 2004 a Communication "Critical Infrastructure Protection in the Fight against Terrorism"² putting forward suggestions to enhance European prevention, preparedness and response to terrorist attacks involving critical infrastructures (CI).

The Commission's intention to propose a European Programme for Critical Infrastructure Protection (EPCIP) and a Critical Infrastructure Early Warning Information Network (CWIN) was accepted by the 16-17 December 2004 European Council³ in its approval of the Council conclusions on prevention, preparedness and response to terrorist attacks⁴ and of the Solidarity Programme⁵, that had both been adopted by Council on 2 December 2004.

On 13 April 2005, the Commission issued a Communication proposing the establishment of a Prevention, Preparedness and Consequence Management of Terrorism Programme, under the new financial perspectives for 2007-2013, within the framework programme on Security and Safeguarding liberties.⁶

¹ 10679/2/04 REV 2, no. 19.

² 13979/04, COM (2004)702.

³ 16238/1/04 REV sub 5, bullet 6.

⁴ 15232/04, no. 17.

⁵ EU Solidarity Programme of 2 December 2004 on the consequences of terrorist threats and attacks (revised/widened CBRN Programme), 15480/04; see nos. 24 and 25 and Annex, no. 2.

⁶ Communication from the Commission to the Council and the European Parliament establishing a framework programme on "Security and Safeguarding Liberties" for the period 2007-2013, *containing a Proposal for a Council Decision Establishing the specific Programme "Prevention, Preparedness and Consequence Management of Terrorism" for the Period 2007-2013*, doc. 8205/05 (COM(2005) 124 final + ADD 1).

The revised Action Plan on Terrorism of 10 June 2005⁷ confirmed the Council expectation that the Commission would prepare by the end of 2005 an overall strategy to enhance the protection of CI, and that the Council would have examined the Commission proposal to establish a programme for protection of critical infrastructure with potential trans-boundary effects.

Following the July London attacks, the Council adopted, on 12 July 2005, the Declaration on the EU response to the London bombings⁸, re-affirming its intent to agree a European Programme on the protection of critical infrastructure by the end of 2005 to raise standards across Member States.

Current Position

The Commission has held two seminars (6-7 June and 12-13 September 2005) to elicit the views of Member States, with the intent of issuing a Communication in mid-October. The Communication was intended to provide an overview of how the Commission proposes to respond to the Council's request to establish EPCIP.

The formal Communication is now unlikely to be issued by the Commission until 2006. Instead, the Commission are considering publication of a Green Paper around the end of October 2005 which would detail the key issues, and outline options for the Council to move the work forward.

Main Issues

1. Definitions

The key terms associated with CIP need clear unambiguous definitions to be agreed including clear differentiation between CI Protection and Consequence Management. Some of these definitions, including Protection, Prevention, Preparedness and Response/Consequence Management are already under debate in the Civil Protection Working Party (ProCiv).

⁷ 9809/1/05 REV 1 + ADD 1 and 2, see ADD 1 no. 4.7.

⁸ 11158/1/05 REV 1, see no. 6.

2. EPCIP Scope

The extent of the infrastructure that should be addressed by EPCIP is not resolved. The possibilities include national infrastructure critical to each Member State, infrastructure with a trans-boundary element, or infrastructure that is critical to several Member States. Part of the debate involves the need for pre-defined criteria that would be used to identify the criticality of infrastructure.

Although EPCIP was initiated as part of the fight against terrorism, there is discussion over the need to consider the protection of CI against any hazard.

3. Other key Principles under discussion

- The responsibility for protecting critical infrastructure is generally agreed to rest at a national level. There is however a debate on how far the EU should influence how Member States exercise this responsibility for national CI, and whether there is a need for a different approach to CI with a transborder effect.
- The rights and obligations of the owner/operators of CI (who are mostly Private Sector).
- The extent to which national security sensitive information relating to vulnerabilities of CI should be shared across the EU, and how such information should be protected.

4. CIWIN

Two different types of function are being considered for this EU-level contact network:

- Exchange of good practices, experiences and knowledge; and/or
- A terrorist threat warning network across the EU.

Issues for ProCiv Consideration

Questions that ProCiv may wish to consider are:

- (a) What characteristics define Critical Infrastructure and arrangements for its protection?
- (b) What does trans-border effect mean? And at what point does such an effect become a pan-EU issue ?
- (c) What should be addressed by EPCIP and what should be the balance of responsibilities between Member States and the Commission?
- (d) Should EU CIP activity be limited to protecting CI against terrorism or should it take into account other hazards?
- (e) What are the main authorities involved in Critical Infrastructure protection in Member States?
- (f) Should Member States adopt a common approach in their work with the owner/operators of their CI? If so, what form should this take?
- (g) Should the Commission have a role in facilitating improved communications between Member States on CI? If so, what would that involve?
